

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

In Senate Chamber
Wednesday
April 15, 2009

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

Prayer by Father Ralph Boisvert, Catholic Community of Augusta,
Gardiner, Litchfield, Whitefield and Winthrop

FATHER BOISVERT: Let us pray. Loving God, we praise and
thank You for the many ways You have blessed and enriched our
lives. We come before You today asking that You help us to be
reflections of Your loving presence in all that we do. The
challenges that we face are many and we sometimes feel so
inadequate in those meetings and meeting those challenges.
Help us to be guided by Your wisdom so that we will all work
together in unity to resolve conflicts, to overcome differences, and
in Your wisdom bring healing to a broken world. May we work
together so that the state of Maine will be a state of truth and life,
a state of holiness and grace, and a state of justice, love and
peace. Merciful God, with loving trust may we turn to You in all
our troubles and give thanks for all our joys. Watch over us and
protect us always. May we be living witnesses of Your
unchanging love. Amen.

Reading of the Journal of Tuesday, April 14, 2009.

Doctor of the day, Dr. Michelle Labotz, MD of Yarmouth.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Further Facilitate the Provision of Educational
Loans for Maine Students and Families" (EMERGENCY)
S.P. 40 L.D. 118
(C "A" S-19)

In Senate, April 2, 2009, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-19).**

Comes from the House, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-19) AND
HOUSE AMENDMENT "A" (H-92), in NON-CONCURRENCE.**

On motion by Senator **ALFOND** of Cumberland, the Senate
RECEDED and **CONCURRED.**

House Papers

Bill "An Act To Limit Membership by School Administrative Units
in Certain Interscholastic Organizations"
H.P. 1011 L.D. 1457

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.

**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 Portions of Chapter 41: Special Restrictions
on Pesticide Use, a Major Substantive Rule of the Department of
Agriculture, Food and Rural Resources, Board of Pesticides
Control (EMERGENCY)

H.P. 1012 L.D. 1460

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.

Off Record Remarks

Pursuant to Statute

Commission on Governmental Ethics and Election Practices

The **Commission on Governmental Ethics and Election Practices**, 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 3: Maine Clean Election Act and Related Provisions - Matching Funds and Property and Equipment, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

H.P. 1013 L.D. 1461

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

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

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

On motion by Senator **SULLIVAN** of York, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

Pursuant to Statute

Commission on Governmental Ethics and Election Practices

The **Commission on Governmental Ethics and Election Practices**, 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 3: Maine Clean Election Act and Related Provisions - Increase of Seed Money to \$150,000, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

H.P. 1014 L.D. 1462

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

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

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

On motion by Senator **SULLIVAN** of York, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

Joint Resolutions

The following Joint Resolution:

H.P. 1009

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO AMEND THE FEDERAL ORDER SYSTEM TO ENSURE THAT MAINE DAIRY FARMERS WILL RECEIVE A SUSTAINABLE PRICE FOR THEIR MILK

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

WHEREAS, the Maine dairy industry retains its ability to provide for the beverage milk consumption requirements of the people of the State, with more than sufficient in-state milk production and in-state processing capacity; and

WHEREAS, one of the lessons of 9/11, and an enduring lesson of increased energy costs, is an awareness of the importance of the security of and the availability of access to a reliable local supply of fresh staple food and food products and having access to that local supply is also now a consumer preference; and

WHEREAS, maintaining a viable Maine dairy industry is in the State's broader economic interest, as the industry comprises the State's largest agricultural sector and is among the State's top employers, contributing \$57,000,000 to the State's economy and providing 4,000 jobs with a direct payroll of \$150,000,000 each year; and

WHEREAS, the State's 330 family-run dairy farms maintain stewardship over 700,000 acres of land and are of pivotal importance to the State's largest industry, tourism, and have a broad impact on every county and community throughout the State; and

WHEREAS, in recognition of the health, economic and social importance of the nation's dairy industry and the importance of maintaining stable supplies of locally produced fresh milk, a long-standing federal regulatory program has been in place for the express purpose of setting minimum producer prices sufficient to ensure adequate supplies of fresh milk for each of the regional population centers of the country; and

WHEREAS, the Federal Government has further supported the availability of locally produced and supplied fresh milk and dairy products through a series of food nutrition programs, including the Women, Infants and Children Special Supplemental Nutrition Program of the United States Child Nutrition Act of 1966; and

WHEREAS, recent operation of the federal milk pricing program largely ignores the regional character of the nation's primary fluid milk markets, including the different regional costs of production that exist for the diverse dairy farmers who supply their local markets; and

WHEREAS, this deficient operation of the federal system is increasingly causing profound distress for the dairy industry, leading to the virtual decimation of the nation's southeastern local milk supply and causing distress to those rural economies and communities of the region dependent on the dairy industry; and

WHEREAS, similar to the disturbing negative trend that has taken place in the southeastern United States, New England has experienced a loss of 75% of its dairy farms since 1980 and almost a 50% reduction in milk production in Massachusetts and Connecticut since 1995, so that Massachusetts and Connecticut are almost completely dependent on the dwindling numbers of neighboring producers for their supplies of raw milk; and

WHEREAS, the developing dependence of the southern New England states on out-of-state producers for their raw milk supplies raises a warning for other states in the region; and

WHEREAS, recognizing the broad and substantial threat to the public interest caused by the failure of the national program, the State in 2003 created a dairy stabilization subsidy for the Maine Milk Pool to ensure the continued viability of the State's dairy industry, with all its attendant benefits; and

