

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

In Senate Chamber
Tuesday
January 13, 2009

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

Prayer by Reverend Paul McLaughlin, Hope Haven Gospel
Mission of Lewiston.

REVEREND MCLAUGHLIN: I am very honored to be here today. Let us go ahead and pray. Precious Lord, Sovereign Father, Almighty God, we come before You today as sheep that have been astray, asking forgiveness first of all. With thanksgiving and a holy reliance, asking, Lord, that You would grant us, as our God and creator, the requests that we, as Your superintendents, carefully ask. We thank You that in Your word You instruct us that is any of us lack wisdom to ask it of You. In this category, we lack this ability of ourselves; to discuss, mediate, and enact good judgment that goes beyond these walls here today, before this prestigious body of governing leadership, ordained of thee. Through Your word, with the assurance and expectation of hope, we can aspire to greatness if we realize that righteousness exalts the nation. Father, this gathering here today needs not only to exercise wisdom, but through Your leadership, if we will allow, to be honest and selfless in the decisions made here today, measured by common sense, compassion, and integrity. Precious Lord and author of truth, we humbly ask that You would be with our nation's leadership in session. Give them the wisdom and discernment that they so greatly require. Lead us according to Your divine will in matter beyond our intelligence on this providential day as we look to thee for direction. In that name that is above every name, for there is no other name under heaven given among men, whereby we must be saved, we bring our request before You respectfully. By faith, Amen.

Pledge of Allegiance led by Senator Deborah L. Simpson of
Androscoggin County.

Reading of the Journal of Wednesday, January 7, 2009.

Doctor of the day, Thomas Marshall, MD of Farmington.

Off Record Remarks

SENATE PAPERS

Bill "An Act To Amend the Laws Concerning Informal
Conferences as Part of the Board of Licensure in Medicine's
Disciplinary Proceedings"

S.P. 38 L.D. 89

Presented by Senator RECTOR of Knox.
Cosponsored by Representative SMITH of Monmouth and
Representatives: AUSTIN of Gray, CLEARY of Houlton,
MacDONALD of Boothbay.
Submitted by the Department of Professional and Financial
Regulation pursuant to Joint Rule 204.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to
the Committee on **BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT** and ordered printed.

Sent down for concurrence.

Bill "An Act To Further Facilitate the Provision of Educational
Loans for Maine Students and Families" (EMERGENCY)

S.P. 40 L.D. 118

Presented by Senator BOWMAN of York.
Cosponsored by Representative SUTHERLAND of Chapman and
Representative: STRANG BURGESS of Cumberland.
Submitted by the Finance Authority of Maine pursuant to Joint
Rule 204.

On motion by Senator **ALFOND** of Cumberland, **REFERRED** to
the Committee on **EDUCATION AND CULTURAL AFFAIRS** and
ordered printed.

Sent down for concurrence.

Bill "An Act To Amend the Laws Governing Public Water System
Operation Fees"

S.P. 41 L.D. 119

Presented by Senator COURTNEY of York.
Cosponsored by Senators: NUTTING of Androscoggin,
SIMPSON of Androscoggin.

On motion by Senator **MARRACHÉ** of Kennebec, **REFERRED** to
the Committee on **HEALTH AND HUMAN SERVICES** and
ordered printed.

Sent down for concurrence.

Bill "An Act To Simplify and Consolidate Maine's Fishing Laws and Rules"

S.P. 34 L.D. 85

Presented by Senator GOOLEY of Franklin.
Cosponsored by Senator: TRAHAN of Lincoln, Representatives: EBERLE of South Portland, WHEELER of Kittery.

Bill "An Act To Permit Personal Watercraft on Lake St. George in Liberty"

S.P. 37 L.D. 88

Presented by Senator RECTOR of Knox. (BY REQUEST)

On motion by Senator **JACKSON** of Aroostook, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

Sent down for concurrence.

Bill "An Act To Increase the Percentage of Retired Teachers' Health Insurance Paid by the State"

S.P. 32 L.D. 83

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative TUTTLE of Sanford and Senator: GERZOFKY of Cumberland, Representatives: GILBERT of Jay, MARTIN of Eagle Lake.

Bill "An Act To Ensure Fair Pay"

S.P. 33 L.D. 84

Presented by Senator SIMPSON of Androscoggin.
Cosponsored by Representative HILL of York and Senator: GOODALL of Sagadahoc, Representatives: PERCY of Phippsburg, WATSON of Bath.

On motion by Senator **JACKSON** of Aroostook, **REFERRED** to the Committee on **LABOR** and ordered printed.

Sent down for concurrence.

