

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

In Senate Chamber
Tuesday
April 28, 2009

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

Prayer by Chaplain (Captain) Jacob A. Clement, Maine Army
National Guard.

CHAPLAIN CLEMENT: In a moment I'm going to pray a prayer
in my tradition. I am a Christian, which means I pray, I invoke, the
name of Christ. I understand that there may be some here that
this is not their tradition. I would invite you to pray silently in your
tradition as I pray aloud in mine. Let us pray.

Almighty God, You have made known Your authority and
delivered Your orders for the day in Your holy law. You have
ordained a government to be set up to make and enforce the
laws, to promote peace in the land, and thank You, oh Lord, for
this distinguished body of ladies and gentlemen in the Maine
State Senate. I pray that You would fill them with zeal for the
issues before them this day and with understanding and concern
for those who must live by the bills passed by this house and
signed into law by our Governor. May the Maine State Senate
serve You with pure, exemplary lives and thereby give those
whom they lead an ideal to follow. Give them wisdom to make
just laws, that Your people may live in peace and safety. Oh Lord
God of Hosts, we would be remiss if we forgot our soldiers and
airmen and their families this day. Stretch forth, we pray, Your
mighty arms to strengthen and protect the soldiers and airmen of
our Maine Army National Guard and Air National Guard. Support
them in the day of battle and, in the time of rest and peace, keep
them safe for all evil. Endue them with courage and loyalty and
grant that in all things they may serve and defend the Constitution
of the United States and the state of Maine without reproach. In
the name of our mighty God, Savior and King, amen.

Pledge of Allegiance led by Senator Richard A. Nass of York
County.

Reading of the Journal of Thursday, April 16, 2009.

Doctor of the day, Dr. Richard J. Leidinger, MD of Hope.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 264

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

April 15, 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 Inland Fisheries and Wildlife has had under consideration the
nomination of Stephen C. Philbrick of Oquossoc, for
reappointment to the Inland Fisheries and Wildlife Advisory
Council.

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

YEAS	Senators	2	Bryant of Oxford, Jackson of Aroostook
	Representatives	7	Clark of Millinocket, Briggs of Mexico, Crafts of Lisbon, Davis of Sangerville, Eberle of South Portland, McLeod of Lee, Wheeler of Kittery
NAYS		0	
ABSENT		4	Rep. Sarty of Denmark, Rep. Saviello of Wilton, Rep. Shaw of Standish, Sen. Trahan of Lincoln

Nine 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 Stephen C. Philbrick of Oquossoc, for
reappointment to the Inland Fisheries and Wildlife Advisory
Council be confirmed.

Signed,

S/Bruce S. Bryant
Senate Chair

S/Herbert E. Clark
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INLAND FISHERIES AND WILDLIFE** 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 (#49)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Stephen C. Philbrick** of Oquossoc for reappointment to the Inland Fisheries and Wildlife Advisory Council was **CONFIRMED**.

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

The Following Communication: S.C. 265

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

April 15, 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 Inland Fisheries and Wildlife has had under consideration the

nomination of John E. Simko of Greenville, for appointment to the Inland Fisheries and Wildlife Advisory Council.

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

YEAS	Senators	2	Bryant of Oxford, Jackson of Aroostook
	Representatives	7	Clark of Millinocket, Briggs of Mexico, Crafts of Lisbon, Davis of Sangerville, Eberle of South Portland, McLeod of Lee, Wheeler of Kittery
NAYS		0	
ABSENT		4	Rep. Sarty of Denmark, Rep. Saviello of Wilton, Rep. Shaw of Standish, Sen. Trahan of Lincoln

Nine 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 John E. Simko of Greenville, for appointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed,

S/Bruce S. Bryant
Senate Chair

S/Herbert E. Clark
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INLAND FISHERIES AND WILDLIFE** 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 (#50)

YEAS: Senators: None

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

Representatives 9 Tuttle of Sanford, Bickford of Auburn, Blodgett of Augusta, Butterfield of Bangor, Clark of Millinocket, Cushing of Hampden, Driscoll of Westbrook, Gilbert of Jay, Hamper of Oxford

NAYS 0

ABSENT 1 Rep. Thibodeau of Winterport

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **John E. Simko** of Greenville for appointment to the Inland Fisheries and Wildlife Advisory Council was **CONFIRMED**.

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Edward C. Kelleher of Scarborough, for appointment to the Maine Unemployment Insurance Commission be confirmed.

