

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

In Senate Chamber
Tuesday
February 24, 2009

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

Prayer by Reverend Lin Peyton, Episcopal Diocese of Maine,
Nursing Home Chaplain.

REVEREND PEYTON: Oh God, as we gather this morning full of
the clamor of enormous and ever unfolding tasks, worries,
demands, concerns, excitements, and energies that we bring to
this chamber on behalf of all of Maine's people, Maine's
environment, and Maine's future, for a few moments simply
caress us with Your silent breath, to unclench us our posturing
and our possessiveness, to unweave us of our important stances
and right ideas, to unclench us of our anxieties and our fears, and
to open us to wondrous beauty and mystery of this journey we
call life. May we know deep down inside the grace of Your
welcome and blessing of Your presence.

Out of this stillness may all of you here come together more
mindful of each other as you face the hard issues and tasks
awaiting you today. The responsibilities you must bear and the
privileges you hold in service. May you be blessed with the trust
your people have placed in you, to be courageous in your work
and humble in your power. May you be blessed with the longing
to seek wisdom borne of honest listening and clarity borne of
deep stillness. May you be blessed with challenge, to welcome
your own vulnerability as a place where integrity, truth, and
healing come. May you be blessed with enticement, to call
creativity into play and to shelter humor, that inevitably bubbles
up, melting barriers and tensions between you and shifting
perspectives. May you be blessed by a keen and wide vision as
you craft and amend policies and bills, balancing delicately, justly,
and compassionately as you are able with the ever mounting
needs and ever diminishing resources. May you be blessed by
and hold as sacred the stories of such hope and such despair that
you gather daily in your hearts from people around the state. May
we all honor the blessing of the young people, those here this
morning as pages. The blessings they bring to us with their
eagerness and energies, their questioning spirits and their
watchful eyes. Finally, may the integrity of our souls, the
compassion of our hearts, and the gratitude of our lives be our
inspiration and guidance and may this state be richly blessed by
your hard, hard work and service to us. So be it, Amen.

Pledge of Allegiance led by Senator Troy D. Jackson of
Aroostook County.

Reading of the Journal of Thursday, February 19, 2009.

Doctor of the day, Dr. Judith Chamberlain, MD of Brunswick.

Off Record Remarks

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Notify Municipal Assessors of Foreclosure Actions"
H.P. 455 L.D. 641

Committee on **JUDICIARY** suggested and ordered printed.

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

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

COMMUNICATIONS

The Following Communication: S.C. 74

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

February 19, 2009

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 Judiciary has had under consideration the nomination of
Honorable E. Allen Hunter of Caribou, for reappointment as a
Superior Court Justice.

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 1 Bliss of Cumberland
 Representatives 9 Priest of Brunswick, Beaulieu of Auburn, Bryant of Windham, Cleary of Houlton, Crockett of Bethel, Hill of York, Kruger of Thomaston, Nass of Acton, Stevens of Bangor

NAYS 0

ABSENT 3 Rep. Dill of Cape Elizabeth, Sen. Hastings of Oxford, Sen. Hobbins of York

Rep. Mitchell of Penobscot Nation supports the Committee's recommendation.

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable E. Allen Hunter of Caribou, for reappointment as a Superior Court Justice be confirmed.

Signed,

S/Lawrence S. Bliss
 Senate Chair

S/Charles R. Priest
 House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 75

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

February 19, 2009

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 Judiciary has had under consideration the nomination of Honorable Leigh Ingalls Saufley of Portland, for reappointment as the Chief Justice of the Supreme Judicial Court.

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 1 Bliss of Cumberland
 Representatives 9 Priest of Brunswick, Beaulieu of Auburn, Bryant of Windham, Cleary of Houlton, Crockett of Bethel, Hill of York, Kruger of Thomaston, Nass of Acton, Stevens of Bangor

NAYS 0

ABSENT 3 Rep. Dill of Cape Elizabeth, Sen. Hastings of Oxford, Sen. Hobbins of York

NAYS 0

ABSENT 3 Rep. Dill of Cape Elizabeth, Sen. Hastings of Oxford, Sen. Hobbins of York

Rep. Mitchell of Penobscot Nation supports the Committee's recommendation.

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Leigh Ingalls Saufley of Portland, for reappointment as the Chief Justice of the Supreme Judicial Court be confirmed.

Signed,

S/Lawrence S. Bliss
 Senate Chair

S/Charles R. Priest
 House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 76

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

February 19, 2009

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 Judiciary has had under consideration the nomination of Honorable Joseph M. Jabar of Waterville, for reappointment as a Superior Court Justice.

