

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

In Senate Chamber
Thursday
May 28, 2009

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

Prayer by Senator Nancy B. Sullivan of York County.

SENATOR SULLIVAN: Recently I was driving to work and I noticed a sign that said 'Worry looks around, faith looks up'. There has been way too much looking around here, so today I ask you, as we pray, to look up. Father, Mother, Great Spirit, Holy One, and all other names You are known by, we pray for Your guidance, understanding, and grace. We call on You this day in waning weeks of this session to guide us in our decisions that effect the lives of real people, the future of our children, and the security of our seniors. Please gently nudge us when we gloat too much about passing a budget that falls far short from being perfect and the pride we feel for passing a bipartisan budget. Temper us, please, and humbly remind us that there were no clear winners. We pray for our families. Often we have failed to appreciate their sacrifices so that we may come here to make policy, form friendships, and struggle to improve the lives of all Maine people. They are our solid rocks. Today, sandwiched between the commercial convenient Memorial Day and the traditional Memorial Day, may we remember our men and women in the armed services who protect our democracy. If we need heroes in today's world let us not look further then these men and women. May You grant these men and women and their families Your unconditional love. Lastly, as tempers grow short and the temperature rises, we need to remember the value, the dignity, the validity of everyone's beliefs and thoughts, and hear and listen to their voices and Your voice as You guide us here doing the work of the people. So be it. Amen.

Reading of the Journal of Wednesday, May 27, 2009.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.P. 567

**STATE OF MAINE
124TH MAINE LEGISLATURE**

May 27, 2009

Sen. Lawrence Bliss
Senate Chair, Joint Standing Committee on Judiciary
Rep. Charles R. Priest
House Chair, Joint Standing Committee on Judiciary
124th Legislature
Augusta, ME 04333

Dear Senator Bliss and Representative Priest:

Please be advised that Governor John E. Baldacci has nominated William Osborne of Bangor and Diana Scully of Hallowell for appointments to the Indian Tribal State Commission.

Pursuant to 30 MRSA §6212, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

S/Hannah M. Pingree
Speaker of the House

READ and REFERRED to the Committee on **JUDICIARY**.

Sent down for concurrence.

The Following Communication: S.C. 370

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

May 26, 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 Natural Resources has had under consideration the nomination of Franklin E. Woodard of Falmouth, for appointment to the Board of Environmental Protection.

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 Goodall of Sagadahoc,
 Simpson of Androscoggin,
 Smith of Piscataquis

Representatives 9 Duchesne of Hudson, Ayotte of Caswell, Bolduc of Auburn, Eberle of South Portland, Edgcomb of Caribou, Hamper of Oxford, Innes of Yarmouth, Knapp of Gorham, Welsh of Rockport

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 **Franklin E. Woodard** of Falmouth for appointment to the Board of Environmental Protection was **CONFIRMED**.

NAYS 0

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

ABSENT 1 Rep. Martin of Eagle Lake

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 Franklin E. Woodard of Falmouth, for appointment to the Board of Environmental Protection be confirmed.

The Following Communication: S.C. 371

Signed,

S/Seth A. Goodall
Senate Chair

S/Robert S. Duchesne
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **NATURAL RESOURCES** 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 (#103)

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

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

May 26, 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 Natural Resources has had under consideration the nomination of Elizabeth E. Ehrenfeld of Falmouth, for reappointment to the Board of Environmental Protection.

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 | Goodall of Sagadahoc, Simpson of Androscoggin, Smith of Piscataquis |
| | Representatives | 9 | Duchesne of Hudson, Ayotte of Caswell, Bolduc of Auburn, Eberle of South Portland, Edgcomb of Caribou, Hamper of Oxford, Innes of Yarmouth, Knapp of Gorham, Welsh of Rockport |
| NAYS | | 0 | |
| ABSENT | | 1 | Rep. Martin of Eagle Lake |

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 Elizabeth E. Ehrenfeld of Falmouth, for reappointment to the Board of Environmental Protection be confirmed.

Signed,

S/Seth A. Goodall
Senate Chair

S/Robert S. Duchesne
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **NATURAL RESOURCES** 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 (#104)

YEAS: Senators: None

NAYS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, CRAVEN, DAMON, DAVIS, DIAMOND, GERZOFISKY, GOODALL, GOOLEY, HASTINGS, HOBBSINS, JACKSON, MARRACHE, MCCORMICK, MILLS, NASS, 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 **Elizabeth E. Ehrenfeld** of Falmouth for reappointment to the Board of Environmental Protection was **CONFIRMED**.

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

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Elizabeth Ehrenfeld. Would she please stand and congratulations and the greetings of the Senate.

Off Record Remarks

The Following Communication: S.C. 368

**STATE OF MAINE
124TH MAINE LEGISLATURE**

May 12, 2009

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04330

Dear Secretary O'Brien:
In accordance with our authority under Title 12, Section 6447, we are pleased to appoint the following Representative to the Lobster Management Policy Council Zone A:

Representative Dianne Tilton of Harrington

Please let us know if you have any questions regarding this appointment.

Thank you,

S/Elizabeth H. Mitchell
President of the Senate

S/Hannah M. Pingree
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 369

**STATE OF MAINE
124TH MAINE LEGISLATURE**

May 26, 2009

Honorable Stan Gerzofsky, Senate Chair
Honorable Anne M. Haskell, House Chair
Joint Standing Committee on Criminal Justice
100 State House Station
Augusta, Maine 04333

Dear Senator Gerzofsky and Representative Haskell:

Pursuant to Joint Rule 309, we have taken LD 1177, "An Act To Establish the Maine Emergency Services Institute" from your committee. As you know, the deadline for voting on these bills was Friday, May 15th and, as we directed, LD 1177 has been delivered to the Clerk of the House without a committee report.

Please see us if you have any questions.

Sincerely

S/Elizabeth H. Mitchell
President of the Senate

S/Hannah M. Pingree
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 372

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

May 26, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 1427 An Act To Compensate Maine Residents for the Impacts of High-voltage Transmission Lines (EMERGENCY)

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

Sincerely,

S/Sen. Joseph C. Perry
Senate Chair

S/Rep. Thomas R. Watson
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: H.C. 194

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

May 27, 2009

Honorable Joy J. O'Brien
Secretary of the Senate
124th Maine Legislature
Augusta, Maine 04333

Dear Secretary O'Brien:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Clarify the Application of the Public Works Minimum Wage Laws" (H.P. 584) (L.D. 849).

Representative TUTTLE of Sanford
Representative GILBERT of Jay
Representative CAMPBELL of Newfield

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

ORDERS

Joint Resolution

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

Bruce Roy, of Jay, prominent labor leader and member of his community. Mr. Roy was a 1975 graduate of Jay High School and worked at the James River Otis Mill in Jay, presently Wassau Paper Company, for more than 29 years. He was a member of PACE International Union, now known as the United Steel Workers, Local 11 of Jay, and served as treasurer/recording secretary and president of the Maine Labor Council of the United Steel Workers and secretary/treasurer of Maine AFL-CIO. He spent much of his time lobbying for laws to aid and protect working families and worked tirelessly to promote the election of politicians who support working families. Mr. Roy was a charter member and officer of the Western Maine Labor Council and a member of the United Steel Workers Contract Action Team. In August 2008, he was appointed as the emergency response team coordinator for United Steel Workers District 4 in support of families affected by a workplace fatality or a critical injury and was recently honored for his activism and advocacy for the United Steel Workers members and families. Mr. Roy was recently appointed and confirmed to the Maine Workers' Compensation Board. In addition to his work and labor activities, Mr. Roy served the Town of Jay as a selectman, assessor and overseer of the poor, was a member of the board of directors for Franklin County Community Action and was serving as a member of the board of assessment review for the Town of Jay and the Tri-Town Ministerial Fuel Fund of Livermore Falls. We acknowledge Mr. Roy's exemplary and dedicated service to his profession, the labor movement, his community and the State. He will be greatly missed and long remembered by his loving family and many friends;

SLS 187

Sponsored by Senator BRYANT of Oxford.
 Cosponsored by Senators: BARTLETT of Cumberland, CRAVEN of Androscoggin, GERZOFKY of Cumberland, JACKSON of Aroostook, MARRACHÉ of Kennebec, President MITCHELL of Kennebec, SCHNEIDER of Penobscot, SIMPSON of Androscoggin, Representatives: BERRY of Bowdoinham, BRIGGS of Mexico, BRYANT of Windham, BUTTERFIELD of Bangor, CAIN of Orono, CAMPBELL of Newfield, CAREY of Lewiston, CLARK of Millinocket, CROCKETT of Augusta, CUSHING of Hampden, DRISCOLL of Westbrook, GIFFORD of Lincoln, GILBERT of Jay, GOODE of Bangor, NUTTING of Oakland, PIOTTI of Unity, RUSSELL of Portland, SMITH of Monmouth, STEVENS of Bangor, THERIAULT of Madawaska, TUTTLE of Sanford.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Bryant.

Senator **BRYANT:** Thank you, Madame President. Ladies and gentlemen of the Senate, it's with a heavy heart and some sad emotions today that I rise to speak to the legislature on the record in memory of one of Maine's fallen soldiers in the labor movement and a great family man. I had prepared a couple of pages, but I think what I'll try to do, and it may be a little bit dangerous, is go from my experiences over the last 30 years. At some point I think we have to recognize how old we really are. I may not feel like we've been in the labor struggle for 30 years, but we have. It brings me back to 1986 in the Rumford mill where we were on strike. The atmosphere over the next two or three years was that corporations had the upper hand and, in fact, they could scab out any mill they wanted to. Who was going to stand up and slow that freight train down? What we had here with Brother Roy was one who was willing to stand up. He was willing to, even though he knew that the fight would probably be lost at the end of the game, because someone had to stand up and fight the fight to slow the train down, and he did that.

As we moved forward into the 1990s, we had issues with Workers' Compensation and this Body hurt workers severely. Brother Roy worked tirelessly over his whole career to try to mend some of the fences. I think it was easier for people to ignore as long as they didn't see the pain and as long as they didn't have to deal with the person that couldn't provide for their family. As long as they didn't have to see that and didn't have to go there and help the person pay their mortgage or give their kid \$20 so they could go to the show. As long as they didn't have to see that, everything was good. Bruce was one of those who continued to work that issue, as he did on a number of labor issues. I remember many times meeting with him on strategic planning around the whole state of Maine. He worked tirelessly.

That brings us up to the present. He's done a number of things. Where to start is the problem with Bruce. He's done so much and put his whole life on the line for his community, for his co-workers, and for the workers of the state of Maine. The last go around was with Wausau Paper. We had a situation where they couldn't make a profit from that mill. They could make more money if they shut it down, moved the equipment out, and dried up the marketplace. Bruce made a tremendous effort to stop that machinery from moving out of Wausau Paper. That needs to continue, that struggle. We will continue that fight for him, and we will continue to try to make this state a better place.

He had an opportunity to be on the Workers' Compensation Board. He felt strongly that the workers in the state of Maine got a raw deal and that they are suffering under the current Workers' Comp policies. He had an opportunity to try and make a difference there. It saddens me that he didn't get that opportunity. I remember April 7th clearly. I have to apologize to his family because he got some phone calls that day from me and other labor people who were concerned about the meeting we had with the Governor. We were waiting on the second floor, under the stairs, to talk with the Governor about making sure that the machinery in Wausau Paper stayed in that mill. Brother Roy had part of the plan that we wanted to implement with the Governor, and he wasn't there. He didn't show up. Sometimes within the labor movement we have our own language and probably some of the phone messages that were left when we were trying to locate him were inappropriate for that day. He never showed up for that meeting and he never showed up for his first Workers' Compensation Board meeting.

