

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

In Senate Chamber
Wednesday
June 10, 2009

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

Prayer by Rabbi Hillel Katzir, Temple Shalom Synagogue of
Auburn.

RABBI KATZIR: Please join me in this invocation. Creator of all, we ask Your continued blessings on the people of the state of Maine and on those whom they have elected to represent them here in the Senate. May we all be constantly reminded that everyone of us is created in Your image, that we are all infinitely precious to You, and that we should therefore be infinitely precious to each other as well. Help to see You in the increasing diversity of our state and to remember the example of the rainbow, by which You signed Your covenant with Noah and thereby with all of humanity. The rainbow is made up of all the primary colors of the universe, each unique and distinguished. In Your rainbow these colors do not blend but join in a harmony of color, that our world might be a brighter and more holy place. Creator of all, may the people of Maine of all races and creeds dedicate themselves to forging a common bond in true harmony, like the harmony of the colors of Your rainbow. Thus may we banish hatred and bigotry and thus may we safeguard the ideals and free institutions that are the pride and glory of our state and our nation. May those who represent the people of Maine in this chamber be ever mindful of their awesome responsibility to work in partnership with all of us and with You to achieve and maintain that true harmony for the good of all. May You, the source of all blessings, stand always beside them and always guide them with the light of Your presence. May this ever be Your will. Amen.

Reading of the Journal of Tuesday, June 9, 2009.

Doctor of the day, Dr. Key Stage, MD, FACS of Camden.

Off Record Remarks

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

The members of the Marcia Buker School Destination ImagiNation team, who are the 2009 Destination ImagiNation Maine State Champions. Destination ImagiNation allows participants of all ages to access their creativity, learn problem-solving skills and experience successful teamwork strategies as they develop unique solutions to challenges. In Destination ImagiNation, 2-member to 7-member teams focus on finding solutions to 2 separate types of challenges: Team Challenges and Instant Challenges. They present their solutions to appraisers in tournament-style settings. By working together to develop solutions, participants push the limits of their imaginations to better themselves and best their competition. We extend our congratulations to them on their achievements;
SLS 210

Sponsored by Senator GOODALL of Sagadahoc.
Cosponsored by Representative: BERRY of Bowdoinham.

READ.

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 very proud and would like to honor my students from Marcia Buker School, where I graduated from the fifth grade. I grew up in Richmond. I'm very happy to honor them today. Not only did they finish first in the state of Maine for Destination ImagiNation, which focuses on academics and creative problem solving, they exhibited great teamwork. One of the great teamwork process they raised the money to get to Tennessee for the national championship. They came together as a community, the town of Richmond, and they raised over \$17,000. They had many bottle drives, many suppers, a garage sale and so forth. I know this happens all across Maine from time to time. At this time I am very proud of these young individuals, our future leaders from Richmond. Thank you, Madame President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber members of the Destination ImagiNation team from the fifth grade class at the Marsha Buker School in Richmond. Would you please stand and accept the congratulations of the Senate.

SECOND READERS

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

House As Amended

Bill "An Act To Enact the Uniform Prudent Management of Institutional Funds Act"

H.P. 981 L.D. 1402
(H "A" H-559 to C "A" H-503)

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Unicameral Legislature

H.P. 1000 L.D. 1424

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-471)** (6 members)

In House, June 9, 2009, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-471)**.

In Senate, June 9, 2009, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **ADHERED**.

On motion by Senator **SIMPSON** of Androscoggin, the Senate **ADHERED**.

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

ORDERS OF THE DAY

Unfinished Business

The following matter in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

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

Bill "An Act To Stimulate Capital Investment for Innovative Businesses in Maine"

S.P. 10 L.D. 1

Tabled - May 19, 2009, by Senator **SCHNEIDER** of Penobscot

Pending - **CONSIDERATION**

(In Senate, January 7, 2009, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.)

(Received by the Secretary of the Senate on May 18, 2009, pursuant to Joint Rule 309.)

