

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

In Senate Chamber  
Thursday  
February 4, 2010

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

Prayer by Reverend Dr. Susan Stonestreet, United Christian  
Church of Lincolnville Center.

**REVEREND STONESTREET:** Will you be in the spirit of prayer. Oh God of many names and far beyond any name we could humanly imagine, we call upon You to be among us in this honorable gathering of servants of the people of Maine. We give You thanks for waking us up this morning and for this time to come together to do the vital and important work that will enhance the lives of the people of Maine. In holy and infinite love, oh compassionate one, You have created us for community and have called us to Your covenants of concern and commerce for the common good and care for all Your people in this great state and beyond our borders. Your word, which comes in so many rich forms, oh wise one, is addressed to individuals, to small towns and villages, to cities, to nations, and to the whole family of nations so that all of Your peoples may become, some day, a community of one people, yet each one diverse and distinct in many rich ways. Your will, oh justice seeking one, which we can never know for sure but can always strive to attain, is before these servants of commerce and industry, these servants of rural areas, small towns, and larger cities in Maine this day. Theirs is but to strive for the best in governing our people, remembering those most in need of government support in their lives and remembering always that honesty and hard work and cooperation pay off in good in productive ways. Help these august members of our Senate to discern with sharp minds and compassionate hearts what You might have them accomplish for Your people, for all Your children, no matter their age or circumstance in our great state of Maine. Finally, oh creator of us all, remind us this morning to give thanks for this gracious feast of life You serve us each day, for the hands and minds and hearts to serve it, and the opportunity to try to do Your will as best we can in our fractured and limping world. Help those who would do the good work of our governing in this body, to never forget those who will go hungry this night in our rural areas, in our small towns, and in our cities. Let their goal always be to bring nourishment of all kinds in rich and abundant ways to the people of our beloved state of Maine. Amen.

Reading of the Journal of Tuesday, February 2, 2010.

Doctor of the day, Dr. Denise Anderson, DO of Rockport.

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Off Record Remarks

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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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Out of order and under suspension of the Rules, on motion by Senator **BARTLETT** of Cumberland, the following Joint Order:  
S.P. 679

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 9, 2010 at 10:00 in the morning.

**READ and PASSED.**

Ordered sent down forthwith for concurrence.

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**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Fund the Screening and Early Detection Elements of the Statewide Cancer Plan"  
H.P. 484 L.D. 701

Majority - **Ought to Pass as Amended by Committee Amendment "B" (H-588)** (10 members)

Minority - **Ought Not to Pass** (3 members)

In House, January 26, 2010, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-588)**.

In Senate, January 28, 2010, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

On motion by Senator **BRANNIGAN** of Cumberland, the Senate **ADHERED**.

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**COMMUNICATIONS**

The Following Communication: S.C. 612

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

February 2, 2010

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Business, Research & Economic Development has had under consideration the nomination of Honorable Dale McCormick of Augusta, for reappointment as the Director of the Maine State Housing Authority.

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

YEAS	Senators	2	Schneider of Penobscot, Sullivan of York
	Representatives	8	Smith of Monmouth, Austin of Gray, Cohen of Portland, Giles of Belfast, Hunt of Buxton, MacDonald of Boothbay, Martin of Orono, Wright of Berwick
NAYS		1	Sen. Rector of Knox
ABSENT		2	Rep. Cleary of Houlton, Rep. Prescott of Topsham

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 Honorable Dale McCormick of Augusta, for reappointment as the Director of the Maine State Housing Authority be confirmed.

Signed,

S/Elizabeth M. Schneider  
Senate Chair

S/Nancy E. Smith  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

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

Senator **SCHNEIDER:** Thank you, Madame President. Men and women of the Senate, it was an honor to be able to preside over the nomination hearing for Dale McCormick. There was not one shred of disagreement with her appointment; in fact we had her praises sung throughout the committee hearing. I want to commend her for programs like the Gift of Green, propelling the Maine real estate situation into a positive light. I want to commend her for being willing to listen to our committee in the past, and take our suggestions, trying to move the state forward. I just wanted to say a few words about her exemplary service to the state and hope that you will vote red.

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 (#269)**

YEAS: Senators: COURTNEY, GOOLEY, HASTINGS,  
MILLS, NASS, PLOWMAN, RECTOR,  
ROSEN, SHERMAN, SMITH, TRAHAN,  
WESTON

NAYS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN,  
BRANNIGAN, BRYANT, CRAVEN,  
DAMON, DAVIS, DIAMOND, GOODALL,  
HOBBINS, JACKSON, MARRACHE,  
MCCORMICK, NUTTING, PERRY, RAYE,  
SCHNEIDER, SIMPSON, SULLIVAN, THE  
PRESIDENT - ELIZABETH H. MITCHELL

EXCUSED: Senator: GERZOFISKY

12 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 1 Senator being excused, and 12 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 the Honorable **Dale McCormick** of Augusta for reappointment as the Director of the Maine State Housing Authority was **CONFIRMED**.

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

**THE PRESIDENT:** The Chair would request that the Honorable Dale McCormick stand and accept the congratulations of the Maine Senate.