It's with great gratitude that I have an opportunity to show my respect for Brother Roy. I'm hoping that his wife, Nancy, and his daughters, Jessica and Joanne, and their extended family know that somehow this proceeding gives them a small opportunity to, along with me, move forward in this painful situation. Thank you, Madame President.

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

Senator **JACKSON:** Thank you, Madame President. Ladies and gentlemen of the Senate, I certainly don't want to get up and try to follow the good Senator from Oxford, Senator Bryant's very good expression of sentiment for Mr. Roy because the Senator from Oxford, Senator Bryant, knew him much better than I did. My interaction with Bruce was very short and I only had the opportunity to meet with him a couple of times. He seemed like a very good man who had a great heart for people. I've noticed that many times when people do things right, they aren't always the most popular. Bruce certainly knew what was right and wasn't afraid to stand up for those things. I just want to take the time to tell his family how unfortunate it is and how sorry I am for their loss. It certainly is a sad day when we lose someone, especially someone of great caliber like Bruce. My heart is certainly with you.

ADOPTED.

Sent down for concurrence.

THE PRESIDENT: The Chair respectfully recognizes in the rear of the chamber the wife of Bruce Roy, Nancy; two daughters, Jessica Dolloff and her husband, Brian, and Joanne Grundy and her husband, Keith. Would you please stand and accept the greetings of the Maine Senate.

REPORTS OF COMMITTEES

House

Pursuant to Joint Rule 309

From the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Establish the Maine Emergency Services Institute"

H.P. 816 L.D. 1177

Received by the Clerk of the House on May 26, 2009, pursuant to Joint Rule 309.

Comes from the House with the Bill and accompanying papers **INDEFINITELY POSTPONED**.

On motion by Senator **GERZOFSKY** of Cumberland, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

Ought to Pass Pursuant to Statute

The Committee on **NATURAL RESOURCES** on Bill "An Act to Amend Mercury Standards for Air Emission Sources"

H.P. 1035 L.D. 1482

Reported that the same **Ought to Pass**, pursuant to the Maine Revised Statutes, Title 38, section 585-B, subsection 6.

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on 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

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Update and Clarify Statutes Related to or Administered by the Department of Public Safety"

H.P. 633 L.D. 915

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-357)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-357)**.

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

READ ONCE.

Committee Amendment "A" (H-357) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Streamline the Regulatory Process for Commercial Building Construction Projects" (EMERGENCY)

H.P. 861 L.D. 1242

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-368)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-368)**.

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

READ ONCE.

Committee Amendment "A" (H-368) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 182: Formula for Distribution of Funds to Child Developmental Services Regional Sites, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 68 L.D. 78

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-374)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-374)**.

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

READ ONCE.

Committee Amendment "B" (H-374) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Education Laws Regarding the State Board of Education's Degree-granting Authority, the Appeal of a School Board's Decision To Discharge a Superintendent, the Telecommunications Education Access Fund and Certain Definitions and Programs"

H.P. 711 L.D. 1036

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-373)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-373)**.

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

READ ONCE.

Committee Amendment "A" (H-373) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Strengthen Sustainable Long-term Supportive Services for Maine Citizens"

H.P. 745 L.D. 1078

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-351)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-351)**.

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

READ ONCE.

Committee Amendment "A" (H-351) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend Licensing, Certification and Registration Requirements for Health Care Providers and Other Facilities"
H.P. 1019 L.D. 1464

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-364)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-364)**.

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

READ ONCE.

Committee Amendment "A" (H-364) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Create the Probate and Trust Law Advisory Commission"
H.P. 694 L.D. 1006

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-349)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-349)**.

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

READ ONCE.

Committee Amendment "A" (H-349) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Reverse the Effects of Grant v. Central Maine Power, Inc. on Workers' Compensation"
H.P. 649 L.D. 946

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-359)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-359)**.

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

READ ONCE.

Committee Amendment "A" (H-359) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Reduce Lung Cancer Rates in Maine"

H.P. 646 L.D. 943

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-365).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-365).**

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

READ ONCE.

Committee Amendment "A" (H-365) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Bill "An Act To Continue Coverage of Oil Clean-up Costs and Improve Administration of the Ground Water Oil Clean-up Fund"

H.P. 936 L.D. 1332

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-360).**

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

READ ONCE.

Committee Amendment "A" (H-360) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Schedule for Redistricting

H.P. 176 L.D. 211

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-143).**

Comes from the House with the Report **READ** and the RESOLUTION and accompanying papers **INDEFINITELY POSTPONED.**

Report **READ.**

On motion by Senator **SIMPSON** of Androscoggin, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT**, in **NON-CONCURRENCE.**

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, To Require the State To Consult with the City of Hallowell prior to the Sale of Certain Real Property (EMERGENCY)

H.P. 623 L.D. 905

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-358).**

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

READ ONCE.

Committee Amendment "A" (H-358) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Repeal Inactive Boards and Commissions"

H.P. 873 L.D. 1254

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-328).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-328) AND HOUSE AMENDMENT "A" (H-331).**

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

READ ONCE.

Committee Amendment "A" (H-328) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-331) **READ**.

On motion by Senator **SIMPSON** of Androscoggin, **TABLED** until Later in Today's Session, pending **ADOPTION** of House Amendment "A" (H-331), in concurrence.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Require Transmission Lines To Be Placed Underground near Certain Facilities"

H.P. 39 L.D. 44

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-369)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-369)**.

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

READ ONCE.

Committee Amendment "A" (H-369) **READ**.

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-369), in concurrence.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Relating to Industrial Hemp"

H.P. 798 L.D. 1159

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-356)**.

Signed:

Senator:
NUTTING of Androscoggin

Representatives:
PIEH of Bremen
SMITH of Monmouth
PERCY of Phippsburg
PRATT of Eddington
CRAY of Palmyra
KENT of Woolwich
EDGECOMB of Caribou
McCABE of Skowhegan
GIFFORD of Lincoln

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

Signed:

Senator:
SHERMAN of Aroostook

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-356)**.

Reports **READ**.

Senator **NUTTING** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senator **SHERMAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, I rise to oppose the pending motion and wish to speak to my opposition. If you will indulge me, I would ask you to look at the title, An Act Relating to Industrial Hemp. You might ask why I'm standing to oppose that. There was a long hearing on this bill regarding a number of the products that come out of hemp. The problem with this is that it's a diversion from real economic development. If this was about canola oil, soybeans, or genetically modified sweet corn, this would be a bill worth putting through. It's not about that or even about milk prices. It's an eyewash that passes for economic development, but it's not economic development.

I would like to read part of the amendment to this bill. It starts in with a whole series of steps you must jump through to even grow industrial hemp. They did this in British Columbia or Alberta. At one time they had 42,000 acres of industrial hemp. That's down to 8,000 acres. There is no market for it. I'd like to read from Committee Amendment "A" (H-356). They have a definition for this stuff, 'as used in this chapter, unless the context otherwise indicates, industrial hemp means any variety of Cannabis sativa L. with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3%.'

President **MITCHELL:** The Chair would advise the Senator to address the Committee Report and not the Amendment. We have to accept the Report and then you may speak on the Amendment.

Senator **SHERMAN:** Thank you, Madame President. When we accept the Report I can speak on the Amendment. I will sit down and push my white button.

The Chair ordered a Division.

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence. (Roll Call Ordered)

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Resolve, To Direct the Commissioner of Health and Human Services To Establish a Blue Ribbon Task Force To Examine the Attorney General's Report Regarding Police Shootings as It Relates to Deaths of Persons with Mental Illness

H.P. 943 L.D. 1342

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

Signed:

Senators:

GERZOFISKY of Cumberland
DAVIS of Cumberland

Representatives:

HASKELL of Portland
HANLEY of Gardiner
LAJOIE of Lewiston
GREELEY of Levant
SCHATZ of Blue Hill
PLUMMER of Windham
BURNS of Whiting
WHEELER of Kittery
MAGNAN of Stockton Springs
SYKES of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-414)**.

Signed:

Senator:

NUTTING of Androscoggin

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish a Model Dating Violence Prevention Policy"

H.P. 760 L.D. 1105

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-323)**.

Signed:

Senators:

ALFOND of Cumberland
SCHNEIDER of Penobscot

Representatives:

CASAVANT of Biddeford
LOVEJOY of Portland
McFADDEN of Dennysville
NELSON of Falmouth
RANKIN of Hiram
WAGNER of Lewiston

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

Signed:

Senator:

WESTON of Waldo

Representatives:

SUTHERLAND of Chapman
FINCH of Fairfield
JOHNSON of Greenville
RICHARDSON of Carmel

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-323)**.

Reports **READ**.

Senator **ALFOND** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Weston.

Senator **WESTON:** Thank you, Madam President. Men and women of the Senate, I won't belabor this. I just wanted to go on the record to say that the testimony for the passage of this particular bill was difficult. We have to be careful about what we are asking our teachers and our schools to do. Much of the testimony was from parents who said that they had no control over who their daughters dated and the abuse they received from these young men. If parents are having difficulty, I find it difficult to ask our schools to make sure that they are able to insure that our girls make good decisions about the people they date. I just want to go on the record as saying that we have to be clear about what we are asking our schools and our teachers to do, and this did not seem to be appropriate. Thank you.

On motion by Senator **ALFOND** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-323) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Reduce Childhood Obesity in Schools by Adding to the Physical Education Curriculum
H.P. 802 L.D. 1163

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

Signed:

Senators:

- ALFOND of Cumberland
- SCHNEIDER of Penobscot
- WESTON of Waldo

Representatives:

- SUTHERLAND of Chapman
- FINCH of Fairfield
- WAGNER of Lewiston
- LOVEJOY of Portland
- NELSON of Falmouth
- RANKIN of Hiram
- RICHARDSON of Carmel
- JOHNSON of Greenville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-406).**

Signed:

Representatives:

- CASAVANT of Biddeford
- McFADDEN of Dennysville

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Clarify Standards by Which Game Wardens May Stop All-terrain Vehicles"

H.P. 244 L.D. 308

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-354).**

Signed:

Senators:

- BRYANT of Oxford
- JACKSON of Aroostook

Representatives:

- CLARK of Millinocket
- EBERLE of South Portland
- McLEOD of Lee
- CRAFTS of Lisbon
- SAVIELLO of Wilton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-355).**

Signed:

Senator:

- TRAHAN of Lincoln

Representatives:

- BRIGGS of Mexico
- SHAW of Standish
- DAVIS of Sangerville
- SARTY of Denmark

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-354)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-354).**

Reports **READ**.

On motion by Senator **BRYANT** of Oxford, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-354)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-354) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Resolve, To Conduct an Updated Study of the Feasibility of Establishing a Single-payor Health Care System in the State

H.P. 690 L.D. 1002

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-353)**.

Signed:

Senators:

- BOWMAN of York
- ALFOND of Cumberland
- McCORMICK of Kennebec

Representatives:

- TREAT of Hallowell
- PRIEST of Brunswick
- BEAUDOIN of Biddeford
- BECK of Waterville
- GOODE of Bangor
- LEGG of Kennebunk
- MORRISON of South Portland
- FOSEL of Alna
- RICHARDSON of Warren

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

Signed:

Representative:

- WEAVER of York

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-353)**.

Reports **READ**.

Senator **BOWMAN** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#105)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFKY, GOODALL, HOBBS, JACKSON, MARRACHE, MCCORMICK, PERRY, RAYE, RECTOR, SCHNEIDER, SIMPSON, SULLIVAN, TRAHAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: COURTNEY, DAVIS, GOOLEY, HASTINGS, MILLS, NASS, NUTTING, PLOWMAN, ROSEN, SHERMAN, SMITH, WESTON

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **BOWMAN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-353) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Reimburse Debra Bilodeau for Her Expenses Incurred in Connection with Her Petition for Appointment as a Foster Parent"

H.P. 275 L.D. 368

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-347)**.