WHEREAS, this program has largely replaced the federal program to set minimum producer prices sufficient to provide a livable wage for the State's dairy farmers and thereby ensure an adequate supply of locally produced milk for the State's citizenry for the long term, including those served by operation of supplemental nutrition programs; and

WHEREAS, the administration of this state program comes at a great expense to the State, even prior to the current profound economic distress; and

WHEREAS, given the enduring regional character of the nation's beverage milk industry, the Federal Government should not abdicate its responsibility to sustain the continued viability of dairy farming across all the regions of the United States to ensure consumers of adequate, local supplies of pure and wholesome milk, including local supplies of milk necessary for effective operation of the nation's supplemental food nutrition programs; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress consider the unique success of the state program to ensure the continued viability of the State's dairy industry against the increasingly defective operation of the federal milk pricing program; and be it further

RESOLVED: That We urge and petition the United States Congress to take all action necessary to accomplish comprehensive reform of the federal milk market system, to restore that program's function of ensuring the sustainability of regional dairy farming across the United States and the ability of local dairy farmers to provide their neighbor consumers with adequate supplies of pure and wholesome milk and their further ability long term to provide the supplies of fresh milk necessary for effective operation of the nation's supplemental food nutrition programs; 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, to each Member of the United States Congress who sits as chair on the United States Senate Committee on Agriculture, Nutrition and Forestry and on

the United States House of Representatives Committee on Agriculture, to the United States Secretary of Agriculture and to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

The following Joint Resolution:

H.P. 1010

JOINT RESOLUTION RECOGNIZING MAY 2009 AS LYME DISEASE AWARENESS MONTH IN THE STATE

WHEREAS, the health and well-being of the citizens of the State are of paramount importance and Lyme disease is a common but frequently misunderstood illness that, if not caught early and treated properly, can cause serious health problems; and

WHEREAS, according to the federal Centers for Disease Control and Prevention, Lyme disease was identified and named in 1977, when arthritis was observed in a cluster of children in and around Lyme, Connecticut and the Council of State and Territorial Epidemiologists designated Lyme disease as a nationally notifiable disease in January 1991; and

WHEREAS, Lyme disease is the most common vector-borne disease in the United States and is caused by the spirochete *Borrelia burgdorferi*, which is usually transmitted by the bite of a tick. Children 5 to 9 years of age and adults in their 50s and 60s comprise the age groups at the highest risk; and

WHEREAS, Lyme disease early on can cause rash and flu-like symptoms such as fever, muscle aches, headaches and fatigue but can be treated with antibiotics if caught early. Unfortunately the disease often goes undetected because it mimics other illnesses or may be misdiagnosed; and

WHEREAS, if left untreated, Lyme disease can lead to severe heart, neurological, eye and joint problems because the bacteria can affect many different organs and organ systems; and

WHEREAS, the best protection against Lyme disease is to wear light-colored clothing, with pants tucked into socks when outdoors, and to check oneself carefully for ticks when going back inside; and

WHEREAS, during 2007, a total of 27,444 cases of Lyme disease were reported in the United States, a 32% increase over the previous year. The Centers for Disease Control and Prevention indicates that the actual number of cases of Lyme disease that meet its criteria is 10 times the amount reported, bringing the actual number of cases that meet the center's criteria to 274,440 for 2007; and

WHEREAS, during 2007, there were a total of 529 cases of Lyme disease reported in the State, a 57% increase over the 338 cases reported in 2006, and 860 cases were reported in the State in 2008, a 62% increase over 2007. Since the Centers for

Disease Control and Prevention indicates that the number of actual cases in the country is 10 times the amount reported, the actual number of cases in the State may be far greater; and

WHEREAS, Lyme disease accounts for 95% of all vector-borne infections in the United States and the ticks that spread Lyme disease also spread other diseases, such as ehrlichiosis, anaplasmosis and babesiosis, and the presence of other tick-borne diseases clouds the diagnostic and treatment picture; and

WHEREAS, having a Lyme Disease Awareness Month provides an opportunity to focus on this significant and complex disease; to provide information on and raise public awareness of its causes, effects and treatments; and to underscore important education and research efforts surrounding Lyme and tick-borne diseases; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the First Regular Session, on behalf of the people we represent, recognize that May of 2009 is Lyme Disease Awareness Month in order to make our citizens more aware of this prevalent disease; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable John E. Baldacci, Governor of the State of Maine and to the Department of Health and Human Services.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 240

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

April 8, 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 Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 247 Resolve, Directing the Commissioner of Conservation To Report on the Status of the Working Group on the Acquisition of Land for Multiple Uses (EMERGENCY)

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. 241

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

April 13, 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 Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 893 Resolve, To Promote the Use of Alternative Fiber

L.D. 988 An Act To Increase the Penalty for Keeping a Dangerous Dog That Harms a Domesticated Animal

We have also notified the sponsors and cosponsors of each bill listed 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. 232

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

April 8, 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 Business, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 519 An Act To Expand the Diagnostic Function of Denturists
- L.D. 937 An Act To License Septic System Installers