Bill "An Act To Create a Penalty for Harvesting Scallops in a Conservation Area"

S.P. 31 L.D. 82

Presented by Senator DAMON of Hancock.
Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Conform the Maine Tax Laws for 2008 to the United States Internal Revenue Code" (EMERGENCY)

S.P. 35 L.D. 86

Presented by Senator PERRY of Penobscot.
Cosponsored by Representative WATSON of Bath.
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Bill "An Act To Allow the Same Homestead and Veterans' Exemptions to a Person Who Has a Life Lease as Are Allowed to Those Who Have a Life Estate" (EMERGENCY)

S.P. 36 L.D. 87

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative MARTIN of Eagle Lake and Senator: PERRY of Penobscot.

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

S.P. 39 L.D. 90

Presented by Senator PERRY of Penobscot.
Cosponsored by Representative WATSON of Bath.
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

On motion by Senator **BLISS** of Cumberland, **REFERRED** to the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

Bill "An Act To Clarify the Criteria for Provision of Assistance to Low-income Customers of Natural Gas Companies"

S.P. 43 L.D. 120

Presented by Senator HOBBS of York.
Cosponsored by Representative WAGNER of Lyman and Representatives: BLANCHARD of Old Town, DOSTIE of Sabattus, VAN WIE of New Gloucester.
Submitted by the Office of the Public Advocate pursuant to Joint Rule 204.

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

Sent down for concurrence.

ORDERS

Joint Orders

On motion by Senator **NUTTING** of Androscoggin, the following Joint Order:

S.P. 28

ORDERED, the House concurring, that the Joint Rules be amended by amending Joint Rule 312 by adding at the end a new paragraph to read:

If the Office of Fiscal and Program Review receives information provided by the executive branch to develop the fiscal note, then the office shall immediately provide that information, including the identity of any person from whom the information was obtained, to the sponsor of the bill or resolve.

READ and REFERRED to the Joint Select Committee on **JOINT RULES**.

Sent down for concurrence.

On motion by Senator **JACKSON** of Aroostook, the following Joint Order:

S.P. 29

ORDERED, the House concurring, that the Joint Rules be amended by amending Joint Rule 312 by adding at the end a new paragraph to read:

If the Office of Fiscal and Program Review contacts a source outside of the Legislature for assistance with developing the fiscal note on a bill or resolve, then the office must provide the sponsor of that bill or resolve with the opportunity to be present when the outside source conveys its assistance to the office.

READ and REFERRED to the Joint Select Committee on **JOINT RULES**.

Sent down for concurrence.

On motion by Senator **NUTTING** of Androscoggin, the following Joint Order:

S.P. 30

ORDERED, the House concurring, that the Joint Rules be amended by amending Joint Rule 202 by adding at the end a new paragraph as follows:

Beginning with the First Regular Session of the 124th Legislature, and notwithstanding any rule of the Legislative Council, a bill or resolve proposed for introduction under the procedures established under this Joint Rule must be approved by a minimum of 3 members of the Legislative Council. The vote must be taken by the yeas and nays and must be recorded and made available for public inspection.

READ and REFERRED to the Joint Select Committee on **JOINT RULES**.

Sent down for concurrence.

On motion by Senator **BARTLETT** of Cumberland, the following Joint Order:

S.P. 42

ORDERED, the House concurring, that the Joint Rules be amended by amending Joint Rule 310, subsection 2 to read:

2. Committee Reports. The report of the committee must include a recommendation. Recommendations that may be made are:

- Ought to Pass
- Ought to Pass as Amended
- Ought to Pass in New Draft
- Ought Not to Pass
- Refer to Another Committee
- Leave to Withdraw

~~The~~ Except for Leave to Withdraw, the committee shall vote on all recommendations to be included in reports on a bill during a work session on that bill. When the committee recommendation is not unanimous, a minority report or reports are required. Except as provided in subsection 5, minority committee reports must be voted on at the same work session as the majority report on that bill. Notwithstanding subsection 5, a committee vote to report a bill out favorably must be taken based on written language before the committee at that time or on a motion describing the content of the report. After a committee vote, no substantive change may be made in the committee report unless motions to reconsider and to amend the report are approved at a committee work session. All reports on any legislative document must be submitted to the Legislature at the same time.

; and be it further

ORDERED, that the Joint Rules be amended by adding at the end of Joint Rule 310 a new subsection 6 to read:

6. Leave to Withdraw. A sponsor may request leave to withdraw that sponsor's bill or resolve. The request may be granted only by the agreement of both chairs of the joint standing committee to which the bill or resolve was referred and only if the request is made prior to the public hearing on that bill or resolve. When a request for Leave to Withdraw has been granted by the chairs, the bill or resolve must be reported by the committee as Leave to Withdraw and placed in the legislative files and may be recalled only as provided in Joint Rule 404.