Signed:

Senators:

- SULLIVAN of York
- PLOWMAN of Penobscot

Representatives:

- CORNELL du HOUX of Brunswick
- PINKHAM of Lexington Township
- TRINWARD of Waterville
- TUTTLE of Sanford
- NASS of Acton
- RUSSELL of Portland

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

Signed:

Senator:
GOODALL of Sagadahoc

Representatives:
BEAULIEU of Auburn
VALENTINO of Saco
FITTS of Pittsfield
CAREY of Lewiston

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-347)**.

Reports **READ**.

Senator **SULLIVAN** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Require State-owned Solid Waste Disposal Facilities To Demonstrate a Public Benefit"
H.P. 518 L.D. 759

Reported that the same **Ought 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
WALSH INNES of Yarmouth
WELSH of Rockport

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

Signed:

Representatives:
EDGECOMB of Caribou
AYOTTE of Caswell

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

Reports **READ**.

Senator **GOODALL** of Sagadahoc moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

On motion by Senator **RAYE** of Washington, **TABLED** until Later in Today's Session, pending the motion by Senator **GOODALL** of Sagadahoc to **ACCEPT**, the Majority **OUGHT TO PASS** Report, in concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require State Employees To Pay 15% of Their Health Insurance Costs"
H.P. 305 L.D. 417

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-273)**.

Signed:

Senator:
COURTNEY of York

Representatives:
BOLAND of Sanford
BROWNE of Vassalboro
WILLETTE of Presque Isle
HAYES of Buckfield
BEAUDETTE of Biddeford
COTTA of China
CLARK of Easton
HARVELL of Farmington

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

Signed:

Senators:
SIMPSON of Androscoggin
JACKSON of Aroostook

Representatives:
KAENRATH of South Portland
SCHATZ of Blue Hill

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

Reports **READ**.

Senator **SIMPSON** of Androscoggin moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

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

Senator **COURTNEY:** Thank you, Madame President. Men and women of the Senate, the sponsor, the good Representative Weaver from York, put this bill forward. Much of it was included in the budget. It was a very difficult step to take for many of us. With that, I will certainly agree with the good Senate Chair. Thank you.

On motion by Senator **SIMPSON** of Androscoggin, Bill and accompanying papers **INDEFINITELY POSTPONED**.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify the Municipal Jurisdiction of a Portion of Saco Bay"

H.P. 774 L.D. 1119

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-375)**.

Signed:

Senators:

SIMPSON of Androscoggin
JACKSON of Aroostook
COURTNEY of York

Representatives:

BOLAND of Sanford
BROWNE of Vassalboro
WILLETTE of Presque Isle
HAYES of Buckfield
BEAUDETTE of Biddeford
COTTA of China
CLARK of Easton
KAENRATH of South Portland
SCHATZ of Blue Hill

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

Signed:

Representative:

HARVELL of Farmington

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-375)**.

Reports **READ**.

On motion by Senator **SIMPSON** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-375) **READ**.

On motion by Senator **SIMPSON** of Androscoggin, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-375), in concurrence.

Off Record Remarks

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require a State Agency To Reference the Livable Wage in Information Published by That Agency" (EMERGENCY)

H.P. 915 L.D. 1312

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

Signed:

Senators:

SIMPSON of Androscoggin
COURTNEY of York

Representatives:

BROWNE of Vassalboro
WILLETTE of Presque Isle
HAYES of Buckfield
BEAUDETTE of Biddeford
COTTA of China
CLARK of Easton
HARVELL of Farmington
KAENRATH of South Portland
SCHATZ of Blue Hill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-381)**.

Signed:

Senator:

JACKSON of Aroostook

Representative:

BOLAND of Sanford

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TAXATION** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Control Property Tax Increases

H.P. 576 L.D. 840

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

Signed:

Senators:

PERRY of Penobscot
BLISS of Cumberland

Representatives:

WATSON of Bath
BRYANT of Windham
FLEMINGS of Bar Harbor
CROCKETT of Augusta
PILON of Saco
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" (H-399)**.

Signed:

Senator:

NASS of York

Representatives:

LANGLEY of Ellsworth
CHASE of Wells
KNIGHT of Livermore Falls

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Reform Maine's Motor Fuel Tax Laws"

H.P. 942 L.D. 1341

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

Signed:

Senators:

DAMON of Hancock
GOOLEY of Franklin

Representatives:

MAZUREK of Rockland
HOGAN of Old Orchard Beach
BROWNE of Vassalboro
PEOPLES of Westbrook
THOMAS of Ripley
CEBRA of Naples
THERIAULT of Madawaska
HARLOW of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-382)**.

Signed:

Representative:

CAREY of Lewiston

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

Reports **READ**.

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

Senate

Ought to Pass As Amended

Senator BLISS for the Committee on **JUDICIARY** on Bill "An Act To Enact the Maine Uniform Power of Attorney Act"
S.P. 507 L.D. 1404

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-240)**.

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

READ ONCE.

Committee Amendment "A" (S-240) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BLISS for the Committee on **JUDICIARY** on Bill "An Act To Modify Child Support Enforcement Procedures and Requirements"

S.P. 543 L.D. 1459

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-241).**

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

READ ONCE.

Committee Amendment "A" (S-241) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator GOODALL for the Committee on **NATURAL RESOURCES** on Bill "An Act Concerning Debarment from Contracts with the Department of Environmental Protection" S.P. 548 L.D. 1471

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-239).**

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

READ ONCE.

Committee Amendment "A" (S-239) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow Noncitizen Residents To Vote in Municipal Elections"

S.P. 443 L.D. 1195

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

Signed:

Senators:

SULLIVAN of York
GOODALL of Sagadahoc
PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
CORNELL du HOUX of Brunswick
PINKHAM of Lexington Township
VALENTINO of Saco
TRINWARD of Waterville
TUTTLE of Sanford
FITTS of Pittsfield
CAREY of Lewiston
NASS of Acton

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

Signed:

Representative:

RUSSELL of Portland

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#106)

YEAS: Senators: BARTLETT, BLISS, BOWMAN, 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

NAYS: Senators: ALFOND, BRANNIGAN

33 Senators having voted in the affirmative and 2 Senators having voted in the negative, the motion by Senator **SULLIVAN** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report. **PREVAILED.**

Sent down for concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Suspend the Cost-of-living Adjustment for Legislators' Salaries for the First Regular Session of the 124th Legislature" (EMERGENCY)

S.P. 176 L.D. 473

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-236).**

Signed:

Senator:

COURTNEY of York

Representatives:

BROWNE of Vassalboro
WILLETTE of Presque Isle
HAYES of Buckfield
BEAUDETTE of Biddeford
COTTA of China
HARVELL of Farmington
SCHATZ of Blue Hill

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

Signed:

Senators:

SIMPSON of Androscoggin
JACKSON of Aroostook

Representatives:

BOLAND of Sanford
CLARK of Easton
KAENRATH of South Portland

Reports **READ**.

Senator **SIMPSON** of Androscoggin moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

Senator **COURTNEY** of York requested a Roll Call.

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **SIMPSON** of Androscoggin to **INDEFINITELY POSTPONE** the Bill and accompanying papers. (Roll Call Requested)

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Establish the Maine Science Advisory Board"

S.P. 413 L.D. 1102

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

Signed:

Senators:

SIMPSON of Androscoggin
JACKSON of Aroostook

Representatives:

BOLAND of Sanford
WILLETTE of Presque Isle
HAYES of Buckfield
BEAUDETTE of Biddeford
COTTA of China
HARVELL of Farmington
KAENRATH of South Portland
SCHATZ of Blue Hill
BROWNE of Vassalboro

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-237)**.

Signed:

Senator:

COURTNEY of York

Representative:

CLARK of Easton

Reports **READ**.

Senator **SIMPSON** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Smith.

Senator **SMITH:** Thank you, Madame President. Men and women of the Senate, I just wanted to say a couple of words about this bill and the idea that it brings forward. This is a bill that I sponsored. It basically calls for a Science Advisory Board to be available for legislative use. It is designed, at least as I see it, as a non-cost item to the Legislature and would function like many other advisory boards and commissions do for the Legislature. I note in today's calendar, item 5-10 that we established a Probate and Trust Law Advisory Commission. My view of it is that this Legislature is very efficient, and it moves legislation very fast. Several of the committees deal with issues of some importance in the science field. As time goes by and the world becomes more technical and more science-oriented, we are going to have important questions concerning science that we will want to get quick and ready answers to from a source that is not from the lobby, but from a secondary source that is not attached to a part of State government that may be under a political agenda or directive to answer questions. It would be a neutral source that the Legislature can turn to. It's obvious today that this bill is not going to go forward, but I think it's an idea that needs to be thought about by the members of the Legislature going forward. I think it's an idea that needs to be developed further, and today I would simply ask that when the votes are taken, that they be taken by yeas and nays. Thank you.

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

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **HASTINGS:** Thank you, Madame President. Ladies and gentlemen of the Senate, I just want to echo what the Senator from Piscataquis, Senator Smith, has just indicated. I know the Judiciary Committee puts great reliance on the advisory opinions given to us from CLAC and FLAC, the Criminal Law Advisory Committee and the Family Law Advisory Committee. Both of these committees are made up of experts in their respective fields from all perspectives. They have no vested interest in the outcome of the bill. They give us very timely advice as to the implications of each bill. I would suspect in the area of science

and scientific questions that such advice would be at least as equally welcomed by the Committee. Thank you.

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

Senator **SIMPSON:** Thank you, Madame President. Men and women of the Senate, the original bill was to create a large advisory board. The amended version, that some people wished to vote for, gives those duties instead to the Maine Innovation Economy Advisory Board and they would be able to answer questions from the Legislature and the Governor. The issue isn't really whether or not we need more scientific information, it's whether or not we're going to task this group of volunteers with more work than they already have in order to work on the innovation economy. Because that's more than I think we can expect from volunteers, I would hope that you all support the Majority of the Committee. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Simpson to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#107)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFISKY, GOODALL, HOBBS, JACKSON, MARRACHE, NUTTING, PERRY, SCHNEIDER, SIMPSON, SULLIVAN, THE PRESIDENT – ELIZABETH H. MITCHELL

NAYS: Senators: COURTNEY, DAVIS, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, RECTOR, ROSEN, SHERMAN, SMITH, TRAHAN, WESTON

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **SIMPSON** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

SECOND READERS

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

House As Amended

Bill "An Act Relating to Interference with Navigation on Inland Waters"

H.P. 303 L.D. 415
(C "A" H-304)

Bill "An Act To Increase the Jurisdictional Limit for Small Claims"

H.P. 331 L.D. 443
(C "A" H-335)

Bill "An Act To Allow the Award of Court Costs or Attorney's Fees in Protection from Harassment Actions"

H.P. 471 L.D. 657
(C "A" H-336)

Bill "An Act To Improve Transportation for Veterans"

H.P. 601 L.D. 870
(C "A" H-342)

Bill "An Act To Amend the Maine Estate Tax"

H.P. 653 L.D. 950
(C "A" H-334)

Bill "An Act To Provide for the Safe Collection and Recycling of Mercury-containing Lighting"

H.P. 675 L.D. 973
(C "A" H-341)

Bill "An Act To Continue To Reduce Mercury Use and Emissions"

H.P. 717 L.D. 1042
(C "A" H-346)

Bill "An Act To Promote Transparency and Accountability in Campaigns and Governmental Ethics"

H.P. 766 L.D. 1111
(C "A" H-282)

Bill "An Act To Allow a Municipality To Grant a Variance for the Construction of a Parking Structure for a Person with a Permanent Disability"

H.P. 811 L.D. 1172
(C "A" H-299)

Bill "An Act To Streamline the Process for Court-ordered Mental Health Examinations in Criminal Cases"

H.P. 824 L.D. 1200
(C "A" H-337)

Bill "An Act To Update the Site Location of Development Laws"

H.P. 887 L.D. 1268
(C "A" H-339)

Bill "An Act To Clarify the Laws Regarding Significant Groundwater Wells"

H.P. 888 L.D. 1269
(C "A" H-340)

Bill "An Act To Amend the Charter of the Clinton Water District"

H.P. 959 L.D. 1369
(C "A" H-338)

Bill "An Act To Increase the Safety of Maine State Troopers"
H.P. 963 L.D. 1373
(C "A" H-322)

Bill "An Act To Implement the Recommendations of the PE4ME
Planning and Oversight Team"

H.P. 983 L.D. 1407
(C "A" H-343)

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

Bill "An Act To Establish the Maine Fuel Board"

H.P. 1007 L.D. 1455
(C "A" H-345)

READ A SECOND TIME.