Signed,

S/Troy D. Jackson
Senate Chair

S/John L. Tuttle Jr.
House Chair

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

The Following Communication: S.C. 266

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

April 15, 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 Labor has had under consideration the nomination of Honorable Edward C. Kelleher of Scarborough, for appointment to the Maine Unemployment Insurance Commission.

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

YEAS Senators 3 Jackson of Aroostook, Gerzofsky of Cumberland, Mills of Somerset

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR** 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 (#51)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Edward C. Kelleher** of Scarborough for appointment to the Maine Unemployment Insurance Commission was **CONFIRMED**.

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

The Following Communication: S.C. 274

**124th LEGISLATURE
OFFICE OF THE PRESIDENT**

April 22, 2009

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

Dear Secretary O'Brien,

Pursuant to my authority under 38 MRSA, §551-A, I am pleased to appoint the following to the Oil Spill Advisory Committee:

Mr. Tom Guillory of North Berwick, as a member representing the public. He will be replacing Dr. Jane Disney whose term has expired.

Mr. Elliot Thomas of Yarmouth, as a member representing the Marine Fisheries' Interest. He will be replacing Roger Weber whose term has expired.

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. 267

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

April 16, 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 bill out "Ought Not to Pass":

L.D. 1137 An Act To Limit the Interest Charged under Rental-purchase Agreements

We have also notified the sponsor and cosponsors 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. 268

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

April 16, 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. 1221 An Act To Remove the Local Requirement for Education Funding

L.D. 1227 An Act To Equalize the Regional Salary Cost Index under the School Funding Formula

L.D. 1298 An Act To Adjust the Special Education Funding for Minimum Subsidy Receivers

L.D. 1414 An Act To Amend the Laws Governing Spending by School Administrative Units

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. 269

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

April 8, 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 Rep. Dill of Cape Elizabeth, to report the following bill Leave to Withdraw:

L.D. 784 An Act To Improve the Process for Recovering Personal Property

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. 270

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

April 8, 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. Simpson of Androscoggin, to report the following bill Leave to Withdraw:

L.D. 301 An Act To Require Home Sellers To Disclose Energy Usage Data

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. 271

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

April 16, 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. 376 An Act To Remove Domestic Court Cases from the Probate Court

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. 272

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON MAINE'S ENERGY FUTURE**

April 16, 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 Maine's Energy Future has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 501 An Act To Ensure Maine's Energy Security and Reduce Dependence on Oil
- L.D. 755 An Act To Help the State Achieve Energy Independence and Security
- L.D. 774 An Act To Create Jobs and Improve Energy Efficiency through the Transformation of Maine's Housing Stock (EMERGENCY)
- L.D. 885 An Act To Provide a Tax Deduction for Landlords Who Complete Energy Audits on Rental Units
- L.D. 886 An Act To Secure Maine's Energy Future
- L.D. 955 An Act To Transform the Maine Economy and Create Jobs
- L.D. 980 An Act To Provide a Tax Credit for Heating and Cooling System Alternatives and Improvements That Benefit the Environment and Address Climate Change (EMERGENCY)
- L.D. 1181 An Act To Create Jobs through Investment in Green Energy
- L.D. 1201 An Act Regarding Energy Independence (EMERGENCY)

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

Sincerely,

S/Sen. Philip L. Bartlett II
Senate Chair

S/Rep. John L. Martin
House Chair

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

The Following Communication: S.C. 273

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

April 16, 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. 1128 An Act To Allow Family Members of an Island Community to Share a Lobster and Crab Fishing License

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.**

SENATE PAPERS

Bill "An Act To Facilitate Testing and Demonstration of Renewable Ocean Energy Technology"
S.P. 545 L.D. 1465

Presented by Senator HOBBS of York. (GOVERNOR'S BILL)
Cosponsored by Representative FITTS of Pittsfield and Senators: GOODALL of Sagadahoc, RAYE of Washington, Representative: ADAMS of Portland.

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

Sent down for concurrence.

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

R. J. Grondin and Sons, of Gorham, which is celebrating 50 years in business. R. J. Grondin and Sons is a 3rd generation, family-owned earth-moving business with operations in Southern and Central Maine. In 1959, Robert J. Grondin, Sr., a successful dairyman, agreed to sell his cows and start an excavation company with his 2 sons, Robert Jr. and Phil. Since then the company has grown steadily from a small operation with used equipment, a barn converted into a machine shop and a handful of employees into a vast enterprise with over 100 trucks and 100 units of heavy equipment, a corporate office, gravel pits and quarries and hundreds of employees. Family involvement is still key to the company's success. The company is also celebrating 750,000 hours of work time with No Lost Time Accidents. We extend our congratulations to all who are involved with the success of R. J. Grondin and Sons;

SLS 133

Sponsored by Senator BARTLETT of Cumberland.
Cosponsored by Representatives: KNAPP of Gorham,
SANBORN of Gorham.