READ and REFERRED to the Joint Select Committee on **JOINT RULES**.

Sent down for concurrence.

Off Record Remarks

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

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

COMMUNICATIONS

The Following Communication: S.P. 44

**STATE OF MAINE
124TH MAINE LEGISLATURE**

January 12, 2009

Sen. Lawrence Bliss
Senate Chair, Joint Standing Committee on Judiciary
Rep. Charles R. Priest
House Chair, Joint Standing Committee on Judiciary
124th Legislature
Augusta, ME 04333

Dear Senator Bliss and Representative Priest:

Please be advised that Governor John E. Baldacci has today nominated Paul K. Vestal of Plymouth for reappointment and Kenneth W. Fredette of Newport for appointment to the Maine Human Rights Commission.

Pursuant to Title 5, M.R.S.A. §4561, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

S/Hannah M. Pingree
Speaker of the House

READ and with accompanying papers **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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

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

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

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Fund the Maine Downtown Center"
H.P. 75 L.D. 91

Comes from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Amend the Laws Governing Construction Contracts"
H.P. 77 L.D. 93

Bill "An Act To Authorize the State Board of Nursing To Request Mental and Physical Examinations and To Establish a Nurse Health Program"
H.P. 78 L.D. 94

Come from the House, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Eliminate Penalties for Nonconforming School Administrative Units" (EMERGENCY)

H.P. 79 L.D. 95

Bill "An Act To Authorize the Implementation of Modified School Year Calendars"

H.P. 80 L.D. 96

Resolve, Directing the Maine Community College System, the University of Maine System and the Department of Education To Develop a Plan To Enable High School Students To Achieve a Seamless Transition to Higher Education

H.P. 81 L.D. 97

Resolve, To Direct the Department of Education and the Department of Health and Human Services To Require the Teaching of Mental Health Awareness in Middle Schools Based on a National Curriculum

H.P. 82 L.D. 98

Bill "An Act To Repeal the Laws Governing Consolidation of School Administrative Units" (EMERGENCY)

H.P. 99 L.D. 115

Come from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

On motion by Senator **ALFOND** of Cumberland, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Allow Authorization for the Release of HIV Information on a General Medical Information Release Form"

H.P. 83 L.D. 99

Bill "An Act To Extend the Operation of the Maine Health Data Processing Center and To Amend the Maine Health Data Organization Statutes" (EMERGENCY)

H.P. 85 L.D. 101

Come from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **MARRACHÉ** of Kennebec, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Ensure Protection from Harassment for Purchasers of Real Property through Auction"

H.P. 87 L.D. 103

Comes from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

On motion by Senator **BLISS** of Cumberland, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Exempt a Door Prize Awarded at a Fishing Tournament from Being Classified as a Game of Chance"

H.P. 86 L.D. 102

Bill "An Act To Increase the Allowable Contributions to Traditionally Funded Campaigns"

H.P. 89 L.D. 105

Bill "An Act To Allow Political Signs on Private Property Only"

H.P. 101 L.D. 116

Come from the House, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

On motion by Senator **SULLIVAN** of York, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Change the Classification of Man-made Wetlands"

H.P. 91 L.D. 107

Comes from the House, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

On motion by Senator **GOODALL** of Sagadahoc, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed, in concurrence.

Resolve, To Name Part of Route 16 the Alton E. Worcester Highway

H.P. 95 L.D. 111

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

Bill "An Act To Prohibit the Use of Handheld Cellular Telephones while Driving"

H.P. 96 L.D. 112

PAPERS FROM THE HOUSE

House Papers

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Terms for State Senators and Members of the House of Representatives to 4 Years

H.P. 92 L.D. 108

Resolve, To Facilitate the Creation of a Memorial for the Families and Friends of Children Who Have Died by Violence

H.P. 102 L.D. 117

Bill "An Act To Reduce the Length of the Legislative Sessions"

H.P. 103 L.D. 121

Come from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Come from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act Regarding Construction and Excavation near Burial Sites"

H.P. 97 L.D. 113

On motion by Senator **SIMPSON** of Androscoggin, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

Comes from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

On motion by Senator **BARTLETT** of Cumberland, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Exempt Residential Electricity from Sales Tax"

H.P. 93 L.D. 109

Comes from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of Education**

On motion by Senator **PERRY** of Penobscot, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

The **Department of Education**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 67 L.D. 77

