

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

In Senate Chamber
Wednesday
February 17, 2010

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

Prayer by Reverend George L. Hodgkins, Jr., Peoples United
Methodist Church in Union and Searsmont United Methodist
Church.

REVEREND HODGKINS: Let us pray. Most merciful God, we
call upon You in Your infinite mercy to be present in this Senate
session. These are very difficult times and our Senators must
make tough decisions. We invite You to guide these elected
officials with divine wisdom and compassion as they wrestle with
the issues of limited resources. Enable them to strive earnestly
and honestly in their pursuit of the people's welfare. Give them
creativity and an unselfish sense of justice. Lord, help each
Senator to look beyond party politics and be guided by Your
example of love so that they legislate always for the greater good
of Maine citizens. Thank You, Lord, for each man and woman
who serves here. Empower them to make a positive difference
for our people, we pray. Amen.

Pledge of Allegiance led by Senator Seth A. Goodall of
Sagadahoc County.

Reading of the Journal of Thursday, February 11, 2010.

Doctor of the day, Dr. Mark Cooper, MD of Pittston.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.P. 692

**STATE OF MAINE
124TH MAINE LEGISLATURE**

February 11, 2010

Sen. John M. Nutting
Senate Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
Rep. Wendy Pieh
House Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
124th Legislature
Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated
Diane Doyle of Saco for reappointment to the Land for Maine's
Future Board.

Pursuant to Title 5 M.R.S.A. §6204 (2) this nomination will require
review by the Joint Standing Committee on Agriculture,
Conservation and Forestry and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

S/Hannah M. Pingree
Speaker of the House

**READ and REFERRED to the Committee on AGRICULTURE,
CONSERVATION AND FORESTRY.**

Sent down for concurrence.

The Following Communication: S.P. 693

**STATE OF MAINE
124TH MAINE LEGISLATURE**

February 11, 2010

Sen. John M. Nutting
Senate Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
Rep. Wendy Pieh
House Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
124th Legislature
Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated
Richard Stevenson of Bath for reappointment to the Board of
Pesticides Control.

Pursuant to Title 22 M.R.S.A. §1471-B (1) this nomination will
require review by the Joint Standing Committee on Agriculture,
Conservation and Forestry and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

S/Hannah M. Pingree
Speaker of the House

READ and REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY.**

Sent down for concurrence.

The Following Communication: S.P. 694

**STATE OF MAINE
124TH MAINE LEGISLATURE**

February 11, 2010

Sen. John M. Nutting
Senate Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
Rep. Wendy Pieh
House Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
124th Legislature
Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated John Joseph of Hallowell for reappointment to the Maine Milk Commission.

Pursuant to Title 7 M.R.S.A. §2952 (1-B) this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

S/Hannah M. Pingree
Speaker of the House

READ and REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY.**

Sent down for concurrence.

The Following Communication: S.P. 695

**STATE OF MAINE
124TH MAINE LEGISLATURE**

February 11, 2010

Sen. John M. Nutting
Senate Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
Rep. Wendy Pieh
House Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
124th Legislature
Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated Edith Cronk of Wiscasset for reappointment to the Maine Outdoor Heritage Fund Board.

Pursuant to Title 12 M.R.S.A. §10308 this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

S/Hannah M. Pingree
Speaker of the House

READ and REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY.**

Sent down for concurrence.

The Following Communication: S.P. 696

**STATE OF MAINE
124TH MAINE LEGISLATURE**

February 11, 2010

Sen. John M. Nutting
Senate Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
Rep. Wendy Pieh
House Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
124th Legislature
Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated Elizabeth Townsend of Portland for appointment as Commissioner of the Department of Conservation.

Pursuant to Title 12 M.R.S.A. §5011 this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

S/Hannah M. Pingree
Speaker of the House

READ and REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY.**

Sent down for concurrence.

The Following Communication: S.P. 697

**STATE OF MAINE
124TH MAINE LEGISLATURE**

February 11, 2010

Sen. John M. Nutting
Senate Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
Rep. Wendy Pieh
House Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
124th Legislature
Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated Stanley Kuklinski of Farmington for reappointment and Barbara Dresser of Saco for appointment to the State Harness Racing Commission.

Pursuant to Title 8 M.R.S.A. §261-A these nominations will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

S/Hannah M. Pingree
Speaker of the House

READ and REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY.**

Sent down for concurrence.