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

S/Sen. Elizabeth M. Schneider
Senate Chair

S/Rep. Nancy E. Smith
House Chair

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

The Following Communication: S.C. 233

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

April 8, 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 Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 158 An Act To Allow an Alternative Organizational Structure To Act as a Fiscal Agent for Each Member or Municipality in That Alternative Organizational Structure
- L.D. 159 An Act To Provide an Administrative Structure for a School Administrative Unit That Does Not Join a Regional School Unit or an Alternative Organizational Structure
- L.D. 174 An Act Regarding School Consolidation (EMERGENCY)
- L.D. 189 An Act To Exempt School Union No. 60 from the Laws Requiring School Administrative Unit Consolidation (EMERGENCY)
- L.D. 248 An Act To Transfer Authority for School Food Service Programs to the Department of Agriculture, Food and Rural Resources
- L.D. 475 An Act Regarding the Reorganization of Regional School Units and Allowing a Municipality To Opt Out of an Existing School Structure
- L.D. 571 An Act To Protect College Students from Predatory Marketing and Lending Practices
- L.D. 750 An Act To Exempt Certain Municipalities from the Requirement To Hold Referenda on School Budgets
- L.D. 778 An Act To Exempt Certain Isolated Rural Communities from the Minimum Student Enrollment Requirements in the Laws Governing the Reorganization of School Administrative Units (EMERGENCY)
- L.D. 1287 An Act To Amend the Laws Governing Consolidation of School Administrative Units To Eliminate Penalties, Establish Incentives and Allow Alternative Voting Procedures for Budgets (EMERGENCY)
- L.D. 1319 An Act To Provide Collective Bargaining Protections for Alternative Organizational Structure Employees

We have also notified the sponsors and cosponsors of each bill listed 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. 242

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

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

- L.D. 817 An Act Concerning Teacher Salaries
- L.D. 864 An Act To Provide for the Certification of Teachers in a Critical Teacher Shortage Area
- L.D. 933 An Act To Prohibit Cyberbullying

We have also notified the sponsors and cosponsors of each bill listed 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. 243

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

April 10, 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. 600 Resolve, To Encourage Physicians To Administer the Injectable Painkiller Toradol in Lieu of Other Opioids
- L.D. 854 Resolve, Directing the Department of Health and Human Services To Create a New Health Care Internet Infrastructure
- L.D. 941 Resolve, To Assist Families with Substance Abuse Issues
- L.D. 1024 Resolve, To Establish the Commission To Examine Restructuring the Management of the Institutional Long-term Care Delivery System (EMERGENCY)
- L.D. 1057 An Act To Require Hospitals To Make Publicly Available the Cost of Medical Procedures
- L.D. 1086 Resolve, Directing the Department of Health and Human Services To Implement an Oral Health Capitated Care System for Children Covered by MaineCare and the Children's Health Insurance Program
- L.D. 1153 An Act To Require the Department of Health and Human Services To Procure an Equal Supply of Vaccine from Each Manufacturer of That Vaccine under 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. 234

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

April 8, 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 Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 164 An Act To Save Lives on Maine Waters
- L.D. 402 An Act To Maintain and Improve ATV Trail Access
- L.D. 720 An Act To Permit the Commercial Harvesting of Illegal and Nuisance Fish Species
- L.D. 930 Resolve, To Complete an All-terrain Vehicle Trail through Pittston Farm

We have also notified the sponsors and cosponsors of each bill listed 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. 244

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

April 13, 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 Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 719 An Act To Allow Nonresidents under 14 Years of Age To Fish without a License
- L.D. 800 Resolve, To Establish a Landlocked Salmon Enhancement Pilot Project
- L.D. 927 An Act To Establish and Enhance Populations of Large Landlocked Salmon in Certain Inland Waters

We have also notified the sponsors and cosponsors of each bill listed 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. 245

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

April 10, 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 Insurance and Financial Services has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 255 An Act To Allow Persons Licensed for the Practice of Manicuring To Provide Treatment for Diabetics

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

Sincerely,

S/Sen. Peter B. Bowman
Senate Chair

S/Rep. Sharon Anglin Treat
House Chair

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

The Following Communication: S.C. 246

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

April 8, 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 bills out "Ought Not to Pass":

L.D. 487 An Act To Increase Judicial Salaries
(EMERGENCY)

L.D. 491 An Act To Reform Maine's Judicial System

We have also notified the sponsors and cosponsors of each bill listed 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. 235

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

April 10, 2009

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

Dear President Mitchell and Speaker Pingree,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Sen. Marrache of Kennebec, to report the following bill Leave to Withdraw:

L.D. 987 An Act To Clarify the Definition of "Employee"
in the Employment Security Law

Sincerely,

S/Sen. Troy D. Jackson
Senate Chair

S/Rep. John L. Tuttle, Jr.
House Chair

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

The Following Communication: S.C. 247

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

April 10, 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 Labor has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 617 An Act To Amend the Maine Workers'
Compensation Act of 1992 To Remove
Independent Medical Examiners

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

Sincerely,

S/Sen. Troy D. Jackson
Senate Chair

S/Rep. John L. Tuttle, Jr.
House Chair

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

The Following Communication: S.C. 248

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

April 10, 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. 512 An Act to Facilitate Voting by Maine Residents in the Military Who Are Deployed Overseas
- L.D. 772 An Act To Increase Eligibility Requirements under the Maine Clean Election Act
- L.D. 805 An Act To Change Current Limits on Commercial Harness Racing Tracks
- L.D. 1189 An Act To Simplify and Improve the Maine Clean Election Laws
- L.D. 1249 An Act To Raise the Campaign Contribution Limit
- L.D. 1250 An Act To Amend the Maine Clean Election Act Relating to Seed Money

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. 249

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

April 13, 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 Natural Resources has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1017 Resolve, To Improve Recycling in Maine

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

Sincerely,

S/Sen. Seth A. Goodall
Senate Chair

S/Rep. Robert S. Duchesne
House Chair

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

The Following Communication: S.C. 250

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

April 9, 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 State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 434 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Reduction in the Size of the Legislature

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

Sincerely,

S/Sen. Deborah L. Simpson
Senate Chair

S/Rep. Stephen R. Beaudette
House Chair

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

The Following Communication: S.C. 236

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

April 8, 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 bills out "Ought Not to Pass":