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Allow School Buses To Travel at the Posted Speed Limit on the Interstate and the Maine Turnpike"

H.P. 94 L.D. 110

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **ALFOND** of Cumberland, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of Education**

The **Department of Education**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 182: Formula for Distribution of Funds to Child Developmental Services Regional Sites, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 68 L.D. 78

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **ALFOND** of Cumberland, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of Education**

The **Department of Education**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 69 L.D. 79

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **ALFOND** of Cumberland, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of Health and Human Services**

The **Department of Health and Human Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 33: Rules for the Certification of Family Child Care Providers, a Major Substantive Rule of the Department of Health and Human Services, Division of Licensing and Regulatory Services (EMERGENCY)

H.P. 70 L.D. 80

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **MARRACHÉ** of Kennebec, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Office of the Attorney General**

The **Office of the Attorney General**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 10: Exemptions to the Ban on Flavored Cigarettes and Cigars, a Major Substantive Rule of the Office of the Attorney General (EMERGENCY)

H.P. 71 L.D. 81

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **MARRACHÉ** of Kennebec, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 105

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT-ELECT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE "DIVIDED WE FAIL" EFFORT

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

WHEREAS, the opportunity to have access to health care and long-term financial security is a basic need that all Americans share and it is the foundation for future generations; and

WHEREAS, we believe that all Americans should have peace of mind about their future long-term financial security and have access to affordable health care, including prescription drugs, and these costs should not burden future generations; and

WHEREAS, wellness and prevention efforts, including changes in personal behavior such as diet and exercise, should be top national priorities; and

WHEREAS, Americans should have choices when it comes to long-term care, allowing them to maintain their independence at home or in their communities with expanded and affordable financing options; and

WHEREAS, our children and grandchildren should have an adequate quality of life when they retire, and Social Security must be strengthened without burdening future generations; and

WHEREAS, workers should be provided with financial incentives to save, should have access to effective retirement plans and should be able to keep working and contributing to society regardless of age; moreover, Americans of all ages

should have access to tools to help manage their finances and save for the future as well as easy-to-understand information to help them increase their financial literacy and manage their money wisely; and

WHEREAS, individuals, businesses, health care providers, nonprofit organizations and government must work together to find solutions, personally, privately and publicly; and

WHEREAS, the American Association of Retired Persons, the Business Roundtable and the Service Employees International Union have committed to be champions for this new American dream by launching Divided We Fail, an effort that engages millions of Americans to call their elected leaders to work together across party lines to provide answers, action and accountability on these issues; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, express our support for the Divided We Fail effort and respectfully urge federal elected officials to do the same; and be it further

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

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

READ and **ADOPTED**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 72

ORDERED, the Senate concurring, that the Joint Rules be amended by adding Joint Rule 305-A to read:

Rule 305-A. Research required.

Nonpartisan committee staff shall conduct background research on all bills and resolves referred to a committee and shall present their research findings to the committee before a public hearing is held on those bills or resolves.

Comes from the House, **READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES**.

READ and **REFERRED** to the Joint Select Committee on **JOINT RULES**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 73

ORDERED, the Senate concurring, that the Joint Rules be amended by amending Joint Rule 202 to read:

Rule 202. Cloture for Legislators at the First Regular Session.

Except as provided in this Joint Rule, all requests for bills and resolves submitted by Legislators for a first regular session must be submitted in complete form, as provided in Joint Rule 208, to the Revisor of Statutes by 4:00 p.m. on the 3rd Friday in December. For the First Regular Session of the 124th Legislature, requests for bills and resolves submitted by Legislators for the first regular session must be submitted in complete form, as provided in Joint ~~Rules~~ **Rule 208**, to the Revisor of Statutes by 4:00 p.m. on the 3rd Friday in January.

Beginning with the First Regular Session of the 125th Legislature, and notwithstanding any rule of the Legislative Council, a Legislator may propose for introduction under the procedures established under this Joint Rule not more than 7 bills or resolves.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 203 to read:

Rule 203. Cloture for Legislators at the Second Regular Session.

The Legislative Council shall set a cloture date and establish procedures for submission of legislation by Legislators to the Revisor of Statutes at a second regular session. Procedures established for each second regular session must ensure compliance with the requirements of the Constitution of Maine, Article IV, Part Third, Section 1.

Any vote of the Legislative Council to accept or reject a bill or resolve proposed for introduction under the procedures established under this Joint Rule must be taken by the yeas and nays, and that vote must be recorded and made available for public inspection.