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

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:

Dear Madame President:

YEAS Senators 1 Bliss of Cumberland
 Representatives 9 Priest of Brunswick, Beaulieu of Auburn, Bryant of Windham, Cleary of Houlton, Crockett of Bethel, Hill of York, Kruger of Thomaston, Nass of Acton, Stevens of Bangor

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 State and Local Government has had under consideration the nomination of Christopher E. Howard of Standish, for reappointment to the Maine Governmental Facilities 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:

NAYS 0
ABSENT 3 Rep. Dill of Cape Elizabeth, Sen. Hastings of Oxford, Sen. Hobbins of York

YEAS Senators 2 Simpson of Androscoggin, Courtney of York
 Representatives 6 Boland of Sanford, Clark of Easton, Cotta of China, Harvell of Farmington, Hayes of Buckfield, Willette of Presque Isle

Rep. Mitchell of Penobscot Nation supports the Committee's recommendation.

NAYS 0
ABSENT 5 Rep. Beaudette of Biddeford, Rep. Celli of Brewer, Sen. Jackson of Aroostook, Rep. Kaenrath of South Portland, Rep. Schatz of Blue Hill

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Joseph M. Jabar of Waterville, for reappointment as a Superior Court Justice be confirmed.

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 Christopher E. Howard of Standish, for reappointment to the Maine Governmental Facilities Authority be confirmed.

Signed,

S/Lawrence S. Bliss
Senate Chair

S/Charles R. Priest
House Chair

Signed,

S/Deborah L. Simpson
Senate Chair

S/Stephen R. Beaudette
House Chair

READ and ORDERED PLACED ON FILE.

READ and ORDERED PLACED ON FILE.

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

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

The Following Communication: S.C. 65

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

February 18, 2009

The Following Communication: S.C. 64

**124th LEGISLATURE
OFFICE OF THE PRESIDENT**

February 17, 2009

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

Pursuant to my authority under Title 5 MRSA §13171, I am pleased to reappoint the following Senators to the Maine Council on Poverty and Economic Security. They will be serving as Senate members:

Senator Philip Bartlett of Cumberland, reappointment

Senator Kevin Raye of Washington, reappointment

Please contact my office if you have any questions regarding these appointments.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 73

**124th LEGISLATURE
OFFICE OF THE PRESIDENT**

February 18, 2009

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

Dear Secretary O'Brien:

Pursuant to my authority under Title 10, MRSA, Chapter 1-A, §11, I am pleased to appoint the following people to the Citizen Trade Policy Commission:

Michael Hiltz of Portland, replacing Dr. Robert Weiss of Orono
Joseph Woodbury of Otisfield, replacing Peter Connell of Norway

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 67

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FOUR LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

February 18, 2009

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 Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 155 An Act To Ban Smoking on Public Beaches and in Public Parks

L.D. 163 An Act To Require Health Care Practitioners To Distribute Free Samples of Medications in Certain Circumstances

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

Sincerely,

S/Sen. Joseph C. Brannigan
Senate Chair

S/Rep. Anne C. Perry
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 68

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FOUR LEGISLATURE
COMMITTEE ON JUDICIARY**

February 19, 2009

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 Judiciary has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 291 An Act To Exempt Breast-feeding Mothers from Jury Duty

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

Sincerely,

S/Sen. Lawrence Steven Bliss
Senate Chair

S/Rep. Charles R. Priest
House Chair

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

The Following Communication: S.C. 69

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

February 18, 2009

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 bills out "Ought Not to Pass":

L.D. 3 An Act To Designate Registered Voters Not Enrolled in a Political Party as Independent Voters

L.D. 28 An Act To Promote the Integrity of Citizens' Initiatives (EMERGENCY)

L.D. 102 An Act To Exempt a Door Prize Awarded at a Fishing Tournament from Being Classified as a Game of Chance

L.D. 116 An Act To Allow Political Signs on Private Property Only

We have also notified the sponsors and cosponsors of each bill listed 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.**

The Following Communication: S.C. 70

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

February 19, 2009

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. 141 An Act To Allow a Person 65 Years of Age or Older To Obtain a Lobster License without Completing the Apprenticeship Program

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.**

The Following Communication: S.C. 71

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

February 18, 2009

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 bill out "Ought Not to Pass":

L.D. 218 An Act To Exempt the United States Flag from Sales Tax

We have also notified the sponsor and cosponsors 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.**

The Following Communication: S.C. 72

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

February 18, 2009

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 Transportation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 262 Resolve, Directing the Department of Transportation To Install a Flashing Light in Charleston

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

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Edward J. Mazurek
House Chair

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

SENATE PAPERS

Bill "An Act To Lower the Cost of State Government in the Departments under the Purview of the Joint Standing Committee on Agriculture, Conservation and Forestry"
S.P. 249 L.D. 674

Presented by Senator NUTTING of Androscoggin.
Cosponsored by Representative EDGECOMB of Caribou and Senator: SHERMAN of Aroostook, Representatives: GIFFORD of Lincoln, SIROIS of Turner.