The Following Communication: S.C. 613

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

February 2, 2010

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Business, Research & Economic Development has had under consideration the nomination of Raymond J. Cota of Orono, for appointment to the Maine State Housing Authority.

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

YEAS	Senators	3	Schneider of Penobscot, Rector of Knox, Sullivan of York
	Representatives	8	Smith of Monmouth, Austin of Gray, Cohen of Portland, Giles of Belfast, Hunt of Buxton, MacDonald of Boothbay, Martin of Orono, Wright of Berwick
NAYS		0	
ABSENT		2	Rep. Cleary of Houlton, Rep. Prescott of Topsham

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Raymond J. Cota of Orono, for appointment to the Maine State Housing Authority be confirmed.

Signed,

S/Elizabeth M. Schneider  
Senate Chair

S/Nancy E. Smith  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 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 (#270)**

YEAS: Senators: None

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

EXCUSED: Senator: GERZOFSKY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 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 **Raymond J. Cota** of Orono for appointment to the Maine State Housing Authority was **CONFIRMED**.

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

The Following Communication: S.C. 614

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

February 2, 2010

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Business, Research & Economic Development has had under consideration the nomination of Honorable Carol A. Kontos of Windham, for reappointment to the Maine State Housing Authority.

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

YEAS	Senators	3	Schneider of Penobscot, Rector of Knox, Sullivan of York
	Representatives	8	Smith of Monmouth, Austin of Gray, Cohen of Portland, Giles of Belfast, Hunt of Buxton, MacDonald of Boothbay, Martin of Orono, Wright of Berwick
NAYS		0	
ABSENT		2	Rep. Cleary of Houlton, Rep. Prescott of Topsham

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Carol A. Kontos of Windham, for reappointment to the Maine State Housing Authority be confirmed.

Signed,

S/Elizabeth M. Schneider  
Senate Chair

S/Nancy E. Smith  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 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 (#271)**

YEAS: Senators: None

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

EXCUSED: Senator: GERZOFKY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 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 the Honorable **Carol A. Kontos** of Windham for reappointment to the Maine State Housing Authority was **CONFIRMED**.

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

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The Following Communication: S.C. 615

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

February 2, 2010

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Business, Research & Economic Development has had under consideration the nomination of Honorable Donald H. Gean of Old Orchard Beach, for reappointment to the Maine State Housing Authority.

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

YEAS Senators 3 Schneider of Penobscot,  
Rector of Knox, Sullivan of  
York

Representatives 8 Smith of Monmouth, Austin of  
Gray, Cohen of Portland,  
Giles of Belfast, Hunt of  
Buxton, MacDonald of  
Boothbay, Martin of Orono,  
Wright of Berwick

NAYS 0

ABSENT 2 Rep. Cleary of Houlton, Rep.  
Prescott of Topsham

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 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 the Honorable **Donald H. Gean** of Old Orchard Beach for reappointment to the Maine State Housing Authority was **CONFIRMED**.

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

The Following Communication: S.C. 616

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

February 2, 2010

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Business, Research & Economic Development has had under consideration the nomination of Barbara A. Berry of North Yarmouth, for appointment to the Maine State Housing Authority.

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

YEAS Senators 3 Schneider of Penobscot,  
Rector of Knox, Sullivan of  
York

Representatives 8 Smith of Monmouth, Austin of  
Gray, Cohen of Portland,  
Giles of Belfast, Hunt of  
Buxton, MacDonald of  
Boothbay, Martin of Orono,  
Wright of Berwick

NAYS 0

ABSENT 2 Rep. Cleary of Houlton, Rep.  
Prescott of Topsham

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Barbara A. Berry of North Yarmouth, for appointment to the Maine State Housing Authority be confirmed.

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 Honorable Donald H. Gean of Old Orchard Beach, for reappointment to the Maine State Housing Authority be confirmed.

Signed,

S/Elizabeth M. Schneider  
Senate Chair

S/Nancy E. Smith  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 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 (#272)**

YEAS: Senators: None

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

EXCUSED: Senator: GERZOFKY

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

Signed,

S/Elizabeth M. Schneider  
Senate Chair

S/Nancy E. Smith  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 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 (#273)**

YEAS: Senators: None

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

EXCUSED: Senator: GERZOFKY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 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 **Barbara A. Berry** of North Yarmouth for appointment to the Maine State Housing Authority was **CONFIRMED**.

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

**THE PRESIDENT:** The Chair would request that Barbara A. Berry please stand and accept the congratulations of the Maine Senate.

The Following Communication: S.C. 617

February 2, 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 Insurance & Financial Services has had under consideration the nomination of Mary E. McAleney of South Portland, for reappointment to the Dirigo Health Board.

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

YEAS	Senators	2	Bowman of York, McCormick of Kennebec
	Representatives	10	Treat of Hallowell, Beaudoin of Biddeford, Beck of Waterville, Fossel of Alna, Goode of Bangor, Legg of Kennebunk, Morrison of South Portland, Priest of Brunswick, Richardson of Warren, Weaver of York
NAYS		0	
ABSENT		1	Sen. Alfond of Cumberland

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 Mary E. McAleney of South Portland, for reappointment to the Dirigo Health Board be confirmed.