READ.

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

Senator **BARTLETT:** Thank you, Madame President. Men and women of the Senate, it is a pleasure to rise to speak on this important sentiment and to welcome the Grondin family to the chamber today. Grondin and Sons has been a hallmark of Gorham my entire life. They built a very successful business, as you have heard, since 1959 and ever growing into the 1970's, 1980's, and today. What is particularly impressive is that it has been such a strong family business and a strong community oriented business. I served on the Gorham Economic Development Corporation for a number of years and was really impressed with the efforts that Grondin made to help bring industrial development to the town of Gorham. They have been a leader in that effort in both helping to spur the economic development in Gorham as well as expanding their business base there. We really appreciate all their wonderful work in Gorham and look forward to having them here for many generations to come. Thank you.

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

Senator **PLOWMAN:** Thank you, Madame President. Men and women of the Senate, I rise to join in recognizing Grondin and Sons. In Gorham there is a road called Plowman Road. That

was my father-in-law's idea. I believe that the road was one of the reasons why R.J. Grondin keep going and going and going, because he took that road as far back as he possibly could and then wanted to cover it. It washed away every year, so Grondin got to come back and help. The Plowman's of Gorham and Hampden, lately, would like to show our appreciation for you continuing to be a family owned business and sticking with the state of Maine. Congratulations.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber, and I'm going to ask you to stand, Bob Grondin, III; Ken Grondin; Chris Grondin; Larry Grondin; Phil Grondin, Jr.; Tom Hey; and Bess Hey. Would you please stand and accept the greetings of the Maine Senate.

The 94th Anniversary of the Armenian Genocide. On April 24, 1915, a campaign was launched by the Turkish regime of the Ottoman Empire against the Armenian people, resulting in the death of more than 1.5 million Armenians. Some of the survivors settled in the State of Maine and their heirs have made significant contributions to the State. We join our citizens of Armenian heritage on April 24th in remembering this event, and we express our deepest sympathy for the families of those who perished;

SLS 139

Sponsored by Senator BRANNIGAN of Cumberland.
Cosponsored by Senator: President MITCHELL of Kennebec,
Representative: Speaker PINGREE of North Haven.

READ.

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

Senator **BRANNIGAN:** Thank you, Madame President. Ninety-four years that people have been remembering this tragic event and each year a group of people from our area come back to help us remember. I remember last year saying how hard it is to understand that genocide goes on and on around the world and when are we going to stop. I reminded myself and all year long I have been paying attention in the paper and on the news about genocide. The hauling of people out of their houses. The horrors of the killings. It just goes on and on. It's very, very upsetting if you begin to pay attention to it, everywhere in the world. These people, for all these years, have come back to remember. There are groups now, and there have been groups forever, that have said it wasn't genocide, it never happened; just the same as some people are now saying that about the holocaust, which is much closer to us. We're very proud and glad that these folks come back, they remember, and pass this on generation after generation. We, I believe because I am, are pleased to be part of the remembering of this horror and that somehow one would hope that we can reduce it throughout the world. Thank you, Madame President. I appreciate the opportunity to speak about this great remembrance.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber John Malconian, Gerard Kiladjian, Deborah Boyajian, Paul Proudian, and Harout DerSimonian. Would you please stand and accept the greetings of the Maine Senate.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act Regarding Claims for Civil Perjury"

H.P. 486 L.D. 703

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

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

Report **READ.**

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

Divided Report

Six Members of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Elect 2 Senators from Each County and To Increase the Senate Term from 2 to 4 Years

H.P. 574 L.D. 838

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-77)**

Signed:

Representatives:

- WILLETTE of Presque Isle
- HAYES of Buckfield
- COTTA of China
- CLARK of Easton
- HARVELL of Farmington
- SCHATZ of Blue Hill

Six Members of the same Committee on the same subject reported in Report "B" that the same **Ought Not to Pass.**

Signed:

Senators:

- SIMPSON of Androscoggin
- JACKSON of Aroostook
- COURTNEY of York

Representatives:

- KAENRATH of South Portland
- BOLAND of Sanford
- BEAUDETTE of Biddeford

Comes from the House with Report "B", **OUGHT NOT TO PASS READ** and **ACCEPTED.**

Reports **READ.**

On motion by Senator **SIMPSON** of Androscoggin, Report "B", **OUGHT NOT TO PASS ACCEPTED**, in concurrence.