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

Senate As Amended

Bill "An Act To Regulate the Rockweed Harvest in Cobscook Bay"

S.P. 109 L.D. 345
(C "A" S-225)

Resolve, To Further Regulate the Use of Tanning Booths by Minors

S.P. 137 L.D. 395
(C "A" S-227)

Resolve, Regarding Continuity of Care in the Child Development Services System

S.P. 188 L.D. 489
(C "A" S-232)

Bill "An Act To Regulate Foreclosure Negotiators"

S.P. 198 L.D. 503
(C "A" S-216)

Bill "An Act To Protect Electricity Consumers in Northern Maine"

S.P. 223 L.D. 608
(C "A" S-50)

Bill "An Act To Amend the Laws Governing Involuntary Hospitalization Procedures When Both Commitment and Involuntary Treatment Are Sought"

S.P. 224 L.D. 609
(C "A" S-228)

Bill "An Act To Promote Fairness and Protect Economic Development in Transportation Projects Undertaken by the State"

S.P. 294 L.D. 767
(C "A" S-213)

Bill "An Act Regarding the Payment of Medicare Parts B and D Premiums for Employees Eligible for Medicare"

S.P. 401 L.D. 1083
(C "A" S-217)

Bill "An Act To Preserve Government Documents"

S.P. 411 L.D. 1100
(C "A" S-207)

Resolve, To Understand and Assist in Efforts To Promote Science, Technology, Engineering and Math Education

S.P. 412 L.D. 1101
(C "A" S-208)

Bill "An Act To Limit the Scope of Miscellaneous Costs within the General Purpose Aid for Local Schools Appropriation"

S.P. 417 L.D. 1126
(C "A" S-209)

Bill "An Act To Establish the Maine Commission on Indigent Legal Services" (EMERGENCY)

S.P. 423 L.D. 1132
(C "A" S-233)

Resolve, To Provide a Program Model for Children with Autism Spectrum Disorder

S.P. 461 L.D. 1280
(C "A" S-210)

Bill "An Act To Exempt from Taxation Biodiesel Fuel Produced for Personal Use" (EMERGENCY)

S.P. 487 L.D. 1352
(C "A" S-224)

Bill "An Act To Implement Shared Decision Making To Improve Quality of Care and Reduce Unnecessary Use of Medical Services"

S.P. 493 L.D. 1358
(C "A" S-218)

Bill "An Act To Amend the Laws Governing Direct Support Providers of Shared Living Residential Services"

S.P. 496 L.D. 1361
(C "A" S-229)

Bill "An Act To Implement the Uniform Law Conference Suggested Updates to Article 1 of the Uniform Commercial Code"

S.P. 506 L.D. 1403
(C "A" S-234)

Bill "An Act To Implement the Updates to Article 7 of the Uniform Commercial Code Suggested by the National Conference of Commissioners on Uniform State Laws"

S.P. 508 L.D. 1405
(C "A" S-235)

Resolve, To Reform Public Retirement Benefits and Eliminate Social Security Offsets

S.P. 515 L.D. 1431
(C "A" S-230)

Bill "An Act To Create Economic Development in the State by Modernizing the State's Captive Insurance Laws"

S.P. 520 L.D. 1436
(C "A" S-220)

Bill "An Act To Support the Center of Excellence for At-risk Students" (EMERGENCY)

S.P. 528 L.D. 1443
(C "A" S-211)

Bill "An Act To Ensure Fair Calculation of Severance Pay for Maine Workers" (EMERGENCY)

S.P. 547 L.D. 1469
(C "A" S-231)

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

Sent down for concurrence.

Bill "An Act To Improve the Maine Clean Election Act"

S.P. 445 L.D. 1197
(C "A" S-214)

READ A SECOND TIME.

On motion by Senator **DAMON** of Hancock, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-214).

On further motion by same Senator, Senate Amendment "A" (S-246) to Committee Amendment "A" (S-214) **READ.**

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

Senator **SULLIVAN:** Thank you, Madame President. Men and women of the Senate, may I pose a question through the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **SULLIVAN:** Thank you, Madame President. I am extremely interested in a technical amendment. Would someone please explain the Amendment?

THE PRESIDENT: The Senator from York, Senator Sullivan poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Hancock, Senator Damon.

Senator **DAMON:** Thank you, Madame President. Ladies and gentlemen of the Senate, this amendment deals with Maine's Clean Election law and attempts to improve the law. I could give you all kinds of ways to improve that law, but this amendment doesn't deal with that. Instead, it says that \$5 or more in the form of checks or money orders made payable to the Fund and signed by the contributor in support of a candidate, or made over the internet in support of a candidate, according to the procedure established by the Commission. Apparently it's a technical

amendment to a law that's already in place. Thank you, Madame President.

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

Senator **PLOWMAN:** Thank you, Madame President. Men and women of the Senate, I'd like to thank the Chair of the Bills in Second Reading for catching that technical amendment. It just shows that once again they're doing important things.

On motion by Senator **DAMON** of Hancock, Senate Amendment "A" (S-246) to Committee Amendment "A" (S-214) **READ** and **ADOPTED.**

Committee Amendment "A" (S-214) as Amended by Senate Amendment "A" (S-246) thereto, **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-214) AS AMENDED BY SENATE AMENDMENT "A" (S-246) thereto.

Sent down for concurrence.

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

ENACTORS

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

Act

An Act To Allow the Town of Baldwin Eligibility for Full Pine Tree Development Zone Benefits

S.P. 90 L.D. 267
(C "A" S-156)

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

ORDERS OF THE DAY

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

An Act To Allow the Town of Baldwin Eligibility for Full Pine Tree Development Zone Benefits

S.P. 90 L.D. 267
(C "A" S-156)

Tabled – May 28, 2009, by Senator **BARTLETT** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, May 18, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-156).**)

(In House, May 27, 2009, **PASSED TO BE ENACTED.**)

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **NUTTING** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Provide Representation for Dog Clubs on the Animal Welfare Advisory Council"

S.P. 157 L.D. 454

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-243).**

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

READ ONCE.

Committee Amendment "A" (S-243) **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 Amend the Maine Clean Election Act and the Enforcement Procedures of the Commission on Governmental Ethics and Election Practices"

S.P. 536 L.D. 1451

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-242).**

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

READ ONCE.

Committee Amendment "A" (S-242) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Establish Annual Reporting for Genetically Engineered Crops"

H.P. 667 L.D. 965

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-385).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-385).**

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

READ ONCE.

Committee Amendment "A" (H-385) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Regarding Legislative Review of Portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a Major Substantive Rule of the Board of Pesticides Control (EMERGENCY)

H.P. 674 L.D. 972

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-384).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-384).**

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

READ ONCE.

Committee Amendment "A" (H-384) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Promote Economic Development in the Greater Portland Region"

H.P. 729 L.D. 1054

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-378)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-378)**.

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

READ ONCE.

Committee Amendment "A" (H-378) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, To Implement Select Recommendations of the Joint Select Committee on Future Maine Prosperity (EMERGENCY)

H.P. 989 L.D. 1413

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-379)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-379)**.

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

READ ONCE.

Committee Amendment "A" (H-379) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Implement the Recommendations of the Ad Hoc Task Force on the Use of Deadly Force by Law Enforcement Officers Against Individuals Suffering From Mental Illness"

H.P. 805 L.D. 1166

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-413)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-413)**.

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

READ ONCE.

Committee Amendment "A" (H-413) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend Operating After Suspension Laws by Creating an Infraction Alternative for Certain Kinds of Operating After Suspension"

H.P. 862 L.D. 1243

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-412)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-412)**.

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

READ ONCE.

Committee Amendment "A" (H-412) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Implement the Recommendations of the Criminal Law Advisory Commission"

H.P. 894 L.D. 1275

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-376)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-376)**.

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

READ ONCE.

Committee Amendment "A" (H-376) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the School Funding Formula Regarding School Administrative Units That Are Eligible for the Minimum State Share of Their Total Allocation" (EMERGENCY)
H.P. 845 L.D. 1225

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-404)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-404)**.

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

READ ONCE.

Committee Amendment "A" (H-404) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Direct Action on Health Disparities of the Passamaquoddy Tribe and Washington County (EMERGENCY)
H.P. 848 L.D. 1228

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-403)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-403)**.
Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-403) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Update Terms and Make Changes in Child Care and Transportation Benefits under the Temporary Assistance for Needy Families Program"

H.P. 992 L.D. 1416

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-405)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-405)**.

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

READ ONCE.

Committee Amendment "A" (H-405) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Implement Respectful Language Amendments"
H.P. 995 L.D. 1419

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-402)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-402)**.

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

READ ONCE.

Committee Amendment "A" (H-402) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Allow Efficient Health Insurance Coverage"
H.P. 976 L.D. 1397

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-393)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393)**.

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

READ ONCE.

Committee Amendment "A" (H-393) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Create a Post-judgment Mechanism To Provide Relief for a Person Whose Identity Has Been Stolen and Falsely Used in Court Proceedings"
H.P. 818 L.D. 1179

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-409).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-409).**

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

READ ONCE.

Committee Amendment "A" (H-409) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act Regarding Low-profit Limited Liability Companies"

H.P. 884 L.D. 1265

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-410).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-410).**

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

READ ONCE.

Committee Amendment "A" (H-410) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Establish a State-controlled Casino"

H.P. 378 L.D. 533

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-391).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-391).**

Report **READ.**

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

The Committee on **LEGAL AND VETERANS AFFAIRS** on 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-392).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-392).**

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

READ ONCE.

Committee Amendment "A" (H-392) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **MARINE RESOURCES** on Bill "An Act To Protect the Long-term Viability of Island Lobster Fishing Communities"

H.P. 851 L.D. 1231

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-401).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-401).**

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

READ ONCE.

Committee Amendment "A" (H-401) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding Construction and Excavation near Burial Sites" H.P. 97 L.D. 113

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-416).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-416).**

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

READ ONCE.

Committee Amendment "A" (H-416) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

H.P. 473 L.D. 659

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-398).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-398).**

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

READ ONCE.

Committee Amendment "A" (H-398) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

ENACTORS

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

Emergency Measure

An Act To Exempt School Administrative District 12, School Union 37 and School Union 60 from the Laws Requiring School Administration Consolidation

S.P. 170 L.D. 467
(C "A" S-186)

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 Measure

An Act To Encourage Maine Residents To Attend Medical School and Practice in Maine

S.P. 322 L.D. 853
(C "A" S-178)

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

Emergency Measure

An Act To Implement the Recommendations of the Right To Know Advisory Committee

H.P. 823 L.D. 1199
(C "A" H-314)

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 Measure

An Act To Correct Inequities for Certain Maine Community College System Employees in the Maine Public Employees Retirement System

S.P. 452 L.D. 1219
(C "A" S-183)

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 Measure

An Act To Create the Hancock Pond Water District
H.P. 921 L.D. 1318
(C "A" H-303)

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.