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

Presented by Senator MILLS of Somerset.
Cosponsored by Representative PINKHAM of Lexington Township.

Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources To Develop Best Management Practices for Poultry Production
S.P. 267 L.D. 692

Presented by Senator NUTTING of Androscoggin.
Cosponsored by Representative EDGECOMB of Caribou and Representatives: FLOOD of Winthrop, KNIGHT of Livermore Falls, O'BRIEN of Lincolnville, PIEH of Bremen, SIROIS of Turner.

On motion by Senator **JACKSON** of Aroostook, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Authorize a General Fund Bond Issue To Finance the Acquisition of Land and Interest in Land for Public Land and Water Access, Conservation, Wildlife and Fish Habitats, Outdoor Recreation Including Hunting and Fishing and Farmland Preservation and To Access Matching Contributions from Public and Private Sources"

S.P. 259 L.D. 684

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Speaker PINGREE of North Haven and Senators: BARTLETT of Cumberland, BOWMAN of York, BRYANT of Oxford, CRAVEN of Androscoggin, DAMON of Hancock, DAVIS of Cumberland, GERZOFISKY of Cumberland, GOODALL of Sagadahoc, GOOLEY of Franklin, HOBBS of York, JACKSON of Aroostook, McCORMICK of Kennebec, President MITCHELL of Kennebec, NUTTING of Androscoggin, SCHNEIDER of Penobscot, SIMPSON of Androscoggin, SULLIVAN of York, TRAHAN of Lincoln, Representatives: BEAUDOIN of Biddeford, BEAULIEU of Auburn, BERRY of Bowdoinham, BLANCHARD of Old Town, BLODGETT of Augusta, BOLAND of Sanford, BRIGGS of Mexico, BRYANT of Windham, CAIN of Orono, CASAVANT of Biddeford, COHEN of Portland, CONNOR of Kennebunk, CORNELL du HOUS of Brunswick, CRAY of Palmyra, CROCKETT of Augusta, DILL of Cape Elizabeth, DRISCOLL of Westbrook, DUCHESNE of Hudson, EATON of Sullivan, EBERLE of South Portland, EVES of North Berwick, FLAHERTY of Scarborough, FLEMINGS of Bar Harbor, FOSSEL of Alna, GILBERT of Jay, GOODE of Bangor, HARLOW of Portland, HASKELL of Portland, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, JONES of Mount Vernon, KNIGHT of Livermore Falls, KRUGER of Thomaston, LEGG of Kennebunk, LOVEJOY of Portland, MARTIN of Eagle Lake, MAZUREK of Rockland, McCABE of Skowhegan, MILLER of Somerville, NELSON of Falmouth, O'BRIEN of Lincolnville, PEOPLES of Westbrook, PERCY of Phippsburg, PERRY of Calais, PIEH of Bremen, PRATT of Eddington, ROTUNDO of Lewiston, RUSSELL of Portland, SCHATZ of Blue Hill, SHAW of Standish, STRANG BURGESS of Cumberland, STUCKEY of Portland, SUTHERLAND of Chapman, TREAT of Hallowell, TUTTLE of Sanford, VAN WIE of New Gloucester, WAGNER of Lyman, WAGNER of Lewiston, WATSON of Bath, WEBSTER of Freeport, WELSH of Rockport, WHEELER of Kittery, WRIGHT of Berwick.

Bill "An Act To Authorize a General Fund Bond Issue To Create a New Health Care Internet Infrastructure"

S.P. 279 L.D. 729

Presented by Senator MARRACHÉ of Kennebec.
Cosponsored by Speaker PINGREE of North Haven and Senators: CRAVEN of Androscoggin, DIAMOND of Cumberland, President MITCHELL of Kennebec, Representative: CAIN of Orono.

Bill "An Act To Authorize a General Fund Bond Issue To Support Small Businesses' Access to Capital"

S.P. 282 L.D. 732

Presented by President MITCHELL of Kennebec.
Cosponsored by Senators: DAMON of Hancock, SCHNEIDER of Penobscot and Senator: RECTOR of Knox, Representatives: GILES of Belfast, MacDONALD of Boothbay, SMITH of Monmouth, TARDY of Newport, WRIGHT of Berwick.