Senate

Ought to Pass

Senator SCHNEIDER for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve Assistance for Technology-based Entrepreneurs" S.P. 342 L.D. 892

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HOBBS for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Make Certain Changes to the Laws Governing Approval for Transmission Lines"

S.P. 427 L.D. 1155

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator ALFOND for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Authorize Fuel Cost Stabilization Funds To Be Established in School Administrative Units"

S.P. 314 L.D. 806

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-92)**.

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

READ ONCE.

Committee Amendment "A" (S-92) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator ALFOND for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Establish a Pilot Program To Provide Greater Cooperation and Coordination between the University of Maine System and the Maine Community College System

S.P. 367 L.D. 984

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-93)**.

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

READ ONCE.

Committee Amendment "A" (S-93) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Retail Tobacco and Liquor Licensing Laws"

S.P. 165 L.D. 462

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-83)**.

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

READ ONCE.

Committee Amendment "A" (S-83) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BRYANT for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Amend the Laws Governing Deer Hunting and To Extend the Coyote Hunting Season"
S.P. 99 L.D. 303

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-88)**.

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

READ ONCE.

Committee Amendment "A" (S-88) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator JACKSON for the Committee on **LABOR** on Bill "An Act To Ensure the Workers' Compensation Board's Regulatory Oversight of the Maine Insurance Guaranty Association"
S.P. 236 L.D. 620

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-85)**.

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

READ ONCE.

Committee Amendment "A" (S-85) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SULLIVAN for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow Certain Organizations To Hold Raffles" (EMERGENCY)
S.P. 298 L.D. 771

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-81)**.

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

READ ONCE.

Committee Amendment "A" (S-81) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator GOODALL for the Committee on **NATURAL RESOURCES** on Bill "An Act To Protect the Public Health and the Environment by Prohibiting the Sale of Wheel Weights Containing Lead or Mercury"

S.P. 369 L.D. 986

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-91).**

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

READ ONCE.

Committee Amendment "A" (S-91) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SIMPSON for the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, To Establish a Commission To Support, Preserve and Maintain Maine Monuments in Gettysburg, Pennsylvania

S.P. 100 L.D. 304

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-84).**

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

READ ONCE.

Committee Amendment "A" (S-84) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator PERRY for the Committee on **TAXATION** on Bill "An Act To Eliminate the Income-producing Requirement for Land in the Farm and Open Space Tax Program"

S.P. 94 L.D. 277

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-89).**

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

READ ONCE.

Committee Amendment "A" (S-89) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HOBBS for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Increase the Availability of Solar and Wind Power"

S.P. 70 L.D. 220

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-90).**

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

READ ONCE.

Committee Amendment "A" (S-90) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Allow Noninvasive Testing of Infants for the Presence of Drugs without a Parent's Consent" S.P. 214 L.D. 599

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

Signed:

Senators:

BRANNIGAN of Cumberland
MARRACHÉ of Kennebec
MILLS of Somerset

Representatives:

PETERSON of Rumford
SANBORN of Gorham
JOY of Crystal
LEWIN of Eliot
STRANG BURGESS of Cumberland
STUCKEY of Portland

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

Signed:

Representatives:

PERRY of Calais
JONES of Mount Vernon
CAMPBELL of Newfield

Reports **READ**.

On motion by Senator **BRANNIGAN** of Cumberland, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Eliminate the Regional Wage Adjustment Applied to Nursing Homes
S.P. 392 L.D. 1058

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

Signed:

Senators:

BRANNIGAN of Cumberland
MARRACHÉ of Kennebec
MILLS of Somerset

Representatives:

PETERSON of Rumford
JONES of Mount Vernon
LEWIN of Eliot
STRANG BURGESS of Cumberland
STUCKEY of Portland

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

Signed:

Representatives:

PERRY of Calais
SANBORN of Gorham
JOY of Crystal
CAMPBELL of Newfield

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought To Pass** Report.)

Reports **READ**.

Senator **BRANNIGAN** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Senator **JACKSON** of Aroostook requested a Roll Call.