Signed,

S/Peter B. Bowman  
Senate Chair

S/Sharon A. Treat  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INSURANCE AND FINANCIAL SERVICES** 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 (#274)**

YEAS: Senators: None

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

EXCUSED: Senator: GERZOFKY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 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 **Mary E. McAleney** of South Portland for reappointment to the Dirigo Health Board was **CONFIRMED**.

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

**THE PRESIDENT:** The Chair would request that Mary McAleney please stand and accept the congratulations of the Maine Senate.

The Following Communication: S.C. 618

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

February 2, 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 Insurance & Financial Services has had under consideration the nomination of Frank O'Hara of Hallowell, for appointment to the Dirigo Health Board.

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

YEAS	Senators	2	Bowman of York, McCormick of Kennebec
	Representatives	10	Treat of Hallowell, Beaudoin of Biddeford, Beck of Waterville, Fossel of Alna, Goode of Bangor, Legg of Kennebunk, Morrison of South Portland, Priest of Brunswick, Richardson of Warren, Weaver of York
NAYS		0	
ABSENT		1	Sen. Alfond of Cumberland

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 Frank O'Hara of Hallowell, for appointment to the Dirigo Health Board be confirmed.

Signed,

S/Peter B. Bowman  
Senate Chair

S/Sharon A. Treat  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INSURANCE AND FINANCIAL SERVICES** 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 (#275)**

YEAS: Senators: None

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

Representatives 10 Treat of Hallowell, Beaudoin of Biddeford, Beck of Waterville, Fossel of Alna, Goode of Bangor, Legg of Kennebunk, Morrison of South Portland, Priest of Brunswick, Richardson of Warren, Weaver of York

NAYS 0

ABSENT 1 Sen. Alfond of Cumberland

ABSENT: Senator: NUTTING

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 **Frank O'Hara** of Hallowell for appointment to the Dirigo Health Board was **CONFIRMED**.

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

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 Jonathan S.R. Beal of Portland, for reappointment to the Dirigo Health Board be confirmed.

Signed,

S/Peter B. Bowman  
Senate Chair

S/Sharon A. Treat  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INSURANCE AND FINANCIAL SERVICES** be overridden?"

The Following Communication: S.C. 619

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

February 2, 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 Insurance & Financial Services has had under consideration the nomination of Jonathan S.R. Beal of Portland, for reappointment to the Dirigo Health Board.

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

YEAS Senators 2 Bowman of York, McCormick of Kennebec

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 (#276)**

YEAS: Senators: None

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

EXCUSED: Senator: GERZOFKY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 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 **Jonathan S.R. Beal** of Portland for reappointment to the Dirigo Health Board was **CONFIRMED**.

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

**THE PRESIDENT:** The Chair would ask Mr. Beal to please stand and accept the congratulations of the Maine Senate.

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The Following Communication: S.C. 620

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

February 2, 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 Insurance & Financial Services has had under consideration the nomination of Edward David, MD of Bangor, for reappointment to the Dirigo Health Board.

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

YEAS	Senators	2	Bowman of York, McCormick of Kennebec
	Representatives	10	Treat of Hallowell, Beaudoin of Biddeford, Beck of Waterville, Fossel of Alna, Goode of Bangor, Legg of Kennebunk, Morrison of South Portland, Priest of Brunswick, Richardson of Warren, Weaver of York
NAYS		0	
ABSENT		1	Sen. Alfond of Cumberland

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 Edward David, MD of Bangor, for reappointment to the Dirigo Health Board be confirmed.

Signed,

S/Peter B. Bowman  
Senate Chair

S/Sharon A. Treat  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INSURANCE AND FINANCIAL SERVICES** 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 (#277)**

YEAS: Senators: None

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

EXCUSED: Senator: GERZOSKY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 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 **Edward David, MD** of Bangor for reappointment to the Dirigo Health Board was **CONFIRMED**.

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

The Following Communication: S.C. 621

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

February 2, 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 Insurance & Financial Services has had under consideration the nomination of Mary Anne Turowski of Newburgh, for reappointment to the Dirigo Health Board.

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

YEAS	Senators	2	Bowman of York, McCormick of Kennebec
	Representatives	10	Treat of Hallowell, Beaudoin of Biddeford, Beck of Waterville, Fossel of Alna, Goode of Bangor, Legg of Kennebunk, Morrison of South Portland, Priest of Brunswick, Richardson of Warren, Weaver of York
NAYS		0	
ABSENT		1	Sen. Alfond of Cumberland

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 Mary Anne Turowski of Newburgh, for reappointment to the Dirigo Health Board be confirmed.

Signed,

S/Peter B. Bowman  
Senate Chair

S/Sharon A. Treat  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INSURANCE AND FINANCIAL SERVICES** 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 (#278)**

YEAS: Senators: None

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

EXCUSED: Senator: GERZOFSKY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 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 **Mary Anne Turowski** of Newburgh for reappointment to the Dirigo Health Board was **CONFIRMED**.

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

**THE PRESIDENT:** The Chair would ask Mary Anne Turowski to stand and accept the congratulations of the Maine Senate.

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Off Record Remarks

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The Following Communication: S.C. 622

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

February 2, 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 Insurance & Financial Services has had under consideration the nomination of Honorable Gary W. Reed of Falmouth, for appointment to the Dirigo Health Board.