- L.D. 72 An Act Regarding the Tax on Fuel Used for Commercial Agriculture, Fishing and Forestry
- L.D. 342 An Act To Exempt Annuities from Taxation
- L.D. 406 An Act To Allow a Retailer To Offer To Pay Sales Tax on Items and Services Sold by That Retailer

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.**

The Following Communication: S.C. 237

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

April 9, 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 bills out "Ought Not to Pass":

- L.D. 1033 An Act To Provide a Tax Credit for the Purchase of Small Wind Power Generators
- L.D. 1082 An Act To Create an Income Tax Credit for Certain Renewable Energy Systems

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.**

The Following Communication: S.C. 238

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

April 10, 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 bills out "Ought Not to Pass":

- L.D. 360 An Act To Notify a Lienholder before Property Is Withdrawn from Assessment under the Maine Tree Growth Tax Law
- L.D. 553 An Act To Amend the Laws Governing Abatement of Property Taxes Due to Infirmary or Poverty
- L.D. 769 An Act To Amend the Laws Governing Income Tax To Allow an Age-based Write-off of Capital Losses

Sincerely,
 S/Sen. Dennis S. Damon
 Senate Chair
 S/Rep. Edward J. Mazurek
 House Chair

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

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.**

The Following Communication: S.C. 251

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

April 10, 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 bills out "Ought Not to Pass":

- L.D. 343 An Act To Establish a Specialty License Plate To Increase Funding for Autism Programs
- L.D. 485 An Act To Allow Public-private Investment in Transportation Infrastructure Projects
- L.D. 542 An Act Pertaining to the TransCap Trust Fund in the Maine Municipal Bond Bank
- L.D. 707 An Act To Settle a Dispute between Andrea LaPointe and Michael Barden and the State

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

The Following Communication: S.C. 239

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

April 8, 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 bills out "Ought Not to Pass":

- L.D. 435 Resolve, Directing the Department of Transportation To Install a Traffic Light at an Intersection in Sabattus
- L.D. 873 An Act To Improve Wheelchair-dependent Parking Access

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-59)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-59)**.

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

READ ONCE.

Committee Amendment "A" (H-59) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Regarding the Placement of Bait To Attract Wild Animals or Birds for Hunting"

H.P. 117 L.D. 138

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-60)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-60)**.

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

READ ONCE.

Committee Amendment "A" (H-60) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Allow Military Reenlistees To Obtain a Veterans Registration Plate"

H.P. 178 L.D. 213

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-66)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-66)**.

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

READ ONCE.

Committee Amendment "A" (H-66) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Resolve, Regarding Legislative Review of Portions of Chapter 313: Net Energy Billing Rule To Allow Shared Ownership, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 272 L.D. 336

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-63)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-63)**.

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

READ ONCE.

Committee Amendment "A" (H-63) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Promote Telecommunications Availability for the Deaf and Hard of Hearing"

H.P. 525 L.D. 766

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-65)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-65)**.

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

READ ONCE.

Committee Amendment "A" (H-65) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Ensure Local Broadband Coverage"

H.P. 585 L.D. 850

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-64).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-64).**

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

READ ONCE.

Committee Amendment "A" (H-64) **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 Reduce Misuse of Woodlands by the Public"

H.P. 370 L.D. 525

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-62).**

Signed:

Senator:
TRAHAN of Lincoln

Representatives:
EBERLE of South Portland
CLARK of Millinocket
BRIGGS of Mexico
SHAW of Standish
McLEOD of Lee
SARTY of Denmark
SAVIELLO of Wilton
CRAFTS of Lisbon

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

Signed:

Senators:
BRYANT of Oxford
JACKSON of Aroostook

Representative:
WHEELER of Kittery

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-62).**

Reports **READ.**

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Establish a Process for the Determination of a Reasonable Price in the Use of Eminent Domain by the Maine Turnpike Authority"

H.P. 293 L.D. 386

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
THERIAULT of Madawaska
HARLOW of Portland
CAREY of Lewiston
BROWNE of Vassalboro
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-67).**

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 **BARTLETT** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Senate

Ought to Pass As Amended

Senator GOOLEY for the Committee on **TRANSPORTATION** on Resolve, Directing the Department of Transportation To Request Federal Funding for the Extension and Completion of Interstate 95 (EMERGENCY)

S.P. 283 L.D. 736

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-60)**.

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

READ ONCE.

Committee Amendment "A" (S-60) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Eliminate Schools' Responsibility for Transportation of Preschool Students"

S.P. 128 L.D. 364

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

Signed:

Senator:

ALFOND of Cumberland

Representatives:

SUTHERLAND of Chapman
WAGNER of Lewiston
LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-61)**.

Signed:

Senator:

WESTON of Waldo

Representatives:

FINCH of Fairfield
CASAVANT of Biddeford
RICHARDSON of Carmel
JOHNSON of Greenville

Reports **READ**.

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

SECOND READERS

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

House

Resolve, To Ensure All Children Covered by MaineCare Receive Early and Periodic Screening, Diagnosis and Treatment Services
H.P. 439 L.D. 625

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

House As Amended

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

H.P. 85 L.D. 101
(C "A" H-55)

Bill "An Act To Streamline and Clarify Laws Pertaining to the Civil and Criminal Possession of Marijuana"

H.P. 196 L.D. 250
(C "A" H-42)

Resolve, Regarding Legislative Review of Portions of Chapter 2: Administration of Trust, Budgeting, Project Selection Criteria and Procedures, Monitoring and Evaluation Requirements, a Major Substantive Rule of the Energy and Carbon Savings Trust (EMERGENCY)

H.P. 271 L.D. 335
(C "A" H-57)

Bill "An Act To Waive Public Utilities Commission Approval of Special Contracts When the Contracts Apply to Detariffed Rates or Terms"

H.P. 541 L.D. 790
(C "A" H-58)

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

Senate

Bill "An Act To Ensure Continued Access to Emergency Information in the State by Allowing Governments To Build Federally Licensed Television Translators"

S.P. 480 L.D. 1334

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

Sent down for concurrence.