Senator **SCHNEIDER** of Penobscot moved the Bill and accompanying papers be **COMMITTED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

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

Senator **MILLS:** Thank you, Madame President. I appreciate the motion of the Chair of the BRED Committee. This is an issue that has direct relevance to our current negotiations over bonding. There are many other states that have, in lieu of bonding for economic development, made use of contingent State guarantees as a way of inducing often private capital to step in and provide venture capital opportunities for businesses that have a likelihood of enhancing the local economy. This bill, and its permutations which exist in an amendment that I can't offer at this juncture, would offer to the Maine State Retirement System, that is still sitting on \$8.1 billion at last report, the opportunity, or an inducement, for the pension system to devote a certain portion of its resources to enhancing opportunities for Maine businesses and ventures. There was a piece on public radio this morning talking about the dearth of venture capital available in the United States today and the absence of risk money or the willingness of investors to take risks in this adverse economy.

My concern about committing this bill to the Committee, or carrying it over, or delaying the implementation of the bill is that it's an issue that's been before the BRED Committee for three years now. There couldn't possibly be a better time to encourage the Retirement System to devote a thin sliver of its resources to enhancing business opportunities in the state of Maine. The risk to the State is minimal. We're under discussion right now about committing actual money, whether it be tax credits or bond money, the Maine taxpayers will have to pay and commit actual dollars to economic development efforts. This bill does not require that. It merely requires that the State step up and guarantee that the investor, in this case the Retirement System, be held harmless in the unlikely event that an entire pool of venture capital investments might fail to produce a return. It's a relatively low risk phenomenon that would put large amounts of capital to work in the Maine economy in a time when such capital is scarce and when the State is in dire need of it. I'm just concerned about the timing, of delaying the implementation of this concept. This very concept, in another form, was passed on the consent calendar a year ago. The bill is L.D. 1, so I can't imagine we haven't had time enough to consider it in this Legislative session. I would urge that the bill remain on the calendar for our further work. I am fully prepared to offer an amendment to the bill to make it palatable and suited to the times. I just think that now is the time to act in this fashion. Many other states have done this. Maine is behind the eight ball in terms of making money available for what we call mid-level venture capital opportunities,

those that are above a half a million dollars in scope. For that reason, Madame President, I ask for a division.

Same Senator requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Rector.

Senator **RECTOR:** Thank you, Madame President. Men and women of the Senate, I just urge you to consider carefully the words of my good colleague from Somerset. I concur with him and believe it would be wise for us to take action on this bill now rather than later. I think the need has never been greater, and I think we had unanimity with both Bodies in the last session of the Legislature to move forward with some venture capital action. This is important and appropriate for us. It is empowering legislation that does not require the Retirement System to take any action. It just empowers them to take this action should they choose to, and we think it's a wise move. Thank you, Madame President.

At the request of Senator **MILLS** of Somerset a Division was had. 20 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **SCHNEIDER** of Penobscot to **COMMIT** the Bill and accompanying papers to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT, PREVAILED.**

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

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

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act To Create State and Regional Quality of Place Investment Strategies for High-value Jobs, Products and Services in Maine"

S.P. 505 L.D. 1389

Tabled - May 19, 2009, by Senator **SCHNEIDER** of Penobscot

Pending - **CONSIDERATION**

(In Senate, April 2, 2009, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.)

(Received by the Secretary of the Senate on May 18, 2009, pursuant to Joint Rule 309.)

On motion by Senator **SCHNEIDER** of Penobscot, Bill and accompanying papers **COMMITTED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (6/4/09) Assigned matter:

SENATE REPORTS - from the Committee on **MARINE RESOURCES** on Bill "An Act To Create a Saltwater Recreational Fishing Registry"

S.P. 516 L.D. 1432

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-294)** (10 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - June 4, 2009, by Senator **DAMON** of Hancock

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

(In Senate, June 4, 2009, Reports **READ.**)

Senator **DAMON** of Hancock moved the Bill and accompanying papers be **COMMITTED** to the Committee on **MARINE RESOURCES.**

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 Lincoln, Senator Trahan.