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

Senator **JACKSON:** Thank you, Madame President. This is a bill that I introduced when I had a number of the nursing homes in Northern Maine approach me. I certainly will tell people right from the start that this is certainly not something that is my strong suit, Health and Human Services, but it was explained to me. I guess every so many years DHS decides to pick a year and in this case they picked 2005. They have to reimburse the nursing homes the money that they owe them. For the 2005 year, I guess the State didn't have quite enough money to reimburse them. The numbers that they were going to have were 96% of the actual cost to go out to all the nursing homes throughout the state of Maine. Apparently this didn't sit well with some of the nursing homes in the state of Maine and the agency allowed them to go and take the number, what money they had, and come up with some alternative plan. The alternative plan that was set by the Nursing Home Association lowered the amount to 92% that all nursing homes would get. The extra 4% would be spread out

amongst the nursing homes based on the wages they were paying to their employees. At least in the case of nursing homes in my area, this harmed them quite a bit. They were figuring that they were going to get at least 96%, it got dropped to 92%, and they certainly didn't get to get into that pot of money for the higher wages. I don't think anyone can disagree that Southern Maine pays higher wages than Northern Maine. That is certainly a good thing, in my mind, but some of the things that weren't taken into account were things like heating costs, which I would argue that Northern Maine probably pays more, snow removal, and a host of things that weren't taken into consideration. Just wages, which no one can argue are certainly lower in Northern Maine. If you actually look into the numbers: zone one, which is Northern Maine; zone two, and three have less private pay people that are in the nursing home, more MaineCare people. They are not going to get as much money coming in as places with private pay clients. They are not going to have as much money to spend for their employees. Basically, it's a self fulfilling prophecy, if we continue to do this, take money from the lower paying places, they next time this comes around the same argument will be made. These nursing homes couldn't pay as high a wage, so we're going to take some more money away from them. They are never going to be able to be on an even playing field. While I understand that for this round there may be not an awful lot that be done about it, but I still think that there is something wrong here. I recognize that. I realize it. I also realize that three Senator rule and all that, but it is still just not right and I ask you to oppose it.

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

Senator **BRANNIGAN:** Thank you, Madame President. Men and women of the Senate, the Senator from Aroostook, Senator Jackson, has highlighted this issue and it is a difficult issue. As he said, at one point we did not have enough funds to fund everybody at the percentage they wanted so the Nursing Home Association got together and decided how to deal with it. It was very difficult for them to do that because it meant they had to pit some groups against others. They are going to work on that and hopefully they will. Certainly bringing this to the attention of everyone involved will make a difference. For now, our committee, on the whole, felt that the best way was to keep it as it had been worked out by the people involved. I would ask that you to vote with the majority and allow this to continue until it can be better solved. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you, Madame President. I rise to lend my support to the good Senator from Aroostook, Senator Jackson, who spoke a few moments ago regarding the inequities that are imposed upon the nursing homes in our rural areas. I can tell you that I represent several rural nursing homes who are struggling to stay afloat and by perpetuating these inequities we make their battle more difficult. The Senator from Aroostook, Senator Jackson, mentioned the issue of fuel costs. Those of us who represent northern and eastern Maine and rural parts of Maine know that with regularity our fuel costs are much higher than the state average. We do represent nursing homes that have a very rate of MaineCare patients. In fact, I have at least one nursing

home who has 100% MaineCare patients. There are no private pay patients, whatsoever, to help them cover the costs of doing business. It is a struggle. I see it in my own community. I just want to echo the comments of the good Senator from Aroostook, Senator Jackson, and urge rejection of the Ought Not to Pass so that we can move on to the Ought to Pass Report.

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

Senator **MILLS:** Thank you, Madame President. Men and women of the Senate, I come from a district that is, I think, to some extent adversely affected by these policies as well, but it's extremely difficult to grapple with the issue of wage differential from one part of Maine to the other. The most dominant cost differential is housing. I did a study of this a few years ago with David Silverman while looking at some data in regards to the school funding formula. I think the best thing about housing costs is that it represents at least a quarter of your typical household budget. Whether it be a mortgage that you are paying along with insurance and property taxes, which is the housing costs, or rent, regardless of which ever one you are paying it's typically drawing about a quarter, or maybe a little more than a quarter, of what the household brings in for income. The differential in housing costs between Cape Elizabeth and Milo or Aroostook County is on the order of three to one. The fact is that you can buy a really decent house in Somerset County, where I live, for \$90,000 or \$100,000 with an acre or two of land around it. The same things would cost you \$200,000 to \$300,000 within any reasonable driving distance of Portland. It's just one of those realities that those of us who live in rural Maine, I think, have to live with, that we are going to be paying people, in any rational system, a little bit differently depending on where they live and what their housing costs are. It is interesting to note that with State employees, I'm familiar with the court system, we pay the same wages for clerks through the District and Superior Courts. We pay the same wages in Portland as they do in every other county in Maine. In Skowhegan, if you get a job in the clerk's office, in the court system, you have gone to heaven. You will keep that job for as long as you live because the benefits and the income are that valuable to you. Yet if you get that same job in Portland, the turnover down there is over and over again because the law firms are stealing those clerks out the clerk system as soon as they are trained up. They are stealing them out at \$25,000 and \$35,000 a year, which is a princely wage for Somerset County. We don't have good systems in place, frankly, either within the school funding formula or within the healthcare arena, as this is, or within the State employee sector for dealing with these dramatic differences in labor costs that exist in our state. The nursing homes got together, they came up with these differentials, and we need to honor the work that they did, as the Senator from Cumberland has said. That is the reason why I am on this report and will be voting Ought Not to Pass. Thank you.