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

Sent down for concurrence.

Bill "An Act To Improve the Protection for Buyers of Motor Vehicles from Vehicles Labeled Lemons in Other States"

S.P. 248 L.D. 673

Presented by Senator BRANNIGAN of Cumberland.
Cosponsored by Representative SMITH of Monmouth and Senator: RECTOR of Knox, Representatives: BERRY of Bowdoinham, BUTTERFIELD of Bangor, CLEARY of Houlton, WRIGHT of Berwick.
Submitted by the Department of the Attorney General pursuant to Joint Rule 204.

Bill "An Act To Promote Cost-effective and Broad-based Vision Care for Maine Citizens by Clarifying the Scope of Prescription Authority by an Optometrist"

S.P. 258 L.D. 683

Presented by Senator SCHNEIDER of Penobscot.
Cosponsored by Representative SMITH of Monmouth and Senators: RECTOR of Knox, SULLIVAN of York, Representatives: BEAUDETTE of Biddeford, GILES of Belfast, HUNT of Buxton, MacDONALD of Boothbay, MARTIN of Orono, WRIGHT of Berwick.

Bill "An Act To Designate Cumberland County as a Pine Tree Development Zone"

S.P. 281 L.D. 731

Presented by Senator BARTLETT of Cumberland.
Cosponsored by Representative HASKELL of Portland and Senators: ALFOND of Cumberland, DIAMOND of Cumberland, GERZOFISKY of Cumberland, Representatives: BRYANT of Windham, DRISCOLL of Westbrook, PEOPLES of Westbrook, RUSSELL of Portland.

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

Sent down for concurrence.

Bill "An Act To Amend the Laws Concerning Disorderly Conduct"
S.P. 242 L.D. 668

Presented by Senator HOBBS of York.
Cosponsored by Representatives: PILON of Saco, VALENTINO
of Saco.

Bill "An Act To Improve the Process for Issuing Concealed
Weapons Permits"

S.P. 276 L.D. 726

Presented by Senator GERZOFKY of Cumberland.
Cosponsored by Representative WEBSTER of Freeport and
Senators: BARTLETT of Cumberland, MARRACHÉ of Kennebec,
President MITCHELL of Kennebec, Representatives: BERRY of
Bowdoinham, CAIN of Orono, HASKELL of Portland, PIOTTI of
Unity.

Bill "An Act To Protect Sports Officials"

S.P. 277 L.D. 727

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Representative MAZUREK of Rockland and
Senators: BARTLETT of Cumberland, McCORMICK of
Kennebec, RAYE of Washington, SCHNEIDER of Penobscot,
Representatives: SUTHERLAND of Chapman, TUTTLE of
Sanford.

Bill "An Act To Allow Bail Commissioners To Access Criminal
Records"

S.P. 280 L.D. 730

Presented by Senator SULLIVAN of York.
Cosponsored by Senators: GERZOFKY of Cumberland,
NUTTING of Androscoggin, Representatives: HASKELL of
Portland, WHEELER of Kittery.

On motion by Senator **MARRACHÉ** of Kennebec, **REFERRED** to
the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**
and ordered printed.

Sent down for concurrence.

Bill "An Act To Lower the Cost of State Government in the
Departments under the Purview of the Joint Standing Committee
on Education and Cultural Affairs"

S.P. 252 L.D. 677

Presented by Senator NUTTING of Androscoggin.
Cosponsored by Senators: TRAHAN of Lincoln, WESTON of
Waldo, Representatives: McFADDEN of Dennysville, SIROIS of
Turner.

Bill "An Act To Provide Middle School Students with Access to
Innovative Science Education"

S.P. 253 L.D. 678

Presented by Senator ALFOND of Cumberland.
Cosponsored by Representative SUTHERLAND of Chapman and
Senators: COURTNEY of York, JACKSON of Aroostook, MILLS
of Somerset, RECTOR of Knox, SULLIVAN of York,
Representatives: BECK of Waterville, FLEMINGS of Bar Harbor,
O'BRIEN of Lincolnville.

Bill "An Act To Protect Student Privacy while Complying with
Federal Law"

S.P. 274 L.D. 725

Presented by Senator ALFOND of Cumberland.
Cosponsored by Representative HASKELL of Portland and
Senators: BARTLETT of Cumberland, COURTNEY of York,
GERZOFKY of Cumberland, RAYE of Washington,
Representatives: BERRY of Bowdoinham, PIOTTI of Unity,
TARDY of Newport.