Senator **TRAHAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, I ask you to defeat this motion to recommit this bill back to the committee. I'm going to give you a couple of reasons why. First, I believe we're making a grave mistake and I believe this will lead to a federal registry that will be a charge to our individual constituency of \$25. I'm going to read from the federal registry a date I don't think people are clear on,

and that is the final rule for the registry requires that 'Anglers and spearfishers who fish recreationally in federal waters be included in a national saltwater angler registry by January 1, 2010.' Not in 2011, but 2010. If this Legislature does not take action, either to make a policy decision or move down the road toward a registry or a license, the federal government will do it for us. The only time that the year 2011 comes into this discussion is that this is the year they can charge \$25 for that service.

The second reason that I would like you to not commit this bill to committee is that I have watched the folks in the halls and in the caucuses that have been going in and giving their sides of the issue. I believe only one side of the issue has been heard by some people in this chamber. The facts that have been brought out have not been challenged by me or anyone else. What I'm asking this chamber to do is to allow me an opportunity to respond to the concerns of members of this chamber and the other. If, at that point, people still have concerns and I can't address them, then I would be willing to support this going back to committee. The second thing that I would do for members is that I've offered to come into the Majority party's caucus to address concerns. I waited over an hour to do that and unfortunately I could not. I apologize for that opportunity missed.

I don't believe we have to act on this today. I've talked to committee members in the Marine Resources Committee and I have assured them that I would be willing to address every one of their concerns in committee, as well as amendments to my bill and the amendment before you, and address them this year. I believe that I offered all of these things in good faith, but the piece that has been missing is that the people of Maine will be robbed of an opportunity to hear all sides of this issue. That is why I ask you to not recommit this, allow me an opportunity to respond to you, and then if I can't answer your concerns I'll support recommitting. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Damon.

Senator **DAMON:** Thank you, Madame President. Ladies and gentlemen of the Senate, if we live long enough we'll see history being made. I have just seen some history being made because I have just learned the admission, for the first time in this debate which I have carried forth in this chamber and in my committee for four years, that we will have a federal registry. That has been denied time and time again as part of the reason not to take this up. We will have a federal registry. This was decided when the Magnuson-Stevens Act was reauthorized, that Magnuson-Stevens Act has re-authorized the so called 200 mile limit, our Exclusive Economic Zone or EEZ. So now we are acknowledging that there will be an implementation. Let me use the other side of the argument. What's the hurry? Instead of trying to put forth a flawed bill, let's work it out. Let's make it the right thing. That's what my motion to recommit this bill to the committee will do. It will make it the right thing. I urge you to support the pending motion. Thank you, Madame President.

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

Senator **TRAHAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, I'm just going to buy a few moments with some comments about the handout distributed to you that explains in detail by ex-Congressman Tom Allen the federal

registry requirements. I think this, the piece that you are getting, is probably the clearest explanation of what our State is required to do. You will see in there that we do not have to create a license. We can do a registry and we don't have to charge for it. It's a wonderful explanation and I wanted people to see that before we acted. As far as a flawed piece of legislation, ladies and gentlemen, this bill went through the committee with an extensive public hearing and work sessions. When the amendments that are on your desks now came forward, I took the courtesy of going to the committee with my amendment before it got out of committee. I went over it with the committee. It wasn't just something I brought to the floor. The other amendments, three of them on your desks, I brought forward to try to address concerns that were being brought forward by the opposition. Plain and simple. I believe that I resolved all of them in the amendment, if I could speak to it. There are at least, I believe, a dozen policy changes in that amendment that I think strengthens the bill and addresses the concerns of people who have been on the other side of this issue. Unless I'm given an opportunity to debate it, I can never answer your questions as to why that stuff is before you. Ladies and gentlemen, I will tell you this. The goal post on this issue, for me, has changed many times. Every time I seem to address a concern, there's a new concern that I have to address. That is why there are several amendments on your desks. I have gone out of my way and bent over backwards to address concerns. I feel like no matter what I do on this issue it's never good enough. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Damon to Commit the Bill to the Committee on Marine Resources. 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 (#191)