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

ENACTORS

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

Acts

An Act To Permit the Use of a Common Flue for Oil and Solid Fuel Burning Equipment
H.P. 46 L.D. 53
(H "A" H-317 to C "A" H-173)

An Act To Modify the Informed Growth Act
H.P. 336 L.D. 448
(C "A" H-232)

An Act To Address an Inequity in the Judicial Retirement System
S.P. 184 L.D. 488
(C "A" S-174)

An Act To Clarify the Maine Uniform Building and Energy Code
H.P. 466 L.D. 652
(C "A" H-301)

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

An Act To Provide for an Expiration Date for Certain Harassment Notices
H.P. 528 L.D. 777
(C "A" H-315)

An Act To Fully Implement the Legislative Intent in Prohibiting Offensive Place Names
H.P. 546 L.D. 797
(C "A" H-312)

An Act To Amend the Laws To Ensure Equity in the Judicial Retirement Program
H.P. 650 L.D. 947
(C "A" H-313)

An Act To Amend the Laws Governing Liquor Liability and Licensing

H.P. 673 L.D. 971
(C "A" H-325)

An Act To Amend the Laws Governing the Recycling of Televisions

S.P. 428 L.D. 1156
(C "A" S-170)

An Act To Amend the Election Laws

H.P. 808 L.D. 1169
(C "A" H-311)

An Act To Improve the Process for Recovering Personal Property and for Filing Actions Involving Consumer Credit

S.P. 432 L.D. 1184
(C "A" S-175)

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

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

ENACTORS

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

Acts

An Act Regarding Volunteer Lobbyists
H.P. 835 L.D. 1210
(C "A" H-310)

An Act To Generate Savings by Changing Public Notice Requirements
H.P. 890 L.D. 1271
(C "A" H-330)

An Act To Streamline Ratemaking for Consumer-owned Water Utilities
H.P. 950 L.D. 1349
(C "A" H-320)

An Act To Improve the Use of Data from the Controlled Substances Prescription Monitoring Program
S.P. 494 L.D. 1359
(C "A" S-125)

An Act To Restore Game Sanctuary Status for Certain Lands in the Town of Orrington
H.P. 961 L.D. 1371

An Act To Simplify Maine's Accountancy Laws
H.P. 962 L.D. 1372
(C "A" H-307)

An Act Regarding the Licensing Fees for Certain Professional Programs

S.P. 504 L.D. 1388
(C "A" S-171)

An Act To Amend the Laws Governing Emergency Management

S.P. 510 L.D. 1391
(C "A" S-182)

An Act To Strengthen the Workplace Smoking Laws and Other Laws Governing Smoking

S.P. 513 L.D. 1429
(C "A" S-177)

An Act To Clarify the Purpose of the Notice Requirement of Land Taking by the Department of Transportation

S.P. 524 L.D. 1440
(C "A" S-184)

An Act To Assist Maine Workers and Businesses in Succeeding in a Changing Economy

H.P. 1025 L.D. 1474
(C "A" H-321)

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 Amend the Motor Vehicle Laws

S.P. 438 L.D. 1190
(C "A" S-176)

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

An Act To Promote Youth Hunting License Sales

H.P. 865 L.D. 1246
(S "A" S-191 to C "A" H-276)

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

An Act To Adopt the Interstate Compact on Educational Opportunity for Military Children

H.P. 928 L.D. 1324
(C "A" H-318)

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

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

ENACTORS

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

Resolves

Resolve, To Establish a Working Group Concerning Domestic Violence and Firearms

S.P. 265 L.D. 690
(C "A" S-181)

Resolve, To Encourage Regional Energy Conservation and Renewable Energy Initiatives

H.P. 626 L.D. 908
(C "A" H-308)

Resolve, Directing the Commission on Governmental Ethics and Election Practices To Develop Recommendations for Ethical Standards for the Executive Branch

S.P. 361 L.D. 978
(C "A" S-173)

Resolve, To Promote Cogeneration of Energy at Maine Sawmills

H.P. 719 L.D. 1044
(C "A" H-302)

Resolve, To Develop a Watercraft Safety Education Plan

H.P. 829 L.D. 1204
(C "A" H-274)

Resolve, to Create a Working Group on the Prevention, Diagnosis and Treatment of Concussive Head Injuries in Student-athletes

H.P. 903 L.D. 1300
(C "A" H-319)

Resolve, Directing the State Planning Office To Prepare a Reorganization Plan

H.P. 916 L.D. 1313
(C "A" H-329)

Resolve, Regarding the Maine State Cultural Building in Augusta

H.P. 1033 L.D. 1480

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish and Promote Statewide Collaboration and Coordination in Public Health Activities and To Enact a Universal Wellness Initiative"

H.P. 953 L.D. 1363

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-407)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-407) AND HOUSE AMENDMENT "A" (H-436)**.

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

READ ONCE.

Committee Amendment "A" (H-407) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-436) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend Sentinel Events Reporting Laws To Reduce Medical Errors and Improve Patient Safety"

S.P. 519 L.D. 1435

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-248)**.

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

READ ONCE.

Committee Amendment "A" (S-248) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (4/15/09) Assigned matter:

SENATE REPORTS - from 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

Majority - **Ought Not to Pass** (6 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-61)** (5 members)

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

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 15, 2009, Reports **READ**.)

On motion by Senator **BARTLETT** of Cumberland, Bill and accompanying papers **INDEFINITELY POSTPONED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/28/09) Assigned matter:

SENATE REPORTS - from 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

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-82)** (4 members)

Tabled - April 28, 2009, by Senator **BARTLETT** of Cumberland

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

(In Senate, April 28, 2009, Reports **READ**.)

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

Senator **DAVIS**: Thank you, Madame President. Men and women of the Senate, I urge you to support the Minority Report of L.D. 921, An Act to Eliminate Maine Clean Election Act Funding for Gubernatorial Candidates. This bill would limit public funding out of the Maine Clean Election Act to legislative candidates. Pat LaMarche, Barbara Merrill, and Chandler Woodcock fought hard to become Governor in the 2006 General Election. They are all fine human beings who disagreed on issues. None became Governor but Maine taxpayers subsidized these three candidates whose ideas they disagreed with. They were given enormous sums of money from the Maine Clean Election Fund. Over \$3.5 million in public funds were dispersed to gubernatorial candidates in 2006. These costs will continue to escalate as more and more individuals are attracted to the easy money, the fame, and the recognition that comes from running for the office of Governor. Limiting public funding to candidates will save the State of Maine millions of dollars. Already six candidates have announced their intention to run for Governor in 2010, with three of them declaring their intent to qualify for the public funding. This money would be much better used to give assistance to Maine's most vulnerable citizens and reform Maine's health care system. Additionally, it might go toward increasing or putting back the longevity pay for State workers. Maine has a financial crisis, as does the rest of the country. In this troubled economy, can we really justify giving millions of our taxpayers' dollars to anyone who can gather 3,250 \$5 checks to achieve their moment in the limelight? We, the people of Maine, are being taxed to subsidize ideas that we disagree with.

I leave you with this last thought. Will we ever again, under the Clean Election Act, elect a Governor with a majority of the vote or will the gubernatorial vote continue to be sliced into smaller and smaller portions, as was the case with the 2006 General Election? There were five candidates, two that were privately financed and three that were publicly financed, with the winner receiving 39.5% of the vote. I thank you for your time and I urge you to vote for the Minority Report. Thank you.

Senator **SULLIVAN** of York moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

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

Senator **SULLIVAN**: Thank you, Madame President. Men and women of the Senate, this item has been addressed in the Budget that was passed yesterday as to amounts and qualifying candidates. Therefore it is not needed and it would not be in agreement with the budget. 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 would urge you to oppose the pending motion. I'm going to read from the Report on Qualifications for Maine Clean Election Act Gubernatorial Candidates. The projected payments to gubernatorial candidates in 2010 projects that we will need \$6.6 million in order to fund the candidates who will most likely qualify for the Fund, \$6.6 million. Yes, this was passed because the people were presented with a referendum, but I don't think they ever dreamed that we would put forth a total of \$10 million in 2010 to run candidates for the Legislature and

Governor. Legislative candidates use this in excess of 85% of the time. If you translate that to the number of people who are interested in running for Governor, and who can qualify for the Fund, the total will be over \$10 million that you will have to factor in to the budget which we discussed yesterday. The very budget in which we talked about the pain that every constituent will feel, the cliff that we are quickly approaching, and the lack of federal stimulus money in order to balance the budget. Yet we're going to be asking the taxpayers of the state of Maine to agree that we should be spending \$6.6 million to try to put forth one credible candidate who can win the election.

Public funding does not necessarily equate with credibility. I don't believe that I want to go back to my taxpayers when the budget comes up in 2010 and say to them we cut funding for the mentally retarded, we cut funding for the homeless, we issued ten furlough days per year in the next budget to State employees, and we are cutting the services for the neediest so that someone can buy advertising, cardboard pieces of paper that will end up in the dump and landfill, stickers, and buttons. I think if you put the question to the people today, 'Would you rather we spent that on services or would you rather we spent that on candidates running for Governor?' common sense would prevail. Yes, we passed a budget yesterday. Yes, we dealt with a very small part of this question. However, we are looking at the same or worse situations when we talk about the next budget and I don't believe that today we should spend \$6.6 million on a Gubernatorial election when we can't even tell what we're going to have to cut in 2010. This is an easy cut. It should be one of the easiest cuts you make. I would urge you to vote against the pending motion and pick up on a little bit of common sense and a little bit of what the people really might want. While they support Clean Elections, they also support what we're actually supposed to do with their taxpayer money. Thank you.

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

Senator **DIAMOND**: Thank you, Madame President. Men and women of the Senate, first let me say that I've been a strong supporter of the Senator from Cumberland, Senator Davis, and this bill from day one of this session because I thought, as the Senator from Penobscot, Senator Plowman, has indicated, the money could be used elsewhere much more appropriately. I would say to you the budget that we just passed does have a \$2 million cut in the Gubernatorial Clean Elections piece. It also cuts across the board on all Clean Elections another 5%. At least our thinking on the Committee, and I think leadership on both sides joined us with this. I believe, I maybe jumping on that one a little bit. As a result of that, we felt the 5% across the board and the \$2 million cut, along with the increased threshold by the Committee of Jurisdiction, was the appropriate way to address the issue. I personally commend the Senator from Cumberland, Senator Davis, for putting this bill in, because I think it's a point that needed to be made, and I think he made it well. Thank you, Madame President.

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

Senator **RAYE**: Thank you, Madame President. Men and women of the Senate, I rise briefly to say that this member of leadership did support the budget. It was one of those things we

negotiated and accepted as part of the budget. However, I do support the Senator from Cumberland, Senator Davis, on this in terms of what I would have really preferred to see in the budget. I just wanted to state that for the record.

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

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

Senator **SULLIVAN:** Thank you, Madame President. Men and women of the Senate, I also support the Senator from Cumberland, Senator Davis' comments. I happen to not use Clean Elections, as I am a traditionally funded candidate. I don't disagree with the Senator from Penobscot, Senator Plowman's statement that if the people were to vote today, would they support this Clean Elections. I think she might be right in that they might not support it, but the fact is the Committee of Jurisdiction worked with what is now still a citizens' initiative, funding to Clean Elections, and that's what they want. We also worked within the idea that the budget was going to make another 5% cut across the board, and we raised the qualifying candidates for the Governor's race to a larger amount so that the seed money for the primary would be collected ahead of time and sort of self fund that piece. In that framework, the Committee worked with what the people of Maine had voted for. I support the motion because we worked within the law that exists now. All of the statements that have been made are very true. However, we've taken care of what we could in that framework, and I think we need to honor that piece and vote against it. I look forward to seeing in some way, shape or manner, a bill like this in another session, or perhaps another citizens' initiative. I don't disregard that but here we are, here are the facts, and here is the law that we must work with. We must respect the people for that vote at this point in time. Thank you, very much.