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

YEAS	Senators	2	Bowman of York, McCormick of Kennebec
	Representatives	10	Treat of Hallowell, Beaudoin of Biddeford, Beck of Waterville, Fossel of Alna, Goode of Bangor, Legg of Kennebunk, Morrison of South Portland, Priest of Brunswick, Richardson of Warren, Weaver of York

NAYS 0

ABSENT 1 Sen. Alfond of Cumberland

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 Honorable Gary W. Reed of Falmouth, for appointment to the Dirigo Health Board be confirmed.

Signed,

S/Peter B. Bowman  
Senate Chair

S/Sharon A. Treat  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INSURANCE AND FINANCIAL SERVICES** 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 (#279)**

YEAS: Senators: None

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

EXCUSED: Senator: GERZOFKY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 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 the Honorable **Gary W. Reed** of Falmouth for appointment to the Dirigo Health Board was **CONFIRMED**.

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

The Following Communication: S.C. 610

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

January 28, 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 Labor has had under consideration the nomination of George A. Burgoyne of Bangor, for reappointment to the Maine Public Employees Retirement System Board of Trustees.

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	Jackson of Aroostook, Mills of Somerset
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Representatives	6	Tuttle of Sanford, Bickford of Auburn, Blodgett of Augusta, Butterfield of Bangor, Driscoll of Westbrook, Gilbert of Jay
NAYS	0	
ABSENT	5	Rep. Clark of Millinocket, Rep. Cushing of Hampden, Sen. Gerzofsky of Cumberland, Rep. Hamper of Oxford, Rep. Thibodeau of Winterport

Eight 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 George A. Burgoyne of Bangor, for reappointment to the Maine Public Employees Retirement System Board of Trustees be confirmed.

Signed,

S/Troy D. Jackson  
Senate Chair

S/John L. Tuttle Jr.  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR** be overridden?"

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

Senator **NASS:** Thank you, Madame President. Ladies and gentlemen of the Senate, it is with some reluctance that I rise to talk about Mr. Burgoyne. I'm reminded that a short time ago, a year and a half or two years ago, we had an issue before us that was supported by the entire Board of Trustees. It was to try to fix the so-called cliff. Public policy changes had been made to the Retirement System back in the early to mid 1990's. They claimed at that time they had found an extra amount of money, a large amount of money, and that it was available to make this fix, this ongoing fix. We, collectively, were saved from our own folly by the brave vote of two Democrats down in the Appropriations Committee because, in fact, what would have happened with this is that it would have added to the unfunded liability of the Retirement System by \$100 million. It was only two young Democrats that refused to take it off the table, other than that we would have been looking at an unfunded liability \$100 million higher than it is current rate, somewhere between \$2 billion and \$3 billion of unfunded liability. That, to me, ladies and gentlemen, does not indicate that this individual has any degree of fiduciary responsibility, which is required of these trustees. I believe that for that reason alone he does not deserve the reappointment. Thank you.

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

Senator **JACKSON:** Thank you, Madame President. Ladies and gentlemen of the Senate, having been a member of the Labor Committee now for eight years, we dealt with the issue that the Senator from York, Senator Nass, is talking about. We've talked about it a couple of times on that committee. Three years ago the retirement fund had \$700 million that came in through earnings over the projection of what they actually thought that they would make for that year. That kind of started the discussion on fixing the cliff issue, which many of us think is an unfair problem for State workers and teachers. Many of us wanted to do something to fix that issue that we see as something that has been unjustly done to these people. Like I said, because of the earnings, how well the Retirement System was doing at that time, that kind of started the discussion to possibly find a way to fix that issue. Mr. Burgoyne and our next confirnee coming up were both on the Board. The Board was asked to have the actuaries look at this issue and see if it was financially sound with general accounting practices and if it was something that could be done. None of the Board ever spoke in favor of this, never advocated for it, but they did come back and say that the actuaries said that it was financially sound. Obviously some time after that we had a big change in the market and the Retirement System's earnings experienced a large drop. Since that time they have turned that around, went back to what we used to be at but certainly we've seen an increase and all and all the Board's recommendations are doing quite well. I don't think that for an issue that happened and that took people from all across the nation and sent them for a loop and earnings losses, that these two gentlemen should be held accountable for it. I have spoke to other people who were on the committee at that time and no one, including myself, ever remembers either one of these gentlemen saying that the Labor Committee should do this. What they said was that it was actuarially sound at that time. I believe probably if we had that issue up now those two gentlemen would probably tell us that it is not actuarially sound at this time. I think they are both fine people. I think they both know what they are doing and I think that the rebound that we've seen in the Maine State Retirement System shows that they know what they are doing. I would asks you to support the committee and confirm this gentleman.