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

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Eliminate Maine Clean Election Act Funding for gubernatorial Candidates"

S.P. 343 L.D. 921

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

Signed:

Senators:

SULLIVAN of York
GOODALL of Sagadahoc

Representatives:

CORNELL du HOUX of Brunswick
VALENTINO of Saco
TRINWARD of Waterville
TUTTLE of Sanford
CAREY of Lewiston
NASS of Acton
RUSSELL of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-82)**.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
PINKHAM of Lexington Township
FITTS of Pittsfield

Reports **READ**.

Senator **SULLIVAN** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Senator **RAYE** of Washington requested a Roll Call.

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

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Improve the Ground Water Oil Clean-up Fund"

S.P. 328 L.D. 880

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

Signed:

Senators:

GOODALL of Sagadahoc
SIMPSON of Androscoggin
SMITH of Piscataquis

Representatives:

HAMPER of Oxford
BOLDUC of Auburn
KNAPP of Gorham
MARTIN of Eagle Lake
EBERLE of South Portland
DUCHESNE of Hudson
EDGECOMB of Caribou
WALSH INNES of Yarmouth
WELSH of Rockport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-86)**.

Signed:

Representative:

AYOTTE of Caswell

Reports **READ**.

On motion by Senator **GOODALL** of Sagadahoc, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Authorize Arbitration of Property Tax Valuation Disputes"

S.P. 113 L.D. 349

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

Signed:

Senators:

BLISS of Cumberland
NASS of York

Representatives:

WATSON of Bath
BRYANT of Windham
LANGLEY of Ellsworth
FLEMINGS of Bar Harbor
CROCKETT of Augusta
PILON of Saco
CHASE of Wells
VALENTINO of Saco
SIROIS of Turner

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-79)**.

Signed:

Senator:

PERRY of Penobscot

Representative:

KNIGHT of Livermore Falls

Reports **READ**.

On motion by Senator **PERRY** of Penobscot, **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 Allow the Operation of Modified Utility Vehicles on Public Ways"

S.P. 292 L.D. 745

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

Signed:

Senator:

GOOLEY of Franklin

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-80)**.

Signed:

Senator:

DAMON of Hancock

Representatives:

THERIAULT of Madawaska
THOMAS of Ripley
CEBRA of Naples
HARLOW of Portland

Reports **READ**.

On motion by Senator **PERRY** of Penobscot, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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

Bill "An Act To Amend the Laws Governing Tournament Games"
H.P. 158 L.D. 193
(C "A" H-84)

Senator **GOOLEY** of Franklin was granted unanimous consent to address the Senate off the Record.

Bill "An Act Regarding the Transfer of Nursing Facilities"
H.P. 198 L.D. 252
(C "A" H-89)

Bill "An Act To Facilitate Lactation at the Workplace by New Mothers"

H.P. 280 L.D. 373
(C "A" H-83)

SECOND READERS

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

Bill "An Act Creating a Probationary Period for County Corrections Officials"

H.P. 297 L.D. 401
(C "A" H-81)

House

Resolve, Regarding Legislative Review of Portions of Chapter 4: Water-based Fire Protection Systems, a Major Substantive Rule of the Office of the State Fire Marshal (EMERGENCY)
H.P. 239 L.D. 299

Bill "An Act To Provide a Safe Sleeping Environment for Children with Disabilities To Enable Them To Remain in Their Homes"
H.P. 311 L.D. 423
(C "A" H-88)

Bill "An Act Concerning the Automatic Dissolution of Certain Marriages" (EMERGENCY)

H.P. 418 L.D. 580

Bill "An Act To Allow the Department of Corrections To Certify Community Intervention Programs"

H.P. 343 L.D. 481
(C "A" H-79)

Bill "An Act To Allow School Budget Validation Referenda To Be Held on a Saturday" (EMERGENCY)

H.P. 481 L.D. 698

Bill "An Act To Improve the Service of Protection from Harassment and Protection from Abuse Orders and the Collection of Restitution by the Department of Corrections"

H.P. 345 L.D. 483
(C "A" H-82)