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 Lower the Cost of State Government in the
Departments under the Purview of the Joint Standing Committee
on Health and Human Services"

S.P. 250 L.D. 675

Presented by Senator NUTTING of Androscoggin.
Cosponsored by Senator: TRAHAN of Lincoln, Representatives:
JOY of Crystal, LEWIN of Eliot, SIROIS of Turner.

Bill "An Act To Provide Transparency Concerning Operating
Expenses for Hospitals"

S.P. 273 L.D. 724

Presented by Senator MARRACHÉ of Kennebec.
Cosponsored by Representative WEBSTER of Freeport and
Senators: ALFOND of Cumberland, BLISS of Cumberland,
CRAVEN of Androscoggin, SIMPSON of Androscoggin,
Representatives: HILL of York, PERCY of Phippsburg,
ROTUNDO of Lewiston, SMITH of Monmouth.

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

Sent down for concurrence.

Bill "An Act Regarding the Purchase of Fish for Stocking Inland Waters"

S.P. 241 L.D. 667

Presented by Senator DAMON of Hancock.
Cosponsored by Senator: BRYANT of Oxford, Representatives: CLARK of Millinocket, DAVIS of Sangerville.

Bill "An Act To Lower the Cost of State Government in the Departments under the Purview of the Joint Standing Committee on Inland Fisheries and Wildlife"

S.P. 251 L.D. 676

Presented by Senator NUTTING of Androscoggin.
Cosponsored by Senator: TRAHAN of Lincoln, Representatives: SARTY of Denmark, SIROIS of Turner, TARDY of Newport.

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

Sent down for concurrence.

Bill "An Act To Equalize Annuity and Structured Settlement Annuity Benefits with Life Insurance under the Maine Life and Health Insurance Guaranty Association"

S.P. 263 L.D. 688

Presented by Senator BOWMAN of York.

Bill "An Act To Protect Homeowners in Foreclosure Proceedings"

S.P. 278 L.D. 728

Presented by Senator BARTLETT of Cumberland.
Cosponsored by Senators: ALFOND of Cumberland, BOWMAN of York, Representatives: BEAUDOIN of Biddeford, BECK of Waterville, BOLAND of Sanford, GOODE of Bangor, LEGG of Kennebunk.

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 a Court To Award Attorney's Fees in Successful Freedom of Access Appeals"

S.P. 254 L.D. 679

Presented by Senator HASTINGS of Oxford.
Cosponsored by Representative DILL of Cape Elizabeth and Senators: BLISS of Cumberland, RAYE of Washington, ROSEN of Hancock, SMITH of Piscataquis, Representative: PRIEST of Brunswick.

Bill "An Act Regarding Guardians Ad Litem"

S.P. 264 L.D. 689

Presented by Senator SMITH of Piscataquis.
Cosponsored by Senator: HASTINGS of Oxford, Representatives: CLEARY of Houlton, NASS of Acton.

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

Sent down for concurrence.

Bill "An Act Concerning Domestic Violence and Firearms"

S.P. 265 L.D. 690

Presented by Senator SIMPSON of Androscoggin.
Cosponsored by Representative BERRY of Bowdoinham, Representative SAVIELLO of Wilton and Senators: CRAVEN of Androscoggin, MARRACHÉ of Kennebec, Representatives: BECK of Waterville, COHEN of Portland, FLAHERTY of Scarborough, GOODE of Bangor, STUCKEY of Portland.

Committee on **JUDICIARY** suggested and ordered printed.

On motion by Senator **BLISS** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Sent down for concurrence.

Bill "An Act To Clarify an Employer's Ability To Collect the Overcompensation of Wages"

S.P. 243 L.D. 669

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative TUTTLE of Sanford and Senator: BARTLETT of Cumberland, Representative: CLARK of Millinocket.

Bill "An Act To Add Maine Maritime Academy Representation to the State Employee Health Commission"

S.P. 246 L.D. 672

Presented by Senator ROSEN of Hancock.
Cosponsored by Representative SCHATZ of Blue Hill.

Bill "An Act To Clarify the Minimum Wage Exemption for Summer Camp Counselors Working at Day Camps"

S.P. 260 L.D. 685

Presented by Senator SULLIVAN of York.
Cosponsored by Representative CONNOR of Kennebunk and Senators: ALFOND of Cumberland, DIAMOND of Cumberland, Representatives: CEBRA of Naples, LEGG of Kennebunk, ROBINSON of Raymond.

Bill "An Act To Clarify the Status and Benefits of Employees of the Child Development Services System"

S.P. 268 L.D. 693

Presented by Senator BARTLETT of Cumberland.
Cosponsored by Senator: ALFOND of Cumberland,
Representative: Speaker PINGREE of North Haven.