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

Senator **MILLS:** Thank you, Madame President. Men and women of the Senate, I join with my seatmate in expressing the view that the vote of the Board, whether it was equivocal or one of neutrality or one of simply saying that the measure was actuarially sound or whatever that was, it was a mistake. I think even at that time, certainly in retrospect with 20-20 hindsight, I agreed that it was. I don't regard that vote as grounds for denying these folks, either of our nominees this morning, reappointment. I think that it falls within the range of human judgment. They voted the way they did and did get expert advise from an actuary who may well have been a little misguided himself. I don't know. Very few actuaries in America, I think, predicted what we were going to find ourselves confronting in the past year and a half. Just for this record, however, I thought I ought to rise to try to capture the history of that moment of profile and courage referred to by the Senator from York, Senator Nass. I never hesitate, by the way, to commend people from across the aisle when they do the right thing. We Republicans need to recognize courage when we see it and we certainly saw it on that late afternoon, towards the end

of the session, where it fell within the purview of any one of four Democratic members of the Appropriations Committee to probably make that provision, what I would call an ill-advised provision, into law. We had Representative Fischer from Presque Isle and Representative Valentino from Saco who both voted against it to make a majority of the Appropriations Committee go on record against it. Even at that, under our rules, which are peculiar, either Democratic Senator on the Appropriations Committee could have brought it to the Senate where it is predicted that it would have passed. They were the Senator John Martin from Aroostook and Senator Rotundo from Androscoggin. There were four of you who exemplified who would be chapter one or two in my book on profiles in courage if I ever sat down to write one. I want to thank them today, on the record, for what they did. I thought it took a lot of guts, frankly. With that, I'm going to vote in favor of both of these nominees because I wouldn't hold that one vote against them. They are both very loyal members of the Board of Trustees. They have done good work and they deserve to be reappointed for other reasons, which I would be happy to share with you if wanted to know. 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 (#280)**

YEAS: Senators: GOOLEY, NASS, PLOWMAN, SHERMAN, SMITH

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

EXCUSED: Senator: GERZOFKY

5 Senators having voted in the affirmative and 29 Senators having voted in the negative, with 1 Senator being excused, and 5 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 **George A. Burgoyne** of Bangor for reappointment to the Maine Public Employees Retirement System Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 611

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

January 28, 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 Labor has had under consideration the nomination of Peter M. Leslie of Waterford, for reappointment to the Maine Public Employees Retirement System Board of Trustees.

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	Jackson of Aroostook, Mills of Somerset
	Representatives	6	Tuttle of Sanford, Bickford of Auburn, Blodgett of Augusta, Butterfield of Bangor, Driscoll of Westbrook, Gilbert of Jay
NAYS		0	
ABSENT		5	Rep. Clark of Millinocket, Rep. Cushing of Hampden, Sen. Gerzofsky of Cumberland, Rep. Hamper of Oxford, Rep. Thibodeau of Winterport

Eight 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 Peter M. Leslie of Waterford, for reappointment to the Maine Public Employees Retirement System Board of Trustees be confirmed.

Signed,

S/Troy D. Jackson  
Senate Chair

S/John L. Tuttle Jr.  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR** be overridden?"

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

Senator **NASS:** Thank you, Madame President. Ladies and gentlemen of the Senate, as to Mr. Leslie's qualifications for reappointment to the Maine Public Employees Retirement System, I don't mean to repeat. The same thing happened, I believe, to him and I believe he should not be reappointed because of his lack of fiduciary responsibility at the time this incident happened. I just want to make one other point. There is a commonsense element here and when you have an unfunded liability between \$2 billion and \$3 billion and somehow you can find in your mind the way to find some extra money, it seems to me that extra money ought to go to pay down that unfunded liability not any other purpose other than that. For that reason I find Mr. Leslie unqualified for this reappointment. Thank you.

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

Senator **MILLS:** Thank you, Madame President. Men and women of the Senate, recognizing the appropriate comment concerning the idea that we should limit our comments to the qualifications of the nominee before us, I just feel compelled to rise to address that very issue. Peter Leslie is one of the most experienced financial people that we have in the state of Maine. He brings a wealth of experience to the pension system. He's been the Chair for many years and a member for years before that. He served, one of the few people still alive, on the Monks Commission way back in the late 1970's and early 1980's or 1990's. I can't remember when. One of the most significant thing that the Retirement System has undertaken in the past six months is to do a review of what our options are for creating a wholly new system that would be based on social security for new hires with an add-on pension benefit and health benefit that would be available to people hired into teaching and to State service so that we don't continue to hire every year new people in those professions into public service and into a pension system that, in the strangest way imaginable, assumes that you are going to start work at age 22, right out of college, and be there when you are 62, never having changed employment. We trap people into this completely non-portable system. The work that has been done in the last six months by the Retirement System, under the leadership of Peter Leslie, has been extraordinary. I've attended a number of their meetings. There is going to be a full report given to the Labor Committee this month. It will be a document well worth your attention and reading because if we adopt this at some point, if we adopt a new system like this, it will change the entire complexion of public service, as well we should. He's lead that effort and his knowledge and wealth of experience, I think, have brought a lot to that discussion and I would hate to lose him from that position at this juncture in time. Thank you.

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

Senator **JACKSON:** Thank you, Madame President. Ladies and gentlemen of the Senate, while I disagree with some of the comments of the Senator from Somerset, Senator Mills, from the previous confirmation, I certainly couldn't agree with him more on what he just said about this confirmee and I think he put it very well. I think that this gentleman is basically just a good man that

really knows what he is talking about. I endorse him whole heartedly, as does the committee.