Senate As Amended

Bill "An Act To Clarify Guaranteed Fund Protection for Deferred Compensation Accounts"

S.P. 132 L.D. 390
(C "A" S-58)

Bill "An Act To Implement the Recommendations of the Blue Ribbon Commission To Study Long-term Home-based and Community-based Care" (EMERGENCY)

S.P. 142 L.D. 400
(C "A" S-57)

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

S.P. 179 L.D. 476
(C "A" S-56)

Bill "An Act To Provide Reimbursement in the MaineCare Program for Board-certified Behavior Analysts"

S.P. 226 L.D. 611
(C "A" S-55)

Bill "An Act To Strengthen the Board of the Maine Insurance Guaranty Association"

S.P. 231 L.D. 616
(C "A" S-59)

Bill "An Act To Amend the Charter of the Tenants Harbor Standard Water District" (EMERGENCY)

S.P. 331 L.D. 883
(C "A" S-53)

Bill "An Act To Provide for the 2009 and 2010 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)

S.P. 378 L.D. 1014
(C "A" S-54)

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 To Clarify the Election of Municipal Charter Commission Members

H.P. 29 L.D. 34
(C "A" H-17)

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.

Emergency Measure

An Act To Make Technical Corrections to the Operating Under the Influence Laws

S.P. 66 L.D. 180
(C "A" S-24)

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.

Emergency Measure

An Act To Support Maine State Parks

H.P. 400 L.D. 562
(C "A" H-30)

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.

Emergency Measure

An Act To Amend the Charter of the Winterport Water District

H.P. 656 L.D. 953

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.

Emergency Resolve

Resolve, Directing the Department of Professional and Financial Regulation To Amend Its Rules Governing Pastoral Counselors

H.P. 7 L.D. 12
(C "A" H-22)

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.

Acts

| | |
|---|--|
| An Act To Change the Coyote Night Hunting Season H.P. 47 L.D. 54 (C "A" H-29) | An Act To Allow a Cosmetologist, Barber, Manicurist or Aesthetician Licensee To Perform Services outside of the Primary Business Location H.P. 149 L.D. 184 (C "A" H-37) |
| An Act To Increase the Ability of the Maine Wage Assurance Fund To Pay Unpaid Workers S.P. 24 L.D. 65 (C "A" S-16) | An Act To Amend the Charter of the Caribou Utilities District H.P. 165 L.D. 200 (C "A" H-34) |
| An Act To Ensure Fair Pay S.P. 33 L.D. 84 (C "A" S-18) | An Act Regarding Consumer-owned Water Utilities and Contracts for Large-scale Extraction and Transportation of Water H.P. 192 L.D. 238 (C "A" H-35) |
| An Act To Authorize the State Board of Nursing To Request Mental and Physical Examinations and To Establish a Nurse Health Program H.P. 78 L.D. 94 (C "A" H-20) | An Act Regarding the Requirement That the Treatment of a Gunshot Wound Be Reported H.P. 222 L.D. 282 (C "A" H-19) |
| An Act Regarding Assistance to Low-income Customers of Gas Utilities S.P. 43 L.D. 120 (C "A" S-23) | An Act To Ensure That Medical Equipment Found in a Repossessed Vehicle Is Returned to the Owner H.P. 237 L.D. 297 (C "A" H-26) |
| An Act To Prohibit Telephone Charges Not Representing Services or Fees Requested by the Customer or Authorized by the Government H.P. 111 L.D. 127 (C "A" H-32) | An Act To Require School Bus Drivers and School Bus Attendants To Report Suspected Child Abuse H.P. 315 L.D. 427 |
| An Act To Facilitate the Protection of Electric Utility Consumer Interests in Public Utility Commission Cases Involving the Construction, Rebuilding or Relocating of Transmission Lines H.P. 126 L.D. 147 (C "A" H-23) | An Act To Include Trucks in the Definition of "Low-speed Vehicle" H.P. 324 L.D. 436 (C "A" H-24) |
| An Act Relating to Autocycles H.P. 131 L.D. 152 (C "A" H-25) | An Act To Require a Person under 18 Years of Age To Wear a Helmet While on a Motorcycle H.P. 325 L.D. 437 |
| An Act To Protect Consumers from the Unlicensed Practice of a Trade or Profession H.P. 135 L.D. 156 | An Act To Clarify the Law Regarding Reinstatement of a Driver's License H.P. 339 L.D. 451 (C "A" H-38) |
| An Act To Clarify Child Abuse and Neglect Information Disclosure H.P. 141 L.D. 162 | An Act To Amend the Laws Relating to Corporations, Limited Liability Companies and Limited Liability Partnerships S.P. 203 L.D. 508 |
| | An Act To Rename Certain Unorganized Townships in Washington County S.P. 234 L.D. 619 (C "A" S-26) |
| | 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 |
| | An Act To Clarify That the Assessor and Treasurer Are Incompatible Municipal Offices S.P. 286 L.D. 739 (C "A" S-27) |

An Act To Amend the Charter of the Milo Water District
S.P. 373 L.D. 994

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 Increase the Percentage of Retired Teachers' Health Insurance Paid by the State
S.P. 32 L.D. 83
(C "A" S-17)

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

An Act Regarding Violations of Lobster Conservation Laws
S.P. 87 L.D. 246
(C "A" S-20)

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

Resolves

Resolve, To Facilitate the Creation of a Memorial for the Families and Friends of Children Who Have Died by Violence
H.P. 102 L.D. 117
(C "A" H-16)

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located at 17 School Street in Benedicta, Aroostook County
H.P. 337 L.D. 449
(C "A" H-18)

Resolve, To Designate the Great South Bridge in the Town of Milbridge as the Harold West Bridge
H.P. 579 L.D. 843

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

Resolve, To Evaluate Climate Change Adaptation Options for the State
S.P. 163 L.D. 460

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in concurrence.