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

Sent down for concurrence.

Bill "An Act Regarding Agency Liquor Stores" (EMERGENCY)

S.P. 257 L.D. 682

Presented by Senator SULLIVAN of York.
Cosponsored by Representatives: CONNOR of Kennebunk,
LEGG of Kennebunk, VALENTINO of Saco.

Bill "An Act To Allow Limited Partnerships between Brewers and Wholesalers"

S.P. 269 L.D. 694

Presented by Senator SULLIVAN of York.
Cosponsored by Senator: PLOWMAN of Penobscot,
Representatives: BEAULIEU of Auburn, TRINWARD of Waterville.

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

Sent down for concurrence.

Bill "An Act To Lower the Cost of State Government in the Departments under the Purview of the Joint Standing Committee on Marine Resources"

S.P. 266 L.D. 691

Presented by Senator NUTTING of Androscoggin.
Cosponsored by Senator: TRAHAN of Lincoln, Representative: SIROIS of Turner.

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

Sent down for concurrence.

Bill "An Act To Require Semiannual Testing in Certain Gravel Pits"

S.P. 261 L.D. 686

Presented by Senator BOWMAN of York.

Resolve, To Require the Department of Environmental Protection To Amend Its Rules for Hydropower Projects To Require a Detailed Cost-benefit Analysis

S.P. 272 L.D. 723

Presented by Senator SIMPSON of Androscoggin.

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

Sent down for concurrence.

Bill "An Act To Hold Municipal Officers Harmless for a Determination That a Town Way or Public Easement Is Considered Abandoned"

S.P. 255 L.D. 680

Presented by Senator HASTINGS of Oxford.
Cosponsored by Representative CROCKETT of Bethel and Senators: HOBBS of York, NASS of York, SMITH of Piscataquis.

Bill "An Act To Lower the Cost of State Government in the Departments under the Purview of the Joint Standing Committee on State and Local Government"

S.P. 256 L.D. 681

Presented by Senator NUTTING of Androscoggin.
Cosponsored by Senators: COURTNEY of York, TRAHAN of Lincoln, Representatives: JOY of Crystal, KNIGHT of Livermore Falls, LEWIN of Eliot, SIROIS of Turner.

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

Sent down for concurrence.

Bill "An Act To Clarify When the Rental of a Car Is Exempt from Sales and Use Tax"

S.P. 240 L.D. 666

Presented by Senator PERRY of Penobscot.

Bill "An Act To Make Health Insurance More Affordable"

S.P. 244 L.D. 670

Presented by Senator RECTOR of Knox.
Cosponsored by Representative KRUGER of Thomaston and Senators: McCORMICK of Kennebec, RAYE of Washington, ROSEN of Hancock, SULLIVAN of York, Representatives: RICHARDSON of Warren, WEAVER of York.

Bill "An Act To Exempt Clean Fuel Vehicles from Sales Tax"
S.P. 245 L.D. 671

Presented by Senator RECTOR of Knox.
Cosponsored by Representative ROBINSON of Raymond and
Senators: DAMON of Hancock, ROSEN of Hancock, TRAHAN of
Lincoln, Representatives: CLEARY of Houlton, HARLOW of
Portland, WALSH INNES of Yarmouth, MAZUREK of Rockland.

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

Sent down for concurrence.

Resolve, Directing the Department of Transportation and the
Maine Turnpike Authority To Find Efficiencies in the Maine
Transportation System

S.P. 238 L.D. 664

Presented by Senator COURTNEY of York.

Bill "An Act To Enhance Safety on Maine's Bridges"
S.P. 239 L.D. 665

Presented by Senator NUTTING of Androscoggin.
Cosponsored by Representatives: CAREY of Lewiston, KNIGHT
of Livermore Falls.

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

Sent down for concurrence.

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

ORDERS

Joint Order

On motion by Senator HOBBS of York, the following Joint
Order:

S.P. 247

ORDERED, the House concurring, that the Department of Health
and Human Services shall study the feasibility of instituting
ImPACT™ tests as developed by ImPACT Applications, Inc.,
which establish a personal baseline for sports athletic head and
trauma injuries. The department shall review concussion
management and whether the ImPACT™ tests are recommended
for this State. The department shall submit a report that includes
its findings and recommendations, including suggested
legislation, for presentation to the Joint Standing Committee on
Health and Human Services in the Second Regular Session of
the 124th Legislature.

READ.