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 (#281)

YEAS: Senators: NASS, PLOWMAN, SHERMAN, SMITH

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

EXCUSED: Senator: GERZOFKY

4 Senators having voted in the affirmative and 30 Senators having voted in the negative, with 1 Senator being excused, and 4 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 **Peter M. Leslie** of Waterford for reappointment to the Maine Public Employees Retirement System Board of Trustees was **CONFIRMED**.

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

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The Following Communication: S.C. 623

#### STATE OF MAINE ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

February 1, 2010

Honorable Elizabeth H. Mitchell, President of the Senate  
Honorable Hannah M. Pingree, Speaker of the House  
124th Legislature  
State House  
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1590 An Act To Update and Clarify Polygraph Examiner and Private Investigator Licensing Laws Administered by the Department of Public Safety

The Following Communication: S.C. 625

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

January 28, 2010

Honorable Elizabeth H. Mitchell, President of the Senate  
Honorable Hannah M. Pingree, Speaker of the House  
124th Legislature  
State House  
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1331 An Act Regarding Saltwater Recreational Fishing

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Dennis S. Damon  
Senate Chair

S/Rep. Leila J. Percy  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Stanley J. Gerzofsky  
Senate Chair

S/Rep. Anne M. Haskell  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 624

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

February 1, 2010

Honorable Elizabeth H. Mitchell, President of the Senate  
Honorable Hannah M. Pingree, Speaker of the House  
124th Legislature  
State House  
Augusta, Maine 04333

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1629 An Act To Streamline Wine Registration Requirements

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Nancy B. Sullivan  
Senate Chair

S/Rep. Pamela Jabar Trinward  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

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**SENATE PAPERS**

Bill "An Act To Improve Dental Insurance Coverage for Maine Children"

S.P. 680 L.D. 1773

Presented by Senator ALFOND of Cumberland.  
Cosponsored by Representative CORNELL du HOUX of Brunswick and Senators: BOWMAN of York, McCORMICK of Kennebec, Representatives: BECK of Waterville, GOODE of Bangor, LEGG of Kennebunk, MORRISON of South Portland, TREAT of Hallowell.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **BOWMAN** of York, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Allow the Secretary of State to Issue a State Commercial Driver's License to the Holder of a Military Commercial Driver's License"

S.P. 678 L.D. 1772

Presented by Senator COURTNEY of York.  
Cosponsored by Representative WHEELER of Kittery and Senators: DAVIS of Cumberland, GOOLEY of Franklin, PLOWMAN of Penobscot, Representative: MAZUREK of Rockland.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

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**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, To Reclaim Past Unredeemed Beverage Container Deposits  
H.P. 479 L.D. 696

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

Signed:

Senators:  
SCHNEIDER of Penobscot  
RECTOR of Knox

Representatives:  
SMITH of Monmouth  
WRIGHT of Berwick  
AUSTIN of Gray  
MacDONALD of Boothbay  
PRESCOTT of Topsham  
HUNT of Buxton  
CLEARY of Houlton  
MARTIN of Orono  
GILES of Belfast  
COHEN of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-599)**.

Signed:

Senator:  
SULLIVAN of York

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

Reports **READ**.

On motion by Senator **SCHNEIDER** of Penobscot, the Majority **OUCHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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**Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Join the Interstate Compact on the National Popular Vote"

H.P. 49 L.D. 56

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

Signed:

Senators:  
SULLIVAN of York  
GOODALL of Sagadahoc

Representatives:  
CORNELL du HOUX of Brunswick  
TRINWARD of Waterville  
TUTTLE of Sanford  
CAREY of Lewiston  
RUSSELL of Portland

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

Signed:

Senator:  
PLOWMAN of Penobscot

Representatives:  
BEAULIEU of Auburn  
PINKHAM of Lexington Township  
VALENTINO of Saco  
FITTS of Pittsfield  
NASS of Acton

Comes from the House with the Minority **OUCHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **SULLIVAN** of York, Bill and accompanying papers **INDEFINITELY POSTPONED**.

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Authorize an Alternative Calculation of the Property Growth Factor for Municipalities with Exempt Personal Property"  
H.P. 575 L.D. 839

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

Signed:

Senators:

PERRY of Penobscot  
BLISS of Cumberland

Representatives:

WATSON of Bath  
BRYANT of Windham  
FLEMINGS of Bar Harbor  
CROCKETT of Augusta  
PILON of Saco  
CHASE of Wells  
VALENTINO of Saco  
KNIGHT of Livermore Falls  
SIROIS of Turner

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

Signed:

Senator:

NASS of York

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

Reports **READ**.

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

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**Senate**

**Ought to Pass As Amended**

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Establish a Committee To Promote General Aviation in the State"

S.P. 628 L.D. 1663

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-358)**.

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

**READ ONCE**.

Committee Amendment "A" (S-358) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

Senator HOBBS for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Create the Lincolnville Sewer District" S.P. 607 L.D. 1601

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-360)**.