The Following Communication: S.C. 640

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

February 10, 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 Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1698 An Act To Prevent the Spread of Eastern Equine Encephalitis

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

Sincerely,

S/Sen. John M. Nutting
Senate Chair

S/Rep. Wendy Pieh
House Chair

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

The Following Communication: S.C. 641

**STATE OF MAINE
ONE HUNDRED AND TWENTY FOURTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

February 10, 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 Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1613 An Act To Modernize the Laws Governing the State's Cultural Agencies

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

Sincerely,

S/Sen. Justin L. Alford
Senate Chair

S/Rep. Patricia B. Sutherland
House Chair

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

The Following Communication: S.C. 642

**STATE OF MAINE
ONE HUNDRED AND TWENTY FOURTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

February 9, 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 Inland Fisheries and Wildlife has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1689 An Act To Increase Payments to Agents Who Provide Tags for Wild Game

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

Sincerely,

S/Sen. Bruce S. Bryant
Senate Chair

S/Rep. Herbert E. Clark
House Chair

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

The Following Communication: S.C. 643

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

February 10, 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 Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1634 An Act To Increase Financial Assets of Maine Citizens by Allowing Split Tax Refunds
- L.D. 1674 An Act To Amend the Law Governing Sales Tax Exemptions for Certain Nonprofit Youth Organizations
- L.D. 1721 An Act To Provide a Sales Tax Exemption for Commemorative Items Honoring Veterans

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Joseph C. Perry
Senate Chair

S/Rep. Thomas R. Watson
House Chair

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

Off Record Remarks

SENATE PAPERS

Bill "An Act To Exempt the Town of Hermon from the School Administrative Unit Consolidation Law" (EMERGENCY)
S.P. 686 L.D. 1782

Presented by Senator PERRY of Penobscot.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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 Charter of the Kennebec Water District"

S.P. 690 L.D. 1783

Presented by Senator MARRACHÉ of Kennebec.
Cosponsored by Representative BECK of Waterville and Representative: TRINWARD of Waterville.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

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

ORDERS

Joint Resolution

On motion by Senator **BLISS** of Cumberland (Cosponsored by Representative STRANG BURGESS of Cumberland and Senator: ALFOND of Cumberland, Representatives: CLARK of Millinocket, DILL of Cape Elizabeth, EBERLE of South Portland, MORRISON of South Portland, NASS of Acton, Speaker PINGREE of North Haven, SAVIELLO of Wilton) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.), the following Joint Resolution:

S.P. 691

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO FULFILL THE INTENT TO FUND 40% OF THE COSTS OF SPECIAL EDUCATION AND TO END UNFUNDED MANDATES

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

WHEREAS, the United States Congress has found that all children deserve a high-quality education, including children with disabilities; and

WHEREAS, the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., provides that the Federal Government and state and local governments are to share in the expense of education for children with disabilities and commits the Federal Government to provide funds to assist with the excess expenses of education for children with disabilities; and

WHEREAS, the United States Congress has committed to contribute up to 40% of the average per-pupil expenditure of

educating children with disabilities and the Federal Government has failed to meet this commitment to assist the states; and

WHEREAS, the Federal Government has never contributed more than a fraction of the national average per-pupil expenditure to assist with the excess expenses of educating children with disabilities under the Individuals with Disabilities Education Act; and

WHEREAS, this failure of the Federal Government to meet its commitment to assist with the excess expenses of educating a child with a disability contradicts the goal of ensuring that children with disabilities receive a high-quality education; and

WHEREAS, the imposition of unfunded mandates by the Federal Government on state governments interferes with the separation of powers between the 2 levels of government and the ability of each state to determine the issues and concerns of that state and what resources should be directed to address these issues and concerns; and

WHEREAS, the Federal Government recognized the inequalities of unfunded mandates on state governments when it passed the Unfunded Mandates Reform Act of 1995; and

WHEREAS, since the passage of the Unfunded Mandates Reform Act of 1995, however, the Federal Government continues to impose unfunded mandates on state governments, including in areas such as special education requirements; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States and the United States Congress either provide 40% of the national average per-pupil expenditure to assist states and local education agencies with the excess costs of educating children with disabilities or amend the Individuals with Disabilities Education Act to allow the states more flexibility in implementing its mandates; and be it further

RESOLVED: That We, your Memorialists, on behalf of the people we represent, respectfully urge and request that the United States Congress revisit and reconfirm the Unfunded Mandate Reform Act of 1995 and put the intent and purpose of the Act into practice by ending the imposition of unfunded federal mandates on state governments; 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 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.

READ.