On motion by Senator HOBBS of York, TABLED until Later in
Today's Session, pending motion by same Senator to PASS.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on TRANSPORTATION on Bill
"An Act To Allow the Use of Only 2 Studded Tires on Front-
wheel-drive Vehicles"

H.P. 33 L.D. 38

Reported that the same Ought Not to Pass.

Signed:

Senators:

DAMON of Hancock
GOOLEY of Franklin

Representatives:

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

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

Signed:

Representative:

THOMAS of Ripley

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

Senator ALFOND for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Modify the Maine Dental Education Loan Program" (EMERGENCY)
S.P. 63 L.D. 177

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Allow a Newly Licensed Driver To Transport a Foreign Exchange Student Who Lives with That Driver's Family"
S.P. 55 L.D. 169

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

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

READ ONCE.

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

Resolve, Regarding Legislative Review of Portions of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 67 L.D. 77

Resolve, Regarding Legislative Review of Portions of Chapter 10: Exemptions to the Ban on Flavored Cigarettes and Cigars, a Major Substantive Rule of the Office of the Attorney General (EMERGENCY)

H.P. 71 L.D. 81

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

Senate

Bill "An Act To Amend the Charter of the Athens Standard Water District"

S.P. 50 L.D. 131

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

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

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 (2/5/09) Assigned matter:

JOINT ORDER - To Require the Joint Standing Committee on Natural Resources To Report Out a Bill Regarding Outdoor Wood Boilers

H.P. 240

Tabled - February 5, 2009, by Senator **BARTLETT** of Cumberland

Pending - **PASSAGE**, in concurrence

(In House, February 3, 2009, **READ** and **PASSED**.)

(In Senate, February 5, 2009, **READ**.)

On motion by Senator **BARTLETT** of Cumberland, the Joint Order **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (2/17/09) Assigned matter:

Resolve, To Return Two-thirds of the Purchase Cost of Sears Island to the People of Maine

H.P. 382 L.D. 537

Tabled - February 17, 2009, by Senator **SIMPSON** of Androscoggin

Pending - **REFERENCE**

(In House, February 12, 2009, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.)

On motion by Senator **DAMON** of Hancock, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

NOMINATION - of the Honorable Leigh Ingalls Saufley of Portland for reappointment as the Chief Justice of the Supreme Judicial Court

Tabled - February 24, 2009, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, February 24, 2009, Communication (S.C. 75) from the Committee on **JUDICIARY, READ** and **ORDERED PLACED ON FILE**.)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#7)

YEAS: Senators: None

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

ABSENT: Senators: NUTTING, PLOWMAN, RECTOR

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, 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 **Leigh Ingalls Saufley** of Portland for reappointment as the Chief Justice of the Supreme Judicial Court was **CONFIRMED**.

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

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

NOMINATION - of the Honorable E. Allen Hunter of Caribou for reappointment as a Superior Court Justice

Tabled - February 24, 2009, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, February 24, 2009, Communication (S.C. 74) from the Committee on **JUDICIARY, READ** and **ORDERED PLACED ON FILE**.)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#8)

YEAS: Senators: None

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

ABSENT: Senators: NUTTING, PLOWMAN, RECTOR

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, 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 **E. Allen Hunter** of Caribou for reappointment as a Superior Court Justice was **CONFIRMED**.

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

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

NOMINATION - of the Honorable Joseph M. Jabar of Waterville for reappointment as a Superior Court Justice

Tabled - February 24, 2009, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, February 24, 2009, Communication (S.C. 76) from the Committee on **JUDICIARY, READ** and **ORDERED PLACED ON FILE**.)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#9)

YEAS: Senators: None
NAYS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, CRAVEN, DAMON, DAVIS, DIAMOND, GERZOFISKY, GOODALL, GOOLEY, HASTINGS, HOBBSINS, JACKSON, MARRACHE, MCCORMICK, MILLS, NASS, PERRY, RAYE, ROSEN, SCHNEIDER, SHERMAN, SIMPSON, SMITH, SULLIVAN, TRAHAN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL
ABSENT: Senators: NUTTING, PLOWMAN, RECTOR

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, 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 **Joseph M. Jabar** of Waterville for reappointment as a Superior Court Justice was **CONFIRMED**.