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **DAMON** of Hancock to **COMMIT** the Bill and accompanying papers to the Committee on **MARINE RESOURCES, PREVAILED.**

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1045

JOINT RESOLUTION MEMORIALIZING CERTAIN NATIONAL PRIVATE ENTITIES TO HONOR MAINE BASEBALL GREAT LOUIS SOCKALEXIS AND TO AFFORD APPROPRIATE RESPECT TO NATIVE AMERICAN ATHLETES

WE, your Memorialists, the Members of the One Hundred and Twenty-fourth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the professional American League baseball team, the Cleveland Indians, the National Baseball Hall of Fame and the national magazine *Sports Illustrated* as follows:

WHEREAS, Louis Sockalexis was a Penobscot Indian from the State of Maine, a grandson of a Penobscot chief and the son of a Penobscot tribal governor, and he was a legendary American baseball player in the early 1890s; and

WHEREAS, Louis Sockalexis is a charter member of the College of the Holy Cross Athletic Hall of Fame, a member the Maine Baseball Hall of Fame, a member of the Maine Sports Hall of Fame and the American Indian Hall of Fame for his extraordinary athletic gifts; and

WHEREAS, Louis Sockalexis was so explosive a force on the baseball diamond that he inspired Maine author Gilbert Patten to create a legendary fictional baseball character, Frank Merriwell of Yale, for stories published in a national magazine, and Mr. Sockalexis played in 2 baseball seasons for the College of the Holy Cross in Worcester, Massachusetts; and

WHEREAS, Louis Sockalexis was the first known American Indian to play major league baseball, playing in the 1897 season, and is, without question, the inspiration for the team name Indians, first adopted informally by the Cleveland major league franchise in March 1897 and then officially adopted in 1915; and

WHEREAS, the Cleveland Indians team ignored a petition by the Penobscot Nation in 2000 to cease and desist the use of its caricature mascot "Chief Wahoo," which the Penobscot Nation and many other Americans consider racist and disrespectful to the memory of Louis Sockalexis; and

WHEREAS, in 1963 Baseball Hall of Fame writer Lee Allen declared another player, James Madison Toy, to be the first American Indian major league baseball player, yet there is no proof of the other man's Indian background, while Mr. Sockalexis was continuously identified as an American Indian from the beginning of his career; and

WHEREAS, James Madison Toy was never referred to in his career as an Indian and his death certificate declared him to be "white," and Louis Sockalexis was known nationally as an Indian

and was subjected to racism from the media, the fans and his fellow players; and

WHEREAS, being the first American Indian baseball player who performed under such conditions 50 years before the great Jackie Robinson broke the color barrier, Louis Sockalexis paved the way for the quick ascension of more American Indian baseball players to the sport, such as Charlie Bender, John Meyers and Jim Thorpe; and