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

Senator **SCHNEIDER:** Thank you, Madame President. Men and women of the Senate, I'm amazed at this discussion today against the Clean Election system. This has made a tremendous difference in this state as to the ability to run. I am a Clean Election candidate. I can tell you that as I go door to door and speak with constituents, they really believe in this system of Clean Elections, and getting money out of politics as much as possible. It is a little disheartening to me to have my colleagues speak in opposition when so much of this Body, as well as the other Body, utilizes this system to run their campaigns. I hope that we would give a little bit more credibility to this system which has advantaged the ability of people to run who might not have otherwise been able to have the ability to take on an election. I am in favor of this Indefinite Postponement because I think that we should be supporting this initiative brought by the people. This is something that's actually positive. Thank you.

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 in support of the good Senator from York County, Senator Sullivan, and her motion to Indefinitely Postpone this bill. The work that the Policy Committee did was comprehensive, was holistic, and it took in the big picture. We focused on how to entice more people to run privately. We increased the thresholds with a bill in today's calendar. We increased the ease with which someone can collect contributions, similar to what's going on in the federal system, where you can collect your General and your Primary contributions prior to the Primary election. In addition to that, last session the threshold was increased to 3,250 \$5 contributions. This year, in a bill you will see shortly, we will have seed money requirements for Gubernatorial elections of \$40,000 in \$100 increments, so the bar is set much higher. At the same time we had buy-in from many parties. I won't say it was unanimous, as I don't have the reports in front of me today. However, I think people recognize that these are very challenging financial times. The Appropriations Committee worked very hard on a compromise, and this was the will of the citizens in an initiative that passed overwhelmingly. I encourage you all to support the pending motion.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Sullivan to Indefinitely Postpone. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#108)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFISKY, GOODALL, HOBBS, JACKSON, MARRACHE, NUTTING, PERRY, SCHNEIDER, SIMPSON, SULLIVAN, THE PRESIDENT – ELIZABETH H. MITCHELL

NAYS: Senators: COURTNEY, DAVIS, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, RECTOR, ROSEN, SHERMAN, SMITH, TRAHAN, WESTON

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **SULLIVAN** of York to **INDEFINITELY POSTPONE** the Bill and accompanying papers, **PREVAILED**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

Senator **NASS** of York 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.

On motion by Senator **BARTLETT** of Cumberland,
RECESSED until 4:00 in the afternoon.

After Recess

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (5/12/09) Assigned matter:

SENATE REPORTS - from the Committee on **TAXATION** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a Supermajority Approval of the Legislature for Tax Increases

S.P. 344 L.D. 922

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-145)** (4 members)

Tabled - May 12, 2009, by Senator **PERRY** of Penobscot

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report (Roll Call Ordered)

(In Senate, May 12, 2009, Reports **READ**.)

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

Senator **NASS:** Thank you, Madame President. Ladies and gentlemen of the Senate, it's always nice to be first up, Madame President, right after a long break. Everybody's looking around to

see if I'm there or not. Well, I'm here. We had a short debate on this a few weeks ago so I'm not going to repeat. I just wanted to remind everybody that, as we approach and attempt to do another effort at tax reform, it often in some people's mind comes up short because we don't have this element in it. As we figure out how to do this, whether we succeed this time or not, for some people in this state this is always going to be the missing element. For those who have doubts, as opposed to if you are in the Majority who have doubts about this being useful, I just want to remind everybody again as I did the first time that if you look at the Constitution there are 13 places in the Constitution where we have to do things by a two-thirds vote. It should not be a problem to do it once more to raise taxes. With that, Madame President, I thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Perry to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#109)

YEAS: Senators: BARTLETT, BLISS, BOWMAN, BRANNIGAN, CRAVEN, DAMON, DIAMOND, GERZOFKY, GOODALL, HOBBS, MARRACHE, PERRY, SCHNEIDER, SIMPSON, SULLIVAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: COURTNEY, DAVIS, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, RECTOR, ROSEN, SHERMAN, SMITH, TRAHAN, WESTON

ABSENT: Senators: ALFOND, BRYANT, JACKSON, NUTTING

16 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator **PERRY** of Penobscot **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**. Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/21/09) Assigned matter:

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Protect Family Caregivers"
H.P. 664 L.D. 962

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-295)** (9 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - May 21, 2009, by Senator **BLISS** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, May 20, 2009, 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-295)**.)

(In Senate, May 21, 2009, Reports **READ**.)

Senator **BLISS** of Cumberland requested and received leave of the Senate to withdraw his motion to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/27/09) Assigned matter:

SENATE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Protect the Privacy of Maine Residents under the Driver's License Laws"
S.P. 492 L.D. 1357

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-215)** (7 members)

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

Tabled - May 27, 2009, by Senator **DAMON** of Hancock

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

(In Senate, May 27, 2009, Reports **READ**.)

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

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **DAMON** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report. (Roll Call Ordered)

The Chair laid before the Senate the following Tabled and Later (5/14/09) Assigned matter:

SENATE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Youth To Fish for Smelt on Worthley Pond" (EMERGENCY)
S.P. 347 L.D. 925

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-157)** (4 members)

Tabled - May 14, 2009, by Senator **BRYANT** of Oxford

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report

(In Senate, May 14, 2009, Reports **READ**.)

On motion by Senator **BRYANT** of Oxford, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-157) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME**.

On motion by Senator **BRYANT** of Oxford, Senate Amendment "A" (S-250) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-157) AND SENATE AMENDMENT "A" (S-250).

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/14/09) Assigned matter:

SENATE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Smelt Fishing in Metallak Brook, Upper Richardson Lake" (EMERGENCY)
S.P. 348 L.D. 926

Majority - **Ought Not to Pass** (5 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-158)** (4 members)

Tabled - May 14, 2009, by Senator **BRYANT** of Oxford

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report

(In Senate, May 14, 2009, Reports **READ**.)

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending the motion by Senator **BRYANT** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

The Chair laid before the Senate the following Tabled and Later (5/19/09) Assigned matter:

An Act To Expand the Moose Hunting Season
S.P. 351 L.D. 929
(C "A" S-140)

Tabled - May 19, 2009, by Senator **BRYANT** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, May 13, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-140).**)

(In House, May 18, 2009, **PASSED TO BE ENACTED.**)

On motion by Senator **BRYANT** of Oxford, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-140).**

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-140).

On further motion by same Senator, Senate Amendment "A" (S-238) to Committee Amendment "A" (S-140) **READ.**

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Bryant.

Senator **BRYANT:** Thank you, Madame President. Men and women of the Senate, this amendment provides that the moose hunting season may be no less than three weeks long in northern Maine, and allows the Commissioner and the Department of Inland Fisheries and Wildlife to do this through rulemaking.

On motion by same Senator, Senate Amendment "A" (S-238) to Committee Amendment "A" (S-140) **READ.**

Committee Amendment "A" (S-140) as Amended by Senate Amendment "A" (S-238) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-140) AS AMENDED BY SENATE AMENDMENT "A" (S-238) thereto, in NON-CONCURRENCE.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/20/09) Assigned matter:

SENATE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Provide Greater Access to ATVs by Lowering the Minimum Operating Age"
S.P. 104 L.D. 340

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass** (3 members)

Tabled - May 20, 2009, by Senator **JACKSON** of Aroostook

Pending - **ACCEPTANCE** of the Majority **OUGHT NOT TO PASS** Report

(In Senate, May 20, 2009, on motion by Senator **JACKSON** of Aroostook, **RECONSIDERED ACCEPTANCE** of the Majority **OUGHT NOT TO PASS** Report.)

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

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Bryant.

Senator **BRYANT:** Thank you, Madame President. Men and women of the Senate, I rise today in opposition to the pending motion. This has been an issue for the last three or four years that the Committee has tried to deal with without much results because it's always easy for us to basically pick on the kids. It's easy to restrict them from activities that we feel, as a Legislature or as adults, they may not be ready for. I would suggest to this Body that it's the parent's responsibility and it's the parent's guidance and it's the parent's ability to allow their kids to operate recreational vehicles within their scope. It also takes away a tool. When we talk about kids and we talk about weight problems we hear about a lot of bills that come out concerning why the kids can't get outside or why can't we have kids do more activities. Most of the activities we, in our great wisdom, have restricted kids from having the opportunity to do and took the rights of the parents to use their judgment on whether they will allow their kids to operate. I oppose the pending motion.

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

Senator **JACKSON:** Thank you, Madame President. Ladies and gentlemen of the Senate, I stand with the Senator from Oxford, Senator Bryant, in opposition to this. I introduced this bill and also one in the 122nd Legislature. I think back in the 121st there had been a task force commissioned to address problems with ATV use. One of the recommendations that came from it was that if you were riding on other people's land you had to have written permission to be there. It's the only real activity requiring that. We don't require that with hunting. We don't require that for snowmobiling or anything like that. ATVing, I guess, has become somewhat more of a problem, so we went this extra step and required people to have written permission before they can actually be on the land. Along with that, one of the other major things that we did was require that kids under the age of 16 could not ride on other people's land or State approved trails without an adult, someone over 16. What that actually ended up doing, in my mind, was making a lot of kids not able to ride ATVs period. Many families, if they are lucky enough, have only one ATV. Obviously, if you don't have two you can't have an adult go along with them. I put this bill in. I understood that there was a

problem, but I think how it actually got solved was by the written permission requirement. We had some problems in northern Maine with ATVs but I don't think it rose to quite the same level as what southern Maine probably experienced. This is just my personal feeling, I don't think it was the 14 and 15 year olds who were causing the trouble. I could be wrong, but for the most part I think those kids, if they do make a mistake like that, if you tell them many times, if not all of the time, they will do right. I think the older kids, including myself, are probably the ones that, even if you tell them, sometimes they just don't get it through their head. The written permission part goes for everyone. That does solve, I think, the problem of people ruining other people's lands and things like that. This does nothing to affect that. What it would do, on trails that the State approves and they put money into to create and everyone has the ability to ride on those trails that are 16 years old and above and would not have to have written permission because they are State approved trails, this bill would allow children that were 14 to ride on those trails also. I think it's a good compromise. ATV Maine is behind it as long as kids have training and we'll talk about that if we can get by this motion. ATV Maine feels that if the kids are 16 years old, they don't want to take training at that point. They feel they need to have them when they are younger for it to really sink in. I've got to tell you, I get accused sometimes of using my children to make points and things like that, but for me it is something I know. It's an issue that I have first-hand experience with. I have one son that's going to graduate in a couple of months, he's almost 18. In the past he rode ATVs around the house but he couldn't go anywhere else, so he really has no interest in ATVing now. When he turned 16 he got his license and that's what he does now. He drives. My other son is 15 and he likes to go ATVing, but he can't go on the trails. It's funny, it just happened he called me. They are in Fort Kent right now celebrating. He just got his learner's permit, so he's able now to drive a car, and in a short while he'll be able to drive it by himself at 15, but at 16 he can't ride an ATV on State approved trails. There's something wrong with that. We will give people that are 15 years old the ability to get out in the public with oncoming traffic, legally, but we won't allow them to get on a State approved trail and ride an ATV. My son, or anyone's son, at 15 years old can now apply to get a permit to ride a motorcycle on the highways in Maine, but he can't ride that motorcycle on the ATV trails in Maine. I just find that incredible. I can't believe that this was actually what people were going after. I think the problem with ATVs was that people were on other people's land without permission, and we have a law now that is in place to correct that. If it gets enforced or not, I don't know, but I still feel that it's not the 14 year olds that are ruining everyone's land. I think for sure the older people are probably more often the problem. People would argue the safety aspect of it. We have all kinds of studies that show that the people who are getting hurt on ATVs are well into their late 30s and 40s, not so much the kids. Still if you want to protect children, give them training, which we would do, and show them how to ride safely. We're not getting that now because they have to wait until they are 16 to ride on the trails and by the time they are 16 they have probably lost interest in the whole sport. This is like one of those things where you stand in the middle of the road and you know you're going to get hit but you can't get out of it. This is kind of like what this bill is. I just can't believe that this is what we want for a policy in this state, so I ask you to vote against the Majority Report.