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

**READ ONCE**.

Committee Amendment "A" (S-360) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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

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**SECOND READERS**

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

**House**

Bill "An Act To Allow the Board of Dental Examiners To Grant Permits to Qualified Individuals To Practice as Dental Residents" H.P. 1069 L.D. 1520

Resolve, Regarding Legislative Review of Portions of Chapter 700: Wellhead Protection: Siting of Facilities That Pose a Significant Threat to Drinking Water, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY) H.P. 1076 L.D. 1526

Resolve, Regarding Legislative Review of Portions of Chapter 692: Siting of Oil Storage Facilities, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY) H.P. 1077 L.D. 1527

Bill "An Act To Make Maine Laws Consistent with Recent Amendments to the United States Trade Act of 1974" H.P. 1087 L.D. 1543

Bill "An Act To Raise the Indebtedness Limit of the Eagle Lake Water and Sewer District" H.P. 1099 L.D. 1557

Bill "An Act To Correct Errors in the Laws Relating to Unlicensed Practice and Other Provisions of the Professional and Occupational Licensing Laws" H.P. 1110 L.D. 1572

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

**House As Amended**

Resolve, To Implement Certain Recommendations of the Report of the Governor's Task Force on Expanding Access to Oral Health Care for Maine People

H.P. 438 L.D. 624  
(C "B" H-590)

Bill "An Act To Amend Licensing, Certification and Registration Requirements for Health Care Providers and Other Facilities"

H.P. 1019 L.D. 1464  
(C "B" H-593)

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

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**Senate**

Bill "An Act To Update Laws Regulating the Maine Emergency Management Agency"

S.P. 589 L.D. 1531

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

S.P. 591 L.D. 1533

Bill "An Act To Enhance the Small Enterprise Growth Fund"

S.P. 624 L.D. 1659

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

Sent down for concurrence.

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**Senate As Amended**

Bill "An Act To Amend the Laws Governing the Legislative Youth Advisory Council"

S.P. 386 L.D. 1022  
(C "A" S-357)

Bill "An Act To Provide Continued Protection of Benefits for Retirees of the Maine Public Employees Retirement System"

S.P. 602 L.D. 1595  
(C "A" S-356)

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

Sent down for concurrence.

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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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**ORDERS OF THE DAY**

**Unfinished Business**

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

The Chair laid before the Senate the following Tabled and Later (1/28/10) Assigned matter:

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Required Number of Signatures for a Direct Initiative or a People's Veto and To Limit a Direct Initiative to One Subject  
H.P. 946 L.D. 1345

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-589)** (5 members)

Tabled - January 28, 2010, by Senator **BARTLETT** of Cumberland

Pending - motion by Senator **SULLIVAN** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence (Roll Call Requested)

(In House, January 26, 2010, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, January 28, 2010, Reports **READ**.)

On motion by Senator **BARTLETT** of Cumberland, 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 (#282)**

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

NAYS: Senators: None

EXCUSED: Senator: GERZOFKY

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being excused, the motion by Senator **SULLIVAN** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

**Emergency**

An Act To Implement the Recommendations of the Task Force on the Sustainability of the Dairy Industry in Maine

H.P. 1252 L.D. 1758

Tabled - February 2, 2010, by Senator **BARTLETT** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, January 28, 2010, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, January 28, 2010, **PASSED TO BE ENACTED**.)

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

Senator **PLOWMAN:** Thank you, Madame President. Men and women of the Senate, I rose and spoke on this kind of off the cuff the other day. Now I'm a little more prepared and I would like to speak a little bit more fully about it. I would like to thank the Agricultural Committee for the hard work that they put into the issue again on behalf of the dairy farmers of the state of Maine. In doing that, I'd also like to read into the record a couple of things. One is the Statement of Purpose. 'The Maine Legislature enjoys a high reputation for progressive accomplishment. The vast majority of its members are public officers of integrity and dedication, seeking at all times to maintain high standards of ethical conduct. The increasing complexity of government at all levels, with broadening intervention into private affairs, makes conflict of interests almost inevitable for our part-time public officials and particularly for legislators who must cast their votes

on measures effecting the lives of almost every citizen in the state of Maine. The adoption of broader standards of ethics for legislators does not impugn either their integrity or their dedication, rather it recognizes the increasing complexity of government and private life and will provide them with helpful advise and guidance when confronted with unprecedented or difficult problems in that gray area involving action which is neither clearly right or clearly wrong. As public confidence in government is to be maintained and enhanced, it is not enough that public officers avoid acts of misconduct. They must also scrupulously avoid acts which may create an appearance of conduct.' [Remarks struck from record by President] In conclusion I would like to recommend that you vote to enact this piece of legislation. Thank you, Madame President.

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 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.

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The Chair laid before the Senate the following Tabled and Later (1/28/10) Assigned matter:

**Emergency**

An Act To Adjust the Milk Handling Fee

H.P. 1247 L.D. 1753

Tabled - January 28, 2010, by Senator **BARTLETT** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, January 21, 2010, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, January 26, 2010, **PASSED TO BE ENACTED**.)

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

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

HOUSE REPORT - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, pursuant to Public Law 2009, chapter 213, Part TTT, section 9, on Resolve, To Review Sales of Dairy Products

H.P. 1249 L.D. 1755

Report - **REFER** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**

Tabled - February 2, 2010, by Senator **COURTNEY** of York

Pending - motion by Senator **NUTTING** of Androscoggin to **REFER** to the Committee on **TAXATION**, in **NON-CONCURRENCE**

(In House, January 28, 2010, Report **READ** and **ACCEPTED** and Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.)