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 (4/7/09) Assigned matter:

SENATE REPORTS - from the Committee on **NATURAL RESOURCES** on Bill "An Act To Promote Clean Waters in the State"

S.P. 79 L.D. 229

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-34)** (1 member)

Tabled - April 7, 2009, by Senator **GOODALL** of Sagadahoc

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, April 7, 2009, Reports **READ**.)

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

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **GOODALL** of Sagadahoc to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

The Chair laid before the Senate the following Tabled and Later (4/9/09) Assigned matter:

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Pertaining to the Possession of Animal Fighting Paraphernalia"

H.P. 151 L.D. 186

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-44)** (3 members)

Tabled - April 9, 2009, by Senator **NUTTING** of Androscoggin

Pending - motion by Senator **GERZOFKY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, April 8, 2009, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 9, 2009, Reports **READ**.)

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

Senator **NUTTING:** Thank you, Madame President. Ladies and gentlemen of the Senate, I rise today as one of the signers of the Minority Ought to Pass Report on this bill and to ask you to please not support the pending motion. Animal fighting does occur in Maine, sadly. Ann Jordan, the Commissioner of Public Safety, had this bill brought forward this session. This bill is also supported by the Animal Welfare Department in the Department of Agriculture. I will be the first to admit that the original version of this bill was way too broad, frankly. If you had vitamins for your animals and owned a treadmill you were going to be guilty of having animal fighting paraphernalia. The committee members let the folks know that. Currently the animal welfare program is investigating a complaint of animal fighting in Maine right now. In Lewiston, two years ago, there were two animals that were found that the Animal Welfare Department felt were killed from animal fighting. It is a concern to me that some folks are asking you to support the motion, Ought Not to Pass, and then e-mailing an original version of the bill, which is not before us. We're dealing H-44 here. I just want to read some specific examples from this amendment.

THE PRESIDENT: The Chair would remind the Senator that the pending question is acceptance of the Majority Ought Not to Pass Report. The amendment is not before us at this point. If you could just confine your remarks to why it is inappropriate, in your opinion, to accept the Majority Ought Not to Pass Report. If you are successful then we can go into all the details of the amendment.

Senator **NUTTING:** Thank you, Madame President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **NUTTING:** Thank you, Madame President. How do I make a point about what is in the Minority Report to ask people to support my position?

THE PRESIDENT: You can speak to why this report does not address the problems presented and if you are successful in your quest to defeat this motion then you will be able to explain to people why a second alternative is preferable. Then if people disagree with you at that point they can go back to the other point. At this point you need to speak very strongly as to why you oppose this report.

Senator **NUTTING:** Thank you, Madame President. To me, if you own and possess things like a breaking stick, a cat mill, a spring pole, or certain items that are just used to break one dog's hold on something else. A cat mill, which doesn't allow the dog to ever reach what they are trying to get. A weighted or unweighted chain collar that weighs the animal down. A fighting pit. Those are the specific types of things that Commissioner Jordan and Norma Worley from the Animal Welfare Department of the

Department of Agriculture feel should be clearly against the law because they are used for one purpose, and one purpose alone; to train animals for fighting. It's almost ironic that we are debating this bill today. One of the groups that has hired a lobbyist to lobby against this bill is the Maine Federation of Dog Clubs. This afternoon, in our committee, we are hearing five bills on animal welfare. One of the most contentious issues we'll be dealing with this afternoon is whether or not the Maine Department of Agriculture's Animal Welfare Division can even go onto a Maine Dog Club breeding facility and inspect it. Right now they can't. The Maine dog clubs, Maine kennel clubs, have always been very insistent that they do not want anybody from the State of Maine ever to inspect them. In the last year and a half we've had five puppy mill seizures that have been in the news. Every one of those seizures came from a kennel club member. It's of great concern to me that these various groups have hired a lobbyist to defeat this bill. To me, I'm very concerned that these items may be at some of these businesses. As I said earlier, the State is now investigating a complaint of animal fighting in the state of Maine right today. You have seen the results and read in the news last year when a very prominent member of a football team in the National Football League, who is now serving a sentence, was accused of animal fighting. It is estimated that it goes on, unfortunately, in every state in the country. To me, just to say that it's not a problem in Maine and to support the pending motion is very, very wrong. Commissioner Ann Jordan was the former chair of the Animal Welfare Advisory Commission. She knew these issues very well prior to her becoming commissioner of Public Safety. I would ask you to oppose the pending motion so we can, hopefully, go on and adopt a very specifically worded amendment. Thank you.