WHEREAS, the national magazine *Sports Illustrated* omitted Louis Sockalexis from its "50 Greatest Athletes from the State of Maine" and ignored his place in Maine history, United States history and baseball history; now, therefore be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to honor Louis Sockalexis as one of Maine's greatest athletes, who brought much pride to the Penobscot Nation and to all the people of Maine; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request that the Cleveland Indians baseball team immediately drop the use of the mascot "Chief Wahoo," which would demonstrate the team understands the disrespect this symbol represents to the Penobscot Nation, the citizens of Maine and the legacy of Louis Sockalexis; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request the National Baseball Hall of Fame to formally recognize Louis Sockalexis as the first American Indian to play major league baseball, to acknowledge that he was the man who inspired the team name "Indians" for the Cleveland franchise and to acknowledge that Louis Sockalexis endured groundbreaking experiences in baseball and faced major obstacles in his quest to play baseball, paving the way for other great American Indian players like Charlie Bender, John Meyers and Jim Thorpe who followed him into the major leagues; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request that the magazine *Sports Illustrated* correct the mistake of leaving both Louis Sockalexis and his cousin Andrew Sockalexis, a marathon runner who placed highly in 2 Boston Marathons and the 1912 Olympics, off its list of the "50 Greatest Athletes from the State of Maine," and to apologize for these actions, which would demonstrate its goodwill and respect for these two extraordinary American Indian athletes; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Cleveland Indians baseball team, the National Baseball Hall of Fame and the magazine *Sports Illustrated*.

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

READ.

On motion by Senator **RAYE** of Washington, **TABLED** until Later in Today's Session, pending **ADOPTION**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1046

JOINT RESOLUTION TO HONOR ANDREW SOCKALEXIS

WHEREAS, Andrew Sockalexis, a Penobscot Indian, was the first runner in the State of Maine to make a mark on the national and international scene, and to this day he ranks among the greatest Maine runners of all time because of his notable placings in important races; and

WHEREAS, in 1912, Mr. Sockalexis was one of 123 starters in that year's Boston Marathon, finishing second, which earned him a spot on the United States Olympic team, where he was one of 12 American marathoners who ran in Stockholm; and

WHEREAS, Mr. Sockalexis, at the age of 20, was a member of the prestigious North Dorchester Athletic Club, from the greater Boston area, and he was widely regarded as a serious contender to win the marathon and one Boston newspaper columnist called him the favorite to win a gold medal; and

WHEREAS, Mr. Sockalexis, known for his smooth and effortless running style, felt he waited too long to pick up the pace and finished fourth in the marathon, still a major accomplishment and noteworthy achievement; and

WHEREAS, also in 1912, Mr. Sockalexis finished in second place to the great Clarence DeMar, a 7-time Boston Marathon winner, in a 19-mile race from Old Town, Maine to Bangor's Maplewood Park, now known as Bass Park; and

WHEREAS, he entered the Boston Marathon in 1913 and was considered one of the favorites to win, and he passed runner after runner, but could not close the gap to the leading runner and he placed second in that year's marathon; and

WHEREAS, it was in 1913 that Mr. Sockalexis first developed tuberculosis, or consumption as it was commonly known in that time, and he was sick for many years, dying at the age of 27 in South Paris, Maine in the summer of 1919; and

WHEREAS, Andrew Sockalexis was honored at his passing by the United States Olympic Committee with a headstone that was engraved "A Member of the American Olympic Team at the Fifth Olympiad held in Stockholm, Sweden in July, 1912"; and

WHEREAS, Andrew Sockalexis is a member of the charter class of the Maine Running Hall of Fame, established in 1989, and a member of the Maine Sports Hall of Fame as well as the American Indian Athletic Hall of Fame; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the First Regular

Session, on behalf of the people we represent, take this opportunity to recognize the memory of Andrew Sockalexis on the 90th anniversary of his untimely death, and to honor him as one of Maine's great athletes, who brought much pride to the Penobscot Nation and to all the people of Maine.

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

READ and **ADOPTED**, in concurrence.

Senate at Ease.

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Provide Tax Relief"

I.B. 3 L.D. 976

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-562)**.

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**.

Senator **PERRY** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

Senator **NASS:** Thank you, Madame President. Ladies and gentlemen of the Senate, this has been a long time in coming. Just to remind everybody, this is the Initiated Referendum. Thank you.