(In Senate, February 2, 2010, Report **READ** and **REJECTED**.)

On motion by Senator **NUTTING** of Androscoggin, **REFERRED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

SENATE REPORT - from the Committee on **EDUCATION AND CULTURAL AFFAIRS**, pursuant to Resolve 2009, chapter 98, on Resolve, To Support the Development of Maine's Economic Future by Promoting Science, Technology, Engineering and Math Education (EMERGENCY)

S.P. 677 L.D. 1764

Report - **Ought to Pass**

Tabled - February 2, 2010, by Senator **SCHNEIDER** of Penobscot

Pending - **ACCEPTANCE OF REPORT**

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

Report **ACCEPTED**.

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

On motion by Senator **ALFOND** of Cumberland, Senate Amendment "A" (S-359) **READ** and **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-359)**.

Sent down for concurrence.

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

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

Bill "An Act To Create State and Regional Quality of Place Investment Strategies for High-value Jobs, Products and Services in Maine"

S.P. 505 L.D. 1389  
(C "A" S-353)

Tabled - February 2, 2010, by Senator **SCHNEIDER** of Penobscot

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-353)**

(In Senate, February 2, 2010, **READ A SECOND TIME**.)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-353)**.

Sent down for concurrence.

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

#### **PAPERS FROM THE HOUSE**

##### **House Paper**

Bill "An Act To Include All Children in the Conditions of Education Report"

H.P. 1261 L.D. 1771

Comes 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.

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

#### **PAPERS FROM THE HOUSE**

##### **House Paper**

Bill "An Act To Extend Access to Federal Health Insurance Premium Assistance" (EMERGENCY)

H.P. 1259 L.D. 1769

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

On motion by Senator **BOWMAN** of York, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL 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 Extend the Temporary Reduction in High-stakes Beano License Fees" (EMERGENCY)

H.P. 1260 L.D. 1770

Comes 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.

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

**PAPERS FROM THE HOUSE**

**Pursuant to Statute**

**Department of Agriculture, Food and Rural Resources**

The **Department of Agriculture, Food and Rural Resources**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 348: Poultry Slaughter and Processing with Grower/Producer Exemption, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

H.P. 1255 L.D. 1765

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** 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 **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **NUTTING** of Androscoggin, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

**PAPERS FROM THE HOUSE**

**Pursuant to Statute**

**Department of Corrections**

The **Department of Corrections**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections (EMERGENCY)

H.P. 1256 L.D. 1766

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** 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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **BARTLETT** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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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 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 1257 L.D. 1767

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 **BRANNIGAN** of Cumberland, **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  
Department of Professional and Financial Regulation**

The **Department of Professional and Financial Regulation**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 285: Adjustment of Non-bank Mortgage Lender Fees To Fund Investigative and Legal Compliance Personnel, a Major Substantive Rule of the Department of Professional and Financial Regulation (EMERGENCY)

H.P. 1258 L.D. 1768

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

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

On motion by Senator **BOWMAN** of York, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL 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:

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **TAXATION** on Bill "An Act To Remove the Sales Tax on Watercraft"

H.P. 473 L.D. 659

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-597)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-597)**.

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

**READ ONCE.**

Committee Amendment "B" (H-597) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

The Committee on **TAXATION** on Bill "An Act To Expand Tax Incentives for Visual Media Productions"

H.P. 1005 L.D. 1449

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-598)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-598)**.

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

**READ ONCE.**

Committee Amendment "B" (H-598) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **LABOR** on Bill "An Act To Ensure Equity in Unemployment Compensation Claims"

H.P. 1074 L.D. 1524

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-594)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-594)**.

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

**READ ONCE.**

Committee Amendment "A" (H-594) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

The Committee on **LABOR** on Bill "An Act To Bring the Laws of the Maine Public Employees Retirement System into Compliance with the Federal Internal Revenue Code"

H.P. 1120 L.D. 1582

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-595).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595).**

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

**READ ONCE.**

Committee Amendment "A" (H-595) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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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 **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Ensure the Perpetual Care of Maine Veterans' Cemeteries"

H.P. 997 L.D. 1421

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-602).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-602).**

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

**READ ONCE.**

Committee Amendment "A" (H-602) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Authorize Municipal Officers To Resolve Road-naming Disputes"

H.P. 1062 L.D. 1513

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-596).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-596).**

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

**READ ONCE.**

Committee Amendment "A" (H-596) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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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 Measure**

An Act To Clarify the State's Initiative Involving the Federal Post-9/11 Veterans Educational Assistance Act of 2008

H.P. 1070 L.D. 1521  
(C "A" H-586)

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

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**Emergency Resolve**

Resolve, To Name a Bridge in North Berwick the North Berwick Veterans Memorial Bridge

H.P. 1133 L.D. 1606

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

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

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Off Record Remarks

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Senator **COURTNEY** of York 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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Senator **ROSEN** of Hancock was granted unanimous consent to address the Senate off the Record.

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

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Off Record Remarks

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

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On motion by Senator **BARTLETT** of Cumberland,  
**ADJOURNED**, pursuant to the Joint Order, to Tuesday, February 9, 2010, at 10:00 in the morning.