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

Senator **GERZOFSKY:** Thank you, Madame President. Ladies and gentlemen of the Senate, this is a tough bill to get up and debate because of the title of the bill, but when I look in my book of criminal justice and laws and see what we already have for laws, if you put on a dog fight, and this bill isn't about dog fights, in the state of Maine you are going to spend the next three Super Bowls in jail if you are caught. If you just attend a dog fight in the state of Maine you're going to spend the next two birthdays in jail. This bill isn't about dog fighting, but they want to turn it into a bill about dog fighting. We have some of the strongest laws in the country on dog fighting or viewing dog fights. I've been showing dogs, training dogs, and have been an enthusiast and one of the leading proponents of animal rights in the state of Maine for many years. I have earned degrees in AKC dog show competition, in obedience, and in confirmation. When I saw this bill come across our desk in committee I looked at it very seriously. The good Senator is absolutely right, the original bill was full of holes, but the amendment wasn't a lot better. My committee looked at this, and you understand this is a 10 - 3 committee report Ought Not to Pass. The other Body voted 122 Ought Not to Pass. This bill doesn't do what anybody wants it to do. If you want to protect dogs in the state of Maine you do that by putting money into animal control officers. My constituent, Kathy Wilson, is a professional dog groomer and a dog show handler who has competed in Westminster and has won several championships with her dogs. She's sitting right here in the back of the Chamber today. She came up to me and said, 'Please, Senator, don't allow

Maine to make me a criminal or to make any of the other dog groomers, dog trainers, people that are professional dog handlers that compete in AKC shows all around New England. Don't make them into criminals.' We want to pass a law that might sound good. When I heard the term bite stick today I thought that was very telling in where the original bill was going. A dog's bite stick is about the size of my pinky. Very small. You use it to put behind a dog's molars, wiggle it a little bit, to break the grip on the tennis ball that you are training them to retrieve or the dog toy that you are training them to retrieve with. Dog sporting groups have sent a letter out in total support that this bill is not necessary. You put a break stick in a dog's mouth that is in a dog fight and you are going to pull your hand back looking similar to this. That's a dog bite, that's not a prop, that's real. That's exactly what is going to happen to you when you pull that stick back. You use that stick to break their bite on a toy, not on another dog. That's common sense. This bill came out of committee 10 - 3 Ought Not to Pass for a reason. It's because the committee, through long deliberation and plenty of understanding, listened to the proponents and opponents speak. Nobody from the Department of Agriculture came to speak that day. They might have been sitting in the audience but they didn't open their mouths. They didn't stand up and speak, but the opponents of this bill did. They were the same constituents that we all have in our districts. They are the people that groom our dogs. They are the people that take care of our animals. They are the people that cherish our four-legged furry little friends. Our companions. They train them and show them. Those are the people. This is not a bill that needs to pass in this Body. This is not a puppy mill bill. These are people that earn a living and that care more about their animals, in many cases, then they care about themselves. They go to a great extent at trying to manage these animals in the best way they can. They are their charges. I would hope that the Senate will follow the committee's vote and vote this, just like we did in committee 10 - 3, Ought Not to Pass. Please follow my light. Thank you very much, Madame President.

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

Senator **DAVIS:** Thank you, Madame President. Men and women of the Senate, I hope that we will defeat the motion of the Majority Report and go on to the Minority Report. It was a very difficult bill. The Minority Report basically changes the bill and narrows it down. Thank you.

The Chair ordered a Division.

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

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **GERZOFSKY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence. (Roll Call Ordered)

Off Record Remarks

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 Provide Equitable Property Tax Relief To Maintain Traditional Communities"

H.P. 1015 L.D. 1463

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.

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

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

Senator **PLOWMAN:** Thank you, Madame President. As you all know, today's April 15th. You should have your tax return stamped and headed there before midnight. April 13th was Tax Freedom Day, which meant you worked until April 13th to make sure that you had enough money to send today. I just wanted to give you a little background. Since 1968, Tax Freedom Day has never varied more than three weeks. This week is actually a couple of weeks early because of the stimulus package and some tax changes that happened last year. We've pretty much stayed on schedule, within a three week period depending on the tax policies. I just would like to advise you that next year Tax Freedom Day will be 46 days later and will fall on May 29th. You'll be working a little longer next year. Thank you.

Senator **BARTLETT** of Cumberland 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.

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **NATURAL RESOURCES** on Bill "An Act To Promote Clean Waters in the State"

S.P. 79 L.D. 229

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-34)** (1 member)

Tabled - April 15, 2009, by Senator **BARTLETT** of Cumberland

Pending - motion by Senator **GOODALL** of Sagadahoc to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, April 7, 2009, Reports **READ**.)

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

Senator **NUTTING:** Thank you, Madame President. Ladies and gentlemen of the Senate, I rise this morning to urge you not to support the pending motion of Ought Not to Pass. I've handed out to you the combined sewer overflow report from 2008 that was just available late last week from the Department of Environmental Protection. Unfortunately, our combined sewer overflow last year totaled 2.4 billion gallons of untreated sewerage discharged into our rivers and our oceans, just the same level it was in 2002. At the bill's public hearing clam diggers from all over Maine came and pointed out the fact that we have more acres of clam flats closed today than in any time in the last ten years. We're going the wrong way. Look at the number of our beaches on the coast that are closed in the summer due to bacterial contamination. Again, every year we have more and more beaches that are closed due to bacterial levels too high for safe swimming. I'm very pleased to have sponsored the color, odor and foam bill in 1988 and dioxin in 1998 and phosphorous in 2002. Those were contentious bills and, with the help of many legislators and groups, we were able to get those bills passed. With combined sewer overflow I've come up against a proverbial brick wall, I guess, so far. I think the argument is that we can't force a municipality to clean up their sewer overflows by separating their storm pipes from their sewer pipes, that is really what has to happen. We can't force them to do that unless they want to on their own.