Beginning with the Second Regular Session of the 124th Legislature, and notwithstanding any rule of the Legislative Council, a Legislator may propose for introduction under the procedures established under this Joint Rule not more than 7 bills or resolves.

Comes from the House, **READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES**.

READ and **REFERRED** to the Joint Select Committee on **JOINT RULES**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 74

ORDERED, the Senate concurring, that the Joint Rules be amended by adding Joint Rule 317 to read:

Rule 317. Review of provisions affecting the Fund for a Healthy Maine.

Whenever a legislative proposal in a resolve or bill, including a budget bill, affects the Fund for a Healthy Maine under the Maine Revised Statutes, Title 22, section 1511, or involves funding from the Fund for a Healthy Maine, the joint standing committee of the Legislature having jurisdiction over the proposal shall hold a public hearing and determine the level of support for the proposal among members of the committee. If there is support for the proposal among a majority of the members of the committee, the committee shall request the joint standing committee of the Legislature having jurisdiction over health and human services matters to review and evaluate the proposal as it pertains to the Fund for a Healthy Maine. The joint standing committee of the Legislature having jurisdiction over health and human services matters shall conduct the review and report back to the committee of jurisdiction.

Comes from the House, **READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES**.

READ and **REFERRED** to the Joint Select Committee on **JOINT RULES**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 100

ORDERED, the Senate concurring, that the Joint Rules be amended by amending Joint Rule 211 by adding after the last paragraph a new paragraph to read:

By signing the bill the primary sponsor is certifying to the best of the primary sponsor's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that:

1. Not presented for improper purpose. The bill is not being presented for any improper purpose;

2. Warranted by nonfrivolous argument. The bill is warranted by nonfrivolous argument; and

3. Sponsor will vote for bill. If brought to the floor for a vote in a substantially similar form as the original bill, the primary sponsor will vote for the bill.

Comes from the House, **READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES**.

READ and **REFERRED** to the Joint Select Committee on **JOINT RULES**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 106

ORDERED, the Senate concurring, that the Joint Rules be amended by amending Joint Rule 305 to read:

Rule 305. Scheduling Public Hearings and Work Sessions.

At the beginning of the regular session, each committee shall recommend to the presiding officers specific days for its public hearings and work sessions, taking into consideration the availability of assigned staff and hearing rooms. Upon approval of the schedule by the presiding officers, the chairs shall try to schedule all committee work on those days. Each committee shall distribute a detailed list of hearings and work sessions that have been scheduled for the following week to all committee members. This schedule must also be posted outside the committee room. Notice of a committee's public hearings and work sessions must be posted each day on the ~~board boards~~ provided for that purpose ~~on the third floor of in~~ the State House and the Burton M. Cross Building. A committee may not hold a hearing or conduct a work session for which notice has not been posted.

Public hearings must be advertised ~~2 weekends in~~ newspapers one weekend in advance of the hearing date, as long as the hearing date is not earlier than the first Wednesday following the newspaper advertisement. Notice of all public hearings schedules for the following week must appear on the Legislature's public bill status website no later than 5 p.m. each Wednesday. All exceptions must be approved by both presiding officers.

The committee shall direct the committee clerk to notify all sponsors of the bill of the public hearing and work session on the bill.

It is the intent of the Legislature that a person not be denied access to committee public hearings and work sessions because of a disability. Committees shall provide reasonable access for disabled persons to their proceedings and allow adequate time for participation by disabled persons.

Comes from the House, **READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES**.

READ and **REFERRED** to the Joint Select Committee on **JOINT RULES**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 107

ORDERED, the Senate concurring, that the Joint Rules be amended by adding Joint Rule 108 to read:

Rule 108. Agreement with Legislative Code of Ethics.

All members shall sign and file with their Presiding Officer a statement that they understand and will abide by the Legislative Code of Ethics.

Comes from the House, **READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES**.

READ and **REFERRED** to the Joint Select Committee on **JOINT RULES**, in concurrence.

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

REPORTS OF COMMITTEES

House

Pursuant to Public Law

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, To Review and Update Sales Tax Exemptions for Products Purchased for Agricultural Use
H.P. 64 L.D. 74

Reported that the same be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, pursuant to Public Law 2007, chapter 660, section 18.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

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

Bill and accompanying papers **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in concurrence.

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Directing the Department of Agriculture, Food and Rural Resources To Streamline Agricultural Regulation
H.P. 65 L.D. 75

Reported that the same be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, pursuant to Public Law 2007, chapter 660, section 18.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

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

Bill and accompanying papers **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in concurrence.

Off Record Remarks

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

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

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

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED** to Thursday, January 15, 2009, at 10:00 in the morning.