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

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

NOMINATION - of Christopher E. Howard of Standish for reappointment to the Maine Governmental Facilities Authority

Tabled - February 24, 2009, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, February 24, 2009, Communication (S.C. 65) from the Committee on **STATE AND LOCAL GOVERNMENT, READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **STATE AND LOCAL GOVERNMENT** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#10)

YEAS: Senators: None
NAYS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, CRAVEN, DAMON, DAVIS, DIAMOND, GERZOFISKY, GOODALL, GOOLEY, HASTINGS, HOBBSINS, JACKSON, MARRACHE, MCCORMICK, MILLS, NASS, PERRY, RAYE, ROSEN, SCHNEIDER, SHERMAN, SIMPSON, SMITH, SULLIVAN, TRAHAN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL
ABSENT: Senators: NUTTING, PLOWMAN, RECTOR

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, 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 **Christopher E. Howard** of Standish for reappointment to the Maine Governmental Facilities Authority was **CONFIRMED**.

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

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Create a Moratorium on the Open-air Production of Genetically Engineered Pharmaceutical Crops in Maine"
H.P. 491 L.D. 708

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** 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 Authorize a General Fund Bond Issue To Weatherize and Upgrade the Energy Efficiency of Maine Homes and Businesses and To Provide a Trained Workforce"
H.P. 492 L.D. 709

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Streamline Health Care Services in Maine by Allowing Certified Nurse Practitioners and Certified Nurse Midwives To Verify Medical Papers and Records"
H.P. 478 L.D. 695

Resolve, To Reclaim Past Unredeemed Beverage Container Deposits
H.P. 479 L.D. 696

Bill "An Act To Allow Denturists To Practice to the Level of Their Educational Training"
H.P. 493 L.D. 710

Bill "An Act To Authorize the Social Work Education Loan Repayment Program"
H.P. 494 L.D. 711

Bill "An Act Concerning Cremated Remains"
H.P. 501 L.D. 718

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Suspend Driver's Licenses of Persons Operating All-terrain Vehicles, Watercraft and Snowmobiles while Intoxicated"
H.P. 495 L.D. 712

Bill "An Act Regarding Assault on a Firefighter"
H.P. 496 L.D. 713

Come from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Stabilize School Heating Costs"
H.P. 480 L.D. 697

Bill "An Act To Allow School Budget Validation Referenda To Be Held on a Saturday" (EMERGENCY)
H.P. 481 L.D. 698

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Restore Funding for Bed-hold Days at Private Nonmedical Institutions"
H.P. 483 L.D. 700

Bill "An Act To Fund the Screening and Early Detection Elements of the Statewide Cancer Plan"
H.P. 484 L.D. 701

Resolve, Directing the Department of Health and Human Services To Raise Public Awareness of Reflex Sympathetic Dystrophy Syndrome
H.P. 504 L.D. 721

Come 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 Papers

Resolve, Establishing Goals and Principles for Fisheries Management for the Department of Inland Fisheries and Wildlife
H.P. 482 L.D. 699

Bill "An Act To Empower Anglers in Fish Stocking Decisions"
H.P. 497 L.D. 714

Bill "An Act To Allow Nonresidents under 14 Years of Age To Fish without a License"
H.P. 502 L.D. 719

Bill "An Act To Permit the Commercial Harvesting of Illegal and Nuisance Fish Species"
H.P. 503 L.D. 720

Come from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** 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 Enable the Use of Credit Cards for Governmental Transactions"
H.P. 498 L.D. 715

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 Papers

Bill "An Act To Allow the Donation of Certain Perishable Food Products to Nonprofit Organizations"
H.P. 485 L.D. 702

Bill "An Act Regarding Claims for Civil Perjury"
H.P. 486 L.D. 703

Bill "An Act To Change the Definition of 'Domestic Partner' in the Laws Governing Custody of Remains"
H.P. 499 L.D. 716

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Allow Property Owners To Terminate Residential Leases That Do Not Contain Termination Language"
H.P. 487 L.D. 704

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.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Manage Risks Associated with Surface Uses on Public Water Supplies"
H.P. 505 L.D. 722

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Clarify the Qualifications for the Position of State Archivist"
H.P. 488 L.D. 705

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Impose a Maximum Speed Limit of 45 Miles Per Hour on Roads on Which a School Bus Stop Is Located"
H.P. 489 L.D. 706

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

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

Bill "An Act To Settle a Dispute between Andrea LaPointe and Michael Barden and the State"
H.P. 490 L.D. 707

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

On motion by Senator **DAMON** of Hancock, **TABLED** until Later in Today's Session, pending **REFERENCE**.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Ensure Proper Oversight of Propane Facilities"
H.P. 500 L.D. 717

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

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

Off Record Remarks

Senator **SULLIVAN** of York was granted unanimous consent to address the Senate off the Record.

Senator **GOODALL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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

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

Off Record Remarks

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

On motion by Senator **BARTLETT** of Cumberland,
ADJOURNED, to Thursday, February 26, 2009, at 10:00 in the morning.