If you look at page 2 of my handout, it breaks it down city by city. On page 3 it's where the 2.41 billion gallons comes from. These combined sewer overflows are adversely effecting our economy. Our tourism economy. Our seafood industry. I've worked on this now three years and every year the DEP has given the Natural Resources Committee this same type of handout. From the second sheet I handed out to you, you will see that most municipalities have made great progress here. Unfortunately, we've got five or six that haven't. If you go back to the second handout you will see that Portland is the highest discharger in the state. Right next to them, South Portland, has finished their work. They have done a fabulous job. Biddeford has a lot of discharge. Right next to that, Saco, has finished their work. You can see that, from page 4, this year Bangor will finish their work, yet Brewer has a long, long way to go. There are huge differences between cities that border each other. What was telling to me about the forth page here, where it starts with 'Maine Combined Sewer Overflow CSO Update', you will see in the second column a long term control plan abatement completion date. The DEP properly did focus with the Natural Resources Committee on Auburn, Bangor, Biddeford, Brewer, Lewiston, Lewiston/Auburn, the Waterford Pollution Control Authority, and Portland. They have completion dates written there. Ladies and gentlemen of the Senate, if you look at last year's sheet for Lewiston/Auburn, for instance, their completion date was 2013. This year it is 2014. Next year I'll bet it's going to be 2015. Some of these cities, unfortunately, are going to be adversely effecting our tourism and our shellfish industries, I'm afraid, for 20 to 25 more years while other municipalities of equal size have finished their work. They have decided they are going to clean up their discharge.

My disagreement with the Majority Report boils down to one thing. The Majority Report says we shouldn't proceed with this any faster than the bond money becomes available. Yes, there is bond money coming from the stimulus package and hopefully some from the State as well to help municipalities with this. My point in this issue is that we've had several cities on this list, on page 4 of the worst polluters, that have spent millions and millions of their own money in the last few years developing entertainment complexes. They have the money to spend. Portland just announced last month that they are going to spend up to \$50 million of their own money developing the pier. My point is that I believe we need to say to those municipalities that if they have money to spend then they should clean up their sewer discharge first before they develop even more. Let's face it, if they develop even more of their downtown and more hotels, and they haven't fixed, expanded, and separated their storm and sewer pipes, all they are going to be doing is expanding and increasing the discharge of sewerage into our rivers and our oceans. Joe Payne, from the Portland Clean Harbors Group, has come to some of my public hearings in the past on this issue. He always tells the committee and myself the story of when he had the EPA Region 1 Administrator from Boston up with him one day. It had been raining all day. He took that individual from Boston to a restaurant, that's actually on a boat on the coast of Portland, that evening at 5 o'clock for supper. He did so on purpose because he knew around 6 o'clock at night, because it had been raining all day, the stench would be so bad when the sewerage started flowing that everyone in the restaurant would have to clear out. That's exactly what happened.

This bill of mine, which I have no illusions that it is going to pass but I felt strongly that I needed to make this statement and

ask for a division, says that if you don't clean up your sewerage in five years you are going to start losing your revenue sharing. I based that very bold proposal on the fact that I've seen a lot of these cities on page 4 of this handout demonstrate that they have millions and millions of dollars to spend on what they want to spend it on. My point is, if you've got that amount of money the DEP should be telling these municipalities to clean up their sewerage first and then do more development. Thank you.

Same Senator requested a Division.

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

Senator **GOODALL:** Thank you, Madame President. Men and women of the Senate, I rise today with great hesitation to speak against the good Senator from Androscoggin, Senator Nutting. I cannot speak for the entire committee, however I know that many members of the committee did not like voting against this bill, An Act to Promote Clean Waters in the State. However, the Senator from Androscoggin, Senator Nutting, has done great deeds for our state by really putting a line in the sand in terms of improving water quality, but the consequences to municipalities and property taxpayers, as well as the ratepayers, after January 1, 2013 could be dire. The good Senator makes a very strong argument. We do have to prioritize our projects throughout Maine and within municipalities so that we get a handle on CSO overflows. I would encourage you to vote with the pending motion. Truly, this matter comes down to funding. There is about a \$500 million need. The stimulus package only has \$30 million and currently there is a bond proposal for \$10 million. We need to do better and I hope we can. Once again, I say this with great hesitation because I hate to oppose the great efforts of the good Senator. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN:** Thank you, Madame President. Members of the Senate, I'd just like to stand and thank the sponsor of this bill. I spent most of my time this session trying to develop a bill that will be going to the Natural Resources Committee on Friday that deals with something very similar to this issue. Ladies and gentlemen of this chamber who haven't been paying attention to what's happening with the shellfish industry, the federal government has said if we don't clean up our flats, if we don't beef up our program in the Department of Marine Resources they are not going to allow us to sell our shellfish out of the state of Maine in the very near future. That will be a threat to a \$50 million industry. We may not be able to fix this problem in this bill, but there will be another day to fight. I believe in what the Senator is doing. I'm going to support him and his motion. I'm going to say to the Senate chamber that when it was acknowledged that we was actually discharging raw sewerage into our rivers and into our ocean I was astonished that we would allow this to happen in this day and age. I'll commit myself to the committee, to this chamber, to end this practice in my lifetime, hopefully. Hopefully in the next ten years. I am going to support the Senator. I think he's right on track and I think that this chamber really needs to focus on ending the problem. I think the committee is also committed to that effort.

At the request of Senator **NUTTING** of Androscoggin a Division was had. 16 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **GOODALL** of Sagadahoc to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED**, to Thursday, April 16, 2009, at 10:00 in the morning.