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

Emergency Measure

An Act To Amend the Maine Clean Election Laws Governing Gubernatorial Candidates

H.P. 970 L.D. 1380
(H "A" H-529 to C "A" H-429)

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 Preserve Home Ownership and Stabilize the Economy by Preventing Unnecessary Foreclosures

H.P. 994 L.D. 1418
(H "A" H-547 to C "A" H-524)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, To Create a Working Group To Study Landlord and Tenant Issues

H.P. 747 L.D. 1080
(H "B" H-546 to C "A" H-489)

Senator **BARTLETT** of Cumberland requested a Roll Call.

On motion by same Senator, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in concurrence. (Roll Call Requested)

Off Record Remarks

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 Regarding Maine's Energy Future

H.P. 1038 L.D. 1485
(H "A" H-540)

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:

ENACTORS

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

Acts

An Act To Enhance Maine's Electronic Waste Recycling Law

H.P. 381 L.D. 536
(S "A" S-307 to C "A" H-499)

An Act To Improve Landfill Capacity

H.P. 519 L.D. 760
(H "B" H-520 to C "A" H-451)

An Act Pertaining to the Breeding and Selling of Dogs and Cats and Equitable Funding of Animal Welfare

H.P. 666 L.D. 964
(C "A" H-553)

An Act To Alter the Mechanism by which a Political Party is a Qualified Party

H.P. 716 L.D. 1041

An Act To Amend Certain Laws Related to the Department of Agriculture, Food and Rural Resources

H.P. 874 L.D. 1255
(H "A" H-454 to C "A" H-440;
H "A" H-551)

An Act To Amend the 1980 Maine Implementing Act To Authorize the Establishment of a Tribal Court for the Houlton Band of Maliseet Indians and Related Matters

H.P. 967 L.D. 1377
(C "A" H-561)

An Act To Ensure That Construction Workers Are Protected by Workers' Compensation Insurance

H.P. 1008 L.D. 1456
(H "A" H-557 to C "A" H-536)

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 Allow for a Dual Liquor License

H.P. 681 L.D. 989
(H "A" H-542 to C "A" H-425)

On motion by Senator **DIAMOND** of Cumberland, **TABLED** until Later in Today's Session, 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:

Acts

An Act Regarding Alcoholic Beverage Tastings

H.P. 353 L.D. 498
(H "C" H-545 to C "A" H-281)

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

An Act To Expand Tax Incentives for Visual Media Productions

H.P. 1005 L.D. 1449
(C "A" H-554)

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:

COMMUNICATIONS

The Following Communication: S.C. 403

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

June 9, 2009

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of William A. Osborne of Bangor, for appointment to the Maine Indian Tribal-State Commission.

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

YEAS	Senators	2	Hastings of Oxford, Hobbins of York
	Representatives	9	Priest of Brunswick, Beaulieu of Auburn, Bryant of Windham, Cleary of Houlton, Crockett of Bethel, Dill of Cape Elizabeth, Hill of York, Kruger of Thomaston, Nass of Acton
NAYS		0	
ABSENT		2	Sen. Bliss of Cumberland, Rep. Stevens of Bangor

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

Eleven 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 William A. Osborne of Bangor, for appointment to the Maine Indian Tribal-State Commission be confirmed.

Signed,

S/Lawrence S. Bliss
Senate Chair

S/Charles R. Priest
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#192)

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 **William A. Osborne** of Bangor for appointment to the Maine Indian Tribal-State Commission was **CONFIRMED**.

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

The Following Communication: S.C. 404

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

June 9, 2009

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Diana C. Scully of Hallowell, for appointment to the Maine Indian Tribal-State Commission.

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

YEAS	Senators	2	Hastings of Oxford, Hobbins of York
	Representatives	9	Priest of Brunswick, Beaulieu of Auburn, Bryant of Windham, Cleary of Houlton, Crockett of Bethel, Dill of Cape Elizabeth, Hill of York, Kruger of Thomaston, Nass of Acton
NAYS		0	
ABSENT		2	Sen. Bliss of Cumberland, Rep. Stevens of Bangor

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

Eleven 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 Diana C. Scully of Hallowell, for appointment to the Maine Indian Tribal-State Commission be confirmed.