Bill "An Act To Improve the Health of Maine Citizens and Safety of Pedestrians"

H.P. 593 L.D. 862

Bill "An Act To Provide Assistance to Family Members, Friends and Neighbors Who Provide Home Health Care for Senior Citizens"

H.P. 369 L.D. 524
(C "A" H-87)

Bill "An Act To Prevent the Unauthorized or Deceptive Use of the Names of Financial Institutions"

H.P. 635 L.D. 917

Bill "An Act To Correct Administrative Procedures Regarding the Dental Care Access Credit" (EMERGENCY)

H.P. 840 L.D. 1215

Bill "An Act To Clarify Allowable Practices Concerning Maine Farm Wineries"

H.P. 377 L.D. 532
(C "A" H-96)

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

Bill "An Act To Amend the Laws Governing the Allowable Uses of Tax Increment Financing Funds"

H.P. 384 L.D. 539
(C "A" H-93)

House As Amended

Bill "An Act To Require Municipalities To Enforce the Collection of the State Excise Tax on Motor Vehicles, Aircraft and Watercraft Owned by Maine Residents and Registered outside the State"

H.P. 30 L.D. 35
(C "A" H-73)

Bill "An Act To Amend the Petroleum Market Share Act"
H.P. 404 L.D. 566
(C "A" H-69)

Bill "An Act To Fund the Maine Downtown Center"

H.P. 75 L.D. 91
(C "A" H-91)

Bill "An Act To Enable the Use of Credit Cards for Governmental Transactions"

H.P. 498 L.D. 715
(C "A" H-100)

Bill "An Act To Manage Risks Associated with Surface Uses on Public Water Supplies"

H.P. 505 L.D. 722
(C "A" H-99)

Resolve, Directing the Department of Education To Take Measures To Assist Blind and Visually Impaired Students

H.P. 508 L.D. 749
(C "A" H-95)

Bill "An Act To Require Closed-captioning for Certain Political Advertisements"

H.P. 530 L.D. 779
(C "A" H-97)

Bill "An Act To Improve Juvenile Correctional Services"

H.P. 542 L.D. 793
(C "A" H-80)

Bill "An Act To Reduce Costs for Customers of Northern Maine Consumer-owned Utilities"

H.P. 580 L.D. 844
(C "A" H-85)

Bill "An Act To Amend the Provision Creating the Long-term Care Partnership Program" (EMERGENCY)

H.P. 688 L.D. 1000
(C "A" H-86)

Bill "An Act To Authorize Municipalities To Protect the Habitability of Rental Housing during Heating Fuel Emergencies" (EMERGENCY)

H.P. 704 L.D. 1029
(C "A" H-76)

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

Senate

Bill "An Act To Equitably Adjust the Workers' Compensation Board's Assessment"

S.P. 62 L.D. 176

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act To Conform Building Standards in the Unorganized Territories with Federal Emergency Management Agency Requirements"

S.P. 67 L.D. 181
(C "A" S-67)

Resolve, To Ensure Transparency in Funding Certain Programs within the Department of Inland Fisheries and Wildlife (EMERGENCY)

S.P. 85 L.D. 244
(C "A" S-65)

Bill "An Act To Transfer Ownership and Management of Swan Island and Little Swan Island in Perkins Township, Sagadahoc County to the Department of Conservation"

S.P. 140 L.D. 398
(C "A" S-66)

Resolve, Directing the Department of Agriculture, Food and Rural Resources To Develop Recommendations for Licensing Equine Boarding Facilities

S.P. 161 L.D. 458
(C "A" S-70)

Bill "An Act To Add 2 Mental Health Advocates to the State Board of Corrections"

S.P. 181 L.D. 478
(C "A" S-76)

Bill "An Act To Amend the Employment Practices Law Regarding Substance Abuse Testing"

S.P. 209 L.D. 549
(C "A" S-75)

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

S.P. 240 L.D. 666
(C "A" S-77)

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

S.P. 260 L.D. 685
(C "A" S-64)

Bill "An Act To Prohibit Cruel Confinement of Calves Raised for Veal and Sows during Gestation"

S.P. 385 L.D. 1021
(C "A" S-72)

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

Sent down for concurrence.

Bill "An Act To Ensure That the Money Received from the Surcharge on Registration of Pet Food Is Used for the Sterilization of Animals" (EMERGENCY)

S.P. 73 L.D. 223
(C "A" S-68)

READ A SECOND TIME.

On motion by Senator **DAMON** of Hancock, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED.**

Bill "An Act To Provide Free Admission to State Parks to Veterans and Military Personnel"

S.P. 159 L.D. 456
(C "A" S-69)

READ A SECOND TIME.