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

Senator **BLISS:** Thank you, Madame President. Madame President and esteemed colleagues, I've been in this Legislature for 10 years now and this is the fifth time that I have asked my

colleagues to nudge the President and Congress on this specific issue. We have a long history of support for Special Education in this state. It is the right thing to do. It's been over 35 years since Congress said to us and every other state, 'We really think Special Education is important. We think it's so important that we will pledge to cover 40% of the cost of Special Education.' Congress has never come close. The cost of Special Education that Congress covers today in Maine is about 12%. It's never been higher than 14% of the cost of Special Education. I'm not suggesting that we eliminate Special Education. One of my three children has taken significant advantage to his advantage of what's offered in Special Education in the school district where he attends school. We have a lot of people in this state who rely on that support that school districts and the State provide but it is unacceptable that the federal government pushes so hard and comes across with so little on this particular issue. I urge you to join with me today and nudge Congress and the President yet again. Thank you, Madame President.

On motion by Senator **BLISS** of Cumberland, **ADOPTED**.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Regarding Legislative Review of Portions of Chapter 26: Producer Margins, a Major Substantive Rule of the Maine Milk Commission (EMERGENCY)
H.P. 1067 L.D. 1517

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-608)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-608)**.

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

READ ONCE.

Committee Amendment "A" (H-608) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Regarding Gaming by Charitable Organizations"
H.P. 934 L.D. 1330

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-611)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-611)**.

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

READ ONCE.

Committee Amendment "A" (H-611) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve the Ability of the Commissioner of Corrections To Respond in an Emergency"
H.P. 1114 L.D. 1576

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-615)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-615)**.

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

READ ONCE.

Committee Amendment "A" (H-615) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Change the Penalties for Writing Bad Checks"
H.P. 1126 L.D. 1588

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-616)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-616)**.

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

READ ONCE.

Committee Amendment "A" (H-616) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Regarding the Unlawful Use of License or Identification Card"

H.P. 1140 L.D. 1612

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-617)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-617)**.

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

READ ONCE.

Committee Amendment "A" (H-617) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Amend the Charter of the Caribou Utilities District"

H.P. 1064 L.D. 1515

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-614)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-614)**.

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

READ ONCE.

Committee Amendment "A" (H-614) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Resolve, To Review Certification Requirements for Installation of Solar Energy Systems (EMERGENCY)

H.P. 1098 L.D. 1556

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-609)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-609)**.

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

READ ONCE.

Committee Amendment "A" (H-609) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Facilitate the Involvement of the Office of the Public Advocate in the FairPoint Communications Bankruptcy Case" (EMERGENCY)

H.P. 1171 L.D. 1643

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-618)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-618)**.

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

READ ONCE.

Committee Amendment "A" (H-618) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Authorize Sanitary Districts To Waive an Automatic Sanitary District Lien Foreclosure"

H.P. 1127 L.D. 1589

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-600)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-600) AND HOUSE AMENDMENT "A" (H-630)**.

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

READ ONCE.

Committee Amendment "A" (H-600) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-630) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Deer Hunting in Owls Head during Firearms Season with Shotguns Only"

H.P. 1091 L.D. 1549

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

Signed:

Senators:

BRYANT of Oxford
JACKSON of Aroostook
TRAHAN of Lincoln

Representatives:

CLARK of Millinocket
CRAFTS of Lisbon
SARTY of Denmark
McLEOD of Lee
SHAW of Standish
BRIGGS of Mexico
WHEELER of Kittery
EBERLE of South Portland
DAVIS of Sangerville

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

Signed:

Representative:

SAVIELLO of Wilton

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

Reports **READ**.

On motion by Senator **JACKSON** of Aroostook, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Prohibit the Use of Personal Watercraft on Wilson Pond"

H.P. 1142 L.D. 1614

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

Signed:

Senators:

BRYANT of Oxford
JACKSON of Aroostook
TRAHAN of Lincoln

Representatives:

CLARK of Millinocket
CRAFTS of Lisbon
SAVIELLO of Wilton
SARTY of Denmark
McLEOD of Lee
SHAW of Standish
BRIGGS of Mexico
WHEELER of Kittery

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

Signed:

Representatives:

DAVIS of Sangerville
EBERLE of South Portland

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

Reports **READ**.

On motion by Senator **JACKSON** of Aroostook, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Encourage Tourism by Ensuring the Safety, Accessibility and Availability of Highway Rest Stops and Scenic Overlooks"

H.P. 1220 L.D. 1719

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

Signed:

Senators:

DAMON of Hancock
PERRY of Penobscot
GOOLEY of Franklin

Representatives:

MAZUREK of Rockland
HOGAN of Old Orchard Beach
PEOPLES of Westbrook
HARLOW of Portland
BROWNE of Vassalboro
CAREY of Lewiston
ROSEN of Bucksport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-627)**.