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

Senator **TRAHAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, it is with great anxiety that I rise in opposition to the two previous speakers. I serve on the Committee with them and have great respect for both of them, but we disagree on this issue and I would like to rise and tell you why. It's not that I don't want youngsters to participate with their parents in such a wonderful outdoor activity as ATV riding, but I just don't believe that a 14 year old has the strength or the experience to run such a very powerful machine. A person at the age of 14, I don't believe, when it comes to a situation where they have to manhandle a machine of this weight and power can actually do that. That's just one reason why I oppose this change. Secondly, unaccompanied by an adult on an ATV with youngsters without barriers is a problem. I've met the previous speaker's son and I think he can handle a 4-wheeler. It's the ones of that age that can't handle the 4-wheeler that I have concerns about. I think their safety is at risk. I think that public safety is at risk. I think some kids can get into a lot of trouble on an ATV where they might not get into trouble off an ATV. I was on the Committee when this policy was implemented. They made the right decision and resolved a lot of the issues around ATVs. I hope that this Body will maintain that position and I, unfortunately, have to rise in opposition to the two previous speakers. Thank you.

At the request of Senator **BLISS** of Cumberland, Reports **READ**.

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

Senator **JACKSON:** Thank you, Madame President. Ladies and gentlemen of the Senate, well sometimes great ideas aren't the most popular and, as the Senator from Lincoln, Senator Trahan has mentioned, there is always a safety factor with anything. We were just talking about this a while ago. When I was a kid I didn't have a cell phone, I left my mother hanging all the time and she never knew where I was. I think about that now and I think what a bad, bad young son I was. While I can't afford it, both of my children have cell phones because it scares me to death that I don't know what's going on with them. At the same time I can't wrap them up and not ever let them experience anything. The thing about it is that ATVs can be dangerous. If we want to take away some of that danger, the way to do it is to teach kids, give them training, and make them wear helmets. This would do that. If we don't ever let them ride, when they get to be 16 and they don't have to do any of that. They don't have to have training. They don't have to wear a helmet. How much safer are we actually making them? Another thing is that you can legally run a canoe and motor at 10. You can run a Skidoo at 12. My son has a Skidoo that goes way faster than I can take but it's really not considered a high powered Skidoo. It goes a lot faster than any ATV on the market. It's just the inconsistencies. I buy him a Corvette tomorrow and that is legal. Just for a regular ATV we're going to say, 'No, you can't have that, that's not safe enough.' I think that there are a lot of things that we allow people to do that aren't safe and we could pass something that mandated everyone to have life jackets on when they are on the water but we don't do that. That saves lives. For me it's just the inconsistencies. Yes, by the time this would pass my son would be 16 so it really

doesn't make a difference. I still don't see it's right for kids and I had to tell my kids, 'No, you can't do that because it's against the law.' Sometimes they follow it, sometimes they don't. It's just such an unfair thing to me and that's why I put the bill in.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Bryant.

Senator **BRYANT:** Thank you, Madame President. Men and women of the Senate, just to bring two more points to the debate. The reason why the task force came into play is because there was abuse of ATVs, and we worked on that. We made it so you can't ride your ATV on anyone else's property and we made trails, and the clubs got together and made State trails where people can drive, but that's a separate question. The question that bothers me, and why I support this bill, is that myself, as a parent, that knows the ability of child and that child has the opportunity between probably the ages of 10, 11, 12, 13 and maybe 14 to participate in the activities of outdoors. Once that child gets 16 or 17 and playing basketball or whatever sport they play in year round, that child is lost to the activities that you can have them do. That is what my main point is in supporting the bill. It is the parent's right and the parent's responsibility to understand what the child is capable of. I will go on record right here, there are a lot of 14 year olds that can operate an ATV a lot better than anybody over 20, 30 and 40. When you look at the statistics of people getting hurt. When you look at the accident report that IF&W wardens bring in, it's not the 16 and 17 year olds getting hurt, it's the 34, 60 and 55, all in that range. We've just made this a blanket idea that if you're not 16 you can't operate an ATV. I just think that is wrong.

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

Senator **NUTTING:** Thank you, Madame President. Ladies and gentlemen of the Senate, first I pose a Parliamentary Inquiry.

THE PRESIDENT: The Senator may pose his inquiry.

Senator **NUTTING:** Thank you, Madame President. Is the motion before us now to accept the Majority Ought Not to Pass Report, or is it reconsideration of accepting the Majority Ought Not to Pass Report?

THE PRESIDENT: We reconsidered acceptance of the Majority Ought Not to Pass Report.

Senator **NUTTING:** Thank you, Madame President. Last week in my district we had a listening session put on by the Department of Agriculture, Conservation and Forestry on an exciting new proposal concerning the Androscoggin Riverlands proposed new State Park. People are very excited about that. They want it left very undeveloped but with multiple use. We had a great turnout for that listening session. The people who came to the session had one thing on their minds and that was ATVs and the damage that those ATVs, ridden by 16 year olds and older, had done to those State lands and how could we have a trail there that's just for ATVs. People want that, but they were very concerned about would there be enough ATV regulation on 2,200 acres in Turner. People didn't want any ATVs at all on the 400 acres in Leeds, on the other side of the river. After that discussion and some

experiences on our farms, I think the ATV clubs have made a step in the right direction, but I think we still have issues, even with 16 year olds and older, handling ATVs. I'm very apprehensive of lowering that to 14 year olds, so I will be supporting the pending motion. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Gooley.

Senator **GOOLEY:** Thank you, Madame President. Ladies and gentlemen of the Senate, I wasn't going to get up on this issue, but I have two grandsons, ages six and four. They live in the Bangor area. Their other grandfather did buy the oldest one a little ATV. There are all kinds of sizes of ATVs. There are large ones, medium ones, and small ones. I happen to own a large one myself. I use it in my business. I watched these little kids operating around the house on their little ATVs, and it's a great learning experience. In rural Maine there's a different lifestyle, especially up in the Allagash. I've been up in Allagash, so I understand. I guess I am sensitive to the safety issues, and parents have to be responsible for educating their children, so I guess I empathize with reducing the age to 14. Thank you.

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

Senator **TRAHAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, I just would like to read the summary of this bill for you and maybe just stress again what we're getting ourselves into. 'This bill lowers the minimum age that a person may operate an ATV unaccompanied by an adult from 16 years of age to 14 years of age.' It's not just the safety issue that concerns me. It's also the camp owners. I have a personal friend who's a banker at Katahdin Trust whose camp was vandalized by youngsters who came in on a 4-wheeler. The mischief that youngsters can get into with a machine that can travel great distances is also an issue. Again, I stress to you how much this frightens me. If we go down this road we're going to return to the days when our committee room is full of people who are posting their property and who are bringing up environmental issues of kids running up and down brooks and tearing them to pieces. I caution you. I've been down this road before and it's not a very pleasant one.

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

Senator **JACKSON:** Thank you, Madame President. Ladies and gentlemen of the Senate, I would just say that this is only going to be on the State approved land trails. That would be illegal if you 14 or you were 44.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#110)

YEAS: Senators: BLISS, BOWMAN, COURTNEY, CRAVEN, DAVIS, HASTINGS, MARRACHE, MCCORMICK, MILLS, NASS, NUTTING, RECTOR, SMITH, TRAHAN

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, BRYANT, DAMON, DIAMOND, GERZOFISKY, GOODALL, GOOLEY, HOBBS, JACKSON, PERRY, PLOWMAN, RAYE, ROSEN, SCHNEIDER, SHERMAN, SIMPSON, SULLIVAN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, **ACCEPTANCE** of the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

On motion by Senator **BRYANT** of Oxford, the Minority **OUGHT TO PASS** Report **ACCEPTED**.

READ ONCE.

Under suspension of the Rules, **READ A SECOND TIME.**

On motion by Senator **JACKSON** of Aroostook, Senate Amendment "A" (S-194) **READ**.

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

Senator **JACKSON:** Thank you, Madame President. Ladies and gentlemen of the Senate, this amendment clears up a problem we had when I introduced the bill back in January. I wanted the training on it, but the Revisor's Office inadvertently left it out. When we had it in Committee I asked Representative Saviello to reconsider the bill so that I could put the training on it, because at no time did I want to have the bill without training. For some reason, and I can't understand it, the bill came out of committee without the training that should have been on it back in January when I introduced it. This amendment would put the training on. The only way that you can get on the trails at 14 years old is if you had training from ATV Maine.

On further motion by same Senator, Senate Amendment "A" (S-194) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-194).

Sent down for concurrence.

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

Bill "An Act To Clarify the Municipal Jurisdiction of a Portion of Saco Bay"

H.P. 774 L.D. 1119

Tabled - May 28, 2009, by Senator **SIMPSON** of Androscoggin

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-375)**, in concurrence

(In House, May 27, 2009, 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-375).**)

(In Senate, May 28, 2009, Reports **READ**. On motion by Senator **SIMPSON** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-375) **READ**.)

Committee Amendment "A" (H-375) **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Bill "An Act To Establish the Maine Fuel Board"
H.P. 1007 L.D. 1455
(C "A" H-345)

Tabled - May 28, 2009, by Senator **BARTLETT** of Cumberland

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In House, May 26, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-345).**)

(In Senate, May 28, 2009, **READ A SECOND TIME.**)

On motion by Senator **SCHNEIDER** of Penobscot, Senate Amendment "A" (S-261) **READ**.

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

Senator **SCHNEIDER:** Thank you, Madame President. Men and women of the Senate, as you are already aware, we had a unanimous report on this bill to streamline government by merging two of the fuel boards. This amendment was agreed to by both industry and the Commissioner to define some of the members on the Board so they would have a minimum of certain number of years of experience, which would be seven licensed years, prior to their term, as well as a combined license. Thank you very much.

On further motion by same Senator, Senate Amendment "A" (S-261) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-345) AND SENATE AMENDMENT "A" (S-261), in **NON-CONCURRENCE**.

Representatives 9 Percy of Phippsburg, Adams of Portland, Eaton of Sullivan, Kruger of Thomaston, MacDonald of Boothbay, McKane of Newcastle, Pendleton of Scarborough, Tilton of Harrington, Weaver of York

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Vincent Balzano** of Saco for reappointment to the Marine Resources Advisory Council was **CONFIRMED**.

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

NAYS 0

ABSENT 1 Rep. Prescott of Topsham

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 Vincent Balzano of Saco, for reappointment to the Marine Resources Advisory Council be confirmed.

The Following Communication: S.C. 374

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

Signed,

May 27, 2009

S/Dennis S. Damon
Senate Chair

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

S/Leila J. Percy
House Chair

READ and ORDERED PLACED ON FILE.

Dear Madame President:

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

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 Marine Resources has had under consideration the nomination of James L. Markos, Jr. of Blue Hill, for appointment to the Marine Resources Advisory Council.

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.

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:

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#111)

YEAS: Senators: None

YEAS Senators 3 Damon of Hancock, Rector of Knox, Sullivan of York

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

Representatives 9 Percy of Phippsburg, Adams of Portland, Eaton of Sullivan, Kruger of Thomaston, MacDonald of Boothbay, McKane of Newcastle, Pendleton of Scarborough, Tilton of Harrington, Weaver of York

NAYS 0

ABSENT 1 Rep. Prescott of Topsham

ABSENT: Senator: RAYE

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 James L. Markos, Jr. of Blue Hill, for appointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Dennis S. Damon
Senate Chair

S/Leila J. Percy
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** 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 (#112)

YEAS: Senators: None

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

ABSENT: Senator: RAYE

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **James L. Markos, Jr.** of Blue Hill for appointment to the Marine Resources Advisory Council was **CONFIRMED**.