On motion by Senator **BLISS** of Cumberland, Senate Amendment "A" (S-74) **READ.**

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

Senator **BLISS:** Thank you, Madame President. I had no idea that this bill was actually going to come up on National Guard Day here in the Senate, but I am delighted that it has. This is a bill that I brought to the Senate to provide free admission to military personnel and veterans to Maine's state parks and beaches. It is my belief that it is the least that we can do to help these folks who have fought so long and so hard for us. I also think that in the final analysis it will actually increase attendance at these facilities because they will, of course, bring along their friends, their neighbors, their families, their children. I was delighted when this was unanimously passed by the Agriculture Committee, but I would like to ensure that veterans can take advantage of this bill this summer. What I present is an Emergency preamble, allowing this to go into effect immediately. Thank you, Madame President.

On further motion by same Senator, Senate Amendment "A" (S-74) **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-69) AND SENATE AMENDMENT "A" (S-74).

Ordered sent down forthwith for concurrence.

ENACTORS

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

Emergency Measure

An Act To Protect Maine's State Parks and State Historic Sites

S.P. 26 L.D. 67
(C "A" S-38)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with 2 Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Extend the Operation of the Maine Health Data Processing Center and To Amend the Maine Health Data Organization Statutes

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

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 Further Facilitate the Provision of Educational Loans for Maine Students and Families

S.P. 40 L.D. 118
(C "A" S-19; H "A" H-92)

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

Emergency Measure

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
(C "A" S-40)

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 Permit the Landing of Dragged Crabs as Bycatch

S.P. 350 L.D. 928
(C "A" S-41)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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, Regarding Legislative Review 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
H.P. 271 L.D. 335
(C "A" H-57)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with 1 Senator 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.

Emergency Resolve

Resolve, To Identify Funding Available To Promote the Use of Energy-efficient Furnaces
S.P. 151 L.D. 407
(C "A" S-39)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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 Create a Penalty for Harvesting Scallops in a Conservation Area
S.P. 31 L.D. 82
(C "A" S-28)

An Act To Supervise and Regulate Real Estate Settlement Agents and Exchange Facilitators in Order To Protect Consumers
H.P. 144 L.D. 165
(C "A" H-40)

An Act To Create the Support Animal Welfare Registration Plate
S.P. 64 L.D. 178
(C "A" S-8)

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)

An Act To Preserve Statewide Public Broadcasting
S.P. 89 L.D. 266
(C "A" S-33)

An Act To Facilitate the Removal of Dams That Pose a Hazard to Public Safety and the Installation and Repair of Fishways
S.P. 112 L.D. 348
(C "A" S-21)

An Act To Amend the Notary Public Laws
H.P. 286 L.D. 379
(C "A" H-50)

An Act To Increase Payments to Victims of Crimes
H.P. 446 L.D. 632
(C "A" H-52)

An Act To Add Maine Maritime Academy Representation to the State Employee Health Commission
S.P. 246 L.D. 672

An Act To Allow Municipalities and Counties To Require Bartender Training for Liquor Licensees
H.P. 517 L.D. 758
(C "A" H-53)

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)

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 Enhance Motorcycle Safety
H.P. 34 L.D. 39
(C "A" H-39)

On motion by Senator **DAMON** of Hancock, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

An Act Regarding Bail Defaults and the Extradition Account
H.P. 195 L.D. 249
(C "A" H-43)

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

Resolves

Resolve, To Encourage the Preservation of Dark Skies
H.P. 6 L.D. 11
(C "A" H-15)

Resolve, Directing the Secretary of State To Conduct a Pilot Program for Early Voting for the November 2009 Election
S.P. 48 L.D. 129

Resolve, To Direct the Department of Marine Resources To Study the Issues Surrounding the Harvest of Bait Fish within Territorial Waters

H.P. 285 L.D. 378
(C "A" H-51)

Resolve, To Increase the Blood Supply

H.P. 412 L.D. 574

Resolve, To Ensure All Children Covered by MaineCare Receive Early and Periodic Screening, Diagnosis and Treatment Services

H.P. 439 L.D. 625

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

Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities

H.P. 11 L.D. 16
(C "A" H-41)

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

Senate at Ease.

Senate called to order by the President.

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

Senator **GOOLEY** of Franklin was granted unanimous consent to address the Senate off the Record.

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

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

Off Record Remarks

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

After Recess

Senate called to order by the President.

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED**, to Wednesday, April 29, 2009, at 10:00 in the morning.