Signed:

Representatives:
THOMAS of Ripley
CEBRA of Naples

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

Reports **READ**.

On motion by Senator **DAMON** of Hancock, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Senate

Ought to Pass As Amended

Senator **DAMON** for the Committee on **TRANSPORTATION** on Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2011"

S.P. 669 L.D. 1746

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-371)**.

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

READ ONCE.

Committee Amendment "A" (S-371) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **HOBBS** for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Amend the Electric Utility Industry Laws as They Relate to Renewable Resources"

S.P. 654 L.D. 1682

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-372)**.

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

READ ONCE.

Committee Amendment "A" (S-372) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SECOND READERS

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

House As Amended

Bill "An Act To Update the Laws Concerning the Maine School of Science and Mathematics"

H.P. 1101 L.D. 1564
(C "A" H-605)

Bill "An Act To Provide for the Safety of Maine Athletes"

H.P. 1168 L.D. 1640
(C "A" H-603)

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

Senate As Amended

Bill "An Act To Encourage Veterinary Practice in Maine"

S.P. 116 L.D. 352
(C "B" S-368)

Resolve, To Authorize the Department of Conservation To Place Priority on Access to Certain Prominent Water Bodies under the Land for Maine's Future Fund

S.P. 262 L.D. 687
(C "A" S-363)

Bill "An Act To Prohibit Furnishing a Place for Minors To Use Illegal Drugs"

S.P. 305 L.D. 791
(C "B" S-364)

Bill "An Act To Promote Geothermal Energy in the State"

S.P. 455 L.D. 1222
(C "A" S-369)

Bill "An Act To Eliminate the 3-trap Limit in the Waters off Hancock County"

S.P. 597 L.D. 1560
(C "A" S-367)

Bill "An Act To Amend Laws Administered by the Department of Environmental Protection"

S.P. 610 L.D. 1603
(C "A" S-362)

Resolve, To Increase the Financial Stability of Low-income Families in Maine

S.P. 614 L.D. 1649
(C "A" S-365)

Bill "An Act To Assist in Reviewing Wind Energy Applications"

S.P. 652 L.D. 1680
(C "A" S-370)

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

Sent down for concurrence.

ENACTORS

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

Emergency Measure

An Act Regarding Mobile Service Bars at Municipal Golf Courses
S.P. 603 L.D. 1596
(C "A" S-352)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with 4 Senators having voted in the negative, and 26 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.

Acts

An Act To Ensure the Perpetual Care of Maine Veterans' Cemeteries
H.P. 997 L.D. 1421
(C "A" H-602)

An Act To Expand Tax Incentives for Visual Media Productions
H.P. 1005 L.D. 1449
(C "B" H-598)

An Act To Authorize Municipal Officers To Resolve Road-naming Disputes
H.P. 1062 L.D. 1513
(C "A" H-596)

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
(C "A" H-595)

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

An Act To Remove the Sales Tax on Certain Watercraft
H.P. 473 L.D. 659
(C "B" H-597)

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

Resolve

Resolve, Directing the Department of Labor To Research and Analyze the Methods Other States Utilize To Assess Benefit Charges When a Worker Becomes Unemployed and Receives Benefits

H.P. 1074 L.D. 1524
(C "A" H-594)

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

Unfinished Business

The following matter 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 (2/9/10) Assigned matter:

JOINT ORDER - Establishing a Joint Select Committee on Health Care Reform Opportunities and Implementation
H.P. 1262

Tabled - February 9, 2010, by Senator **BOWMAN** of York

Pending - **PASSAGE**, in concurrence

(In House, February 4, 2010, **READ** and **PASSED**.)

(In Senate, February 9, 2010, **READ**.)

On motion by Senator **BARTLETT** of Cumberland, placed on the **SPECIAL STUDY TABLE**, pending **PASSAGE**, in concurrence.

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

PAPERS FROM THE HOUSE

Off Record Remarks

House Paper

Bill "An Act Regarding the Commissioner of Education's Rule-making Authority"

H.P. 1272 L.D. 1784

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.

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

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED** to Thursday, February 18, 2010, at 10:00 in the morning.

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

PAPERS FROM THE HOUSE

House Paper

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

H.P. 1271 L.D. 1781

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

On motion by Senator **BRANNIGAN** of Cumberland, **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 Bolster Maine's Social Safety Net through Voluntary Sales Tax Contributions" (EMERGENCY)

H.P. 1273 L.D. 1785

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

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

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