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

The Following Communication: S.C. 375

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

May 27, 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 Marine Resources has had under consideration the nomination of Fiona J. de Koning of Bar Harbor, for appointment to the Marine Resources 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 | 3 | Damon of Hancock, Rector of Knox, Sullivan of York |
| | Representatives | 9 | Percy of Phippsburg, Adams of Portland, Eaton of Sullivan, Kruger of Thomaston, MacDonald of Boothbay, McKane of Newcastle, Pendleton of Scarborough, Tilton of Harrington, Weaver of York |
| NAYS | | 0 | |
| ABSENT | | 1 | Rep. Prescott of Topsham |

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 Fiona J. de Koning of Bar Harbor, for appointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Dennis S. Damon
Senate Chair

S/Leila J. Percy
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** 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 (#113)

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, RECTOR, ROSEN, SCHNEIDER, SHERMAN, SIMPSON, SMITH, SULLIVAN, TRAHAN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL

ABSENT: Senator: RAYE

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Fiona J. de Koning** of Bar Harbor for appointment to the Marine Resources Advisory Council was **CONFIRMED**.

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

The Following Communication: S.C. 376

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

May 27, 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 Marine Resources has had under consideration the nomination of Timothy W. Harper of Southwest Harbor, for reappointment to the Marine Resources 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 3 Damon of Hancock, Rector of Knox, Sullivan of York

Representatives 9 Percy of Phippsburg, Adams of Portland, Eaton of Sullivan, Kruger of Thomaston, MacDonald of Boothbay, McKane of Newcastle, Pendleton of Scarborough, Tilton of Harrington, Weaver of York

NAYS 0

ABSENT 1 Rep. Prescott of Topsham

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 Timothy W. Harper of Southwest Harbor, for reappointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Dennis S. Damon
Senate Chair

S/Leila J. Percy
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** 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 (#114)

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, RECTOR, ROSEN, SCHNEIDER, SHERMAN, SIMPSON, SMITH, SULLIVAN, TRAHAN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL

ABSENT: Senator: RAYE

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Timothy W. Harper** of Southwest Harbor for reappointment to the Marine Resources Advisory Council was **CONFIRMED**.

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

The Following Communication: S.C. 377

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

May 27, 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 Marine Resources has had under consideration the nomination of Glen Libby of Tenants Harbor, for appointment to the Marine Resources 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 | 3 | Damon of Hancock, Rector of Knox, Sullivan of York |
| | Representatives | 9 | Percy of Phippsburg, Adams of Portland, Eaton of Sullivan, Kruger of Thomaston, MacDonald of Boothbay, McKane of Newcastle, Pendleton of Scarborough, Tilton of Harrington, Weaver of York |
| NAYS | | 0 | |
| ABSENT | | 1 | Rep. Prescott of Topsham |

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 Glen Libby of Tenants Harbor, for appointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Dennis S. Damon
Senate Chair

S/Leila J. Percy
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** 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 (#115)

YEAS: Senators: None

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

ABSENT: Senator: RAYE

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Glen Libby** of Tenants Harbor for appointment to the Marine Resources Advisory Council was **CONFIRMED**.

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

The Following Communication: H.C. 195

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

May 28, 2009

Honorable Joy J. O'Brien
Secretary of the Senate
124th Maine Legislature
Augusta, Maine 04333

Dear Secretary O'Brien:

The House voted today to insist on its previous action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Taxation on Bill "An Act To Exempt Military Pensions from Income Tax" (H.P. 161) (L.D. 196).

Sincerely,
S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing the Confidentiality of Correctional Facility Plans"

H.P. 52 L.D. 59

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-362).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-362) AS AMENDED BY HOUSE AMENDMENT "A" (H-449)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-362) **READ.**

House Amendment "A" (H-449) to Committee Amendment "A" (H-362) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-362) as Amended by House Amendment "A" (H-449) thereto, **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Clarify Land Use Regulation in Unorganized and Deorganized Townships"

H.P. 301 L.D. 413

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-383).**

Signed:

Senators:
NUTTING of Androscoggin
SHERMAN of Aroostook

Representatives:
PIEH of Bremen
SMITH of Monmouth
McCABE of Skowhegan
O'BRIEN of Lincolnville
EDGECOMB of Caribou
GIFFORD of Lincoln
CRAY of Palmyra

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

Signed:

Representatives:
PERCY of Phippsburg
PRATT of Eddington

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-383).**

Reports **READ.**

Senator **NUTTING** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Allow Veterans and Active Duty Military Members To Qualify for In-state Tuition"

H.P. 752 L.D. 1090

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

Signed:

Senators:

ALFOND of Cumberland
WESTON of Waldo

Representatives:

CASAVANT of Biddeford
WAGNER of Lewiston
NELSON of Falmouth
RANKIN of Hiram
McFADDEN of Dennysville
JOHNSON of Greenville

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

Signed:

Representatives:

SUTHERLAND of Chapman
FINCH of Fairfield
LOVEJOY of Portland
RICHARDSON of Carmel

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-372) AND HOUSE AMENDMENT "A" (H-421)**.

Reports **READ**.

On motion by Senator **ALFOND** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-372) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-421) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow the Importation of Wine into the State for Individuals through Specific Ports of Entry"
H.P. 911 L.D. 1308

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

Signed:

Senators:

SULLIVAN of York
GOODALL of Sagadahoc
PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
CORNELL du HOUX of Brunswick
PINKHAM of Lexington Township
VALENTINO of Saco
TUTTLE of Sanford
FITTS of Pittsfield
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" (H-324)**.

Signed:

Representatives:

TRINWARD of Waterville
CAREY of Lewiston

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

Reports **READ**.

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

Senate

Ought to Pass As Amended

Senator SCHNEIDER for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect Maine Citizens and Franchised New Motor Vehicle Dealers" (EMERGENCY)

S.P. 483 L.D. 1337

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-262)**.

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

READ ONCE.

Committee Amendment "A" (S-262) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Senator SCHNEIDER for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, Authorizing the Finance Authority of Maine To Oversee an Obligation Owed to the State by Lincoln Paper and Tissue, LLC
S.P. 552 L.D. 1477

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-257)**.

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

READ ONCE.

Committee Amendment "A" (S-257) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator ALFOND for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Encourage Veterinary Practice in Maine"
S.P. 116 L.D. 352

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-258)**.

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

READ ONCE.

Committee Amendment "A" (S-258) **READ** and **ADOPTED**.
ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SIMPSON for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding the Pay of Tribal Representatives" (EMERGENCY)
S.P. 512 L.D. 1428

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-256)**.

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

READ ONCE.

Committee Amendment "A" (S-256) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BOWMAN for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Facilitate Testing and Demonstration of Renewable Ocean Energy Technology"
S.P. 545 L.D. 1465

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-249)**.

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

READ ONCE.

Committee Amendment "A" (S-249) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Senate at Ease.

Senate called to order by the President.

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 **TRANSPORTATION** on Bill "An Act To Protect the Privacy of Maine Residents under the Driver's License Laws"
S.P. 492 L.D. 1357

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-215)** (7 members)

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

Tabled - May 28, 2009, by Senator **COURTNEY** of York

Pending - motion by Senator **DAMON** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report (Roll Call Ordered)

(In Senate, May 27, 2009, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#116)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, GERZOFISKY, GOODALL, GOOLEY, HOBBS, JACKSON, MARRACHE, PERRY, SCHNEIDER, SIMPSON, SULLIVAN, TRAHAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: COURTNEY, DAVIS, DIAMOND, HASTINGS, MCCORMICK, MILLS, NASS, NUTTING, PLOWMAN, RAYE, RECTOR, ROSEN, SHERMAN, SMITH, WESTON

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **DAMON** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-215) **READ.**

On motion by Senator **DAMON** of Hancock, Senate Amendment "A" (S-247) to Committee Amendment "A" (S-215) **READ.**

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Damon.

Senator **DAMON:** Thank you, Madame President. Ladies and gentlemen of the Senate, this amendment that I'm offering is one that is intended to clear up some of the problems that were inherent in the original bill. Essentially some agencies, and I might use the example of the Department of Health and Human Services, need to get information from the Bureau of Motor Vehicles, such as Social Security numbers, and this amendment will allow them to do that. At the same time, it doesn't open it up to all government agencies everywhere to have access to that kind of information. Certainly it does not allow all government agencies to have access to digitized images and signatures that might be available in the databanks of the Bureau of Motor Vehicles. At the same time, it doesn't prevent law enforcement from accessing that kind of information if it is essential to an ongoing investigation. It hopefully clears up some of the inadvertent errors in the original bill. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-247) to Committee Amendment "A" (S-215) **ADOPTED.**

Committee Amendment "A" (S-215) as Amended by Senate Amendment "A" (S-247) thereto, **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

ORDERS

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator GERZOFISKY for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve the Use of Information Regarding Sex Offenders"

S.P. 429 L.D. 1157

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-264).**

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

READ ONCE.

Committee Amendment "A" (S-264) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SULLIVAN for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Regarding Agency Liquor Stores" (EMERGENCY)

S.P. 257 L.D. 682

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-263).**

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

READ ONCE.

Committee Amendment "A" (S-263) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Ban Racial Profiling" S.P. 526 L.D. 1442

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-265).**

Signed:

Senators:

GERZOFISKY of Cumberland
NUTTING of Androscoggin
DAVIS of Cumberland

Representatives:

HASKELL of Portland
HANLEY of Gardiner
LAJOIE of Lewiston
SCHATZ of Blue Hill
PLUMMER of Windham
MAGNAN of Stockton Springs
SYKES of Harrison

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

Signed:

Representatives:

BURNS of Whiting
WHEELER of Kittery
GREELEY of Levant

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-265) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

ORDERS OF THE DAY

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

Bill "An Act To Repeal Inactive Boards and Commissions"
H.P. 873 L.D. 1254
(C "A" H-328)

Tabled - May 28, 2009, by Senator **SIMPSON** of Androscoggin

Pending - **ADOPTION OF HOUSE AMENDMENT "A" (H-331)**, in concurrence

(In House, May 27, 2009, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-328) AND HOUSE AMENDMENT "A" (H-331)**.)

(In Senate, May 28, 2009, Report **READ** and **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-328) **READ** and **ADOPTED**, in concurrence. House Amendment "A" (H-331) **READ**.)

House Amendment "A" (H-331) **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Divided Report

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Clarify Land Use Regulation in Unorganized and Deorganized Townships"

H.P. 301 L.D. 413

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-383)** (9 members)

Minority - **Ought Not To Pass** (2 members)

Tabled - May 28, 2009, by Senator **COURTNEY** of York

Pending - motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, May 28, 2009, 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-383)**.)

(In Senate, May 28, 2009, Reports **READ**.)

On motion by Senator **NUTTING** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-383) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (5/27/09) Assigned matter:

Bill "An Act To Clarify the Role of the Public Advocate"
H.P. 657 L.D. 954

Tabled - May 27, 2009, by Senator **HOBBS** of York

Pending - **ADOPTION** of Committee Amendment "A" (H-165), in concurrence

(In House, May 12, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-165).**)

(In Senate, May 27, 2009, on motion by Senator **HOBBS** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**, in concurrence. **READ ONCE.** Committee Amendment "A" (H-165) **READ.**)

On motion by Senator **HOBBS** of York, Senate Amendment "A" (S-260) to Committee Amendment "A" (H-165) **READ** and **ADOPTED.**

Committee Amendment "A" (H-165) as Amended by Senate Amendment "A" (S-260) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED**, until Friday, May 29, 2009, at 10:00 in the morning, in memory of and lasting tribute to Bruce Roy of Jay.