Signed,

S/Lawrence S. Bliss
Senate Chair

S/Charles R. Priest
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#193)

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, 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 **Diana C. Scully** of Hallowell for appointment to the Maine Indian Tribal-State Commission was **CONFIRMED**.

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

ORDERS OF THE DAY

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

An Act To Allow for a Dual Liquor License
H.P. 681 L.D. 989
(H "A" H-542 to C "A" H-425)

Tabled - June 10, 2009, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, June 8, 2009, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

(In House, June 10, 2009, **PASSED TO BE ENACTED**.)

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

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Emergency

Resolve, To Establish the Task Force on Kinship Families
H.P. 770 L.D. 1115
(C "A" H-147)

Tabled - May 12, 2009, by Senator **BARTLETT** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 5, 2009, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

(In House, May 7, 2009, **FINALLY PASSED**.)

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

Off Record Remarks

The Chair removed from the **SPECIAL STUDY TABLE** the following:

An Act To Adopt the Interstate Compact on Educational Opportunity for Military Children
H.P. 928 L.D. 1324
(C "A" H-318)

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

Pending - **ENACTMENT**, in concurrence

(In House, May 28, 2009, **PASSED TO BE ENACTED**.)

(In Senate, May 26, 2009, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

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

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Resolve, Authorizing the Joint Standing Committee on Legal and Veterans Affairs To Report Out Legislation Regarding the Expansion of Slot Machine and Casino-style Gambling
H.P. 378 L.D. 533
(C "A" H-391)

Tabled - June 3, 2009, by Senator **BARTLETT** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 1, 2009, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

(In House, June 3, 2009, **FINALLY PASSED**.)

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

Off Record Remarks

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Emergency

An Act To Amend the Review and Approval Process of the Comprehensive Land Use Plan

H.P. 722 L.D. 1047
(C "A" H-468)

Tabled - June 4, 2009, by Senator **MARRACHÉ** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, June 2, 2009, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

(In House, June 4, 2009, **PASSED TO BE ENACTED**.)

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

Senator **SHERMAN:** Thank you, Madame President. Just a question. I can't find the amendment and I wonder if someone could tell me what the amendment did.

Off Record Remarks

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

Senator **BRYANT:** Thank you, Madame President. Ladies and gentlemen of the Senate, just to answer the good Senator's question, the Amendment requires that LURC bring their plan in front of the Agriculture, Conservation and Forestry Committee before it goes to the Commissioners.

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

An Act To Require Legislative Consultation and Approval Prior to Committing the State to Binding International Trade Agreements
H.P. 876 L.D. 1257
(C "A" H-457)

Tabled - June 4, 2009, by Senator **MARRACHÉ** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, June 1, 2009, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

(In House, June 4, 2009, **PASSED TO BE ENACTED**.)

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

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Emergency

Resolve, Relating to a Review of International Trade Agreements and the Management of Groundwater Resources

H.P. 913 L.D. 1310
(C "A" H-434)

Tabled - June 8, 2009, by Senator **BARTLETT** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 1, 2009, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

(In House, June 8, 2009, **FINALLY PASSED**.)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease.

Senate called to order by the President.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

An Act To Amend the Law Regarding Littering on Public Lands
H.P. 370 L.D. 525
(CC "A" S-206 to C "A" H-62)

Tabled - May 29, 2009, by Senator **BARTLETT** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, May 27, 2009, **PASSED TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**.)

(In House, May 29, 2009, **PASSED TO BE ENACTED**.)

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:

PAPERS FROM THE HOUSE

House Paper

Bill "An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2009, June 30, 2010 and June 30, 2011" (EMERGENCY)

H.P. 1048 L.D. 1489

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

Ordered sent forthwith to the Engrossing Division.

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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Stimulate the Maine Economy by Making Funds Available to First-time Home Buyers To Allow Them To Take Advantage of the Federal First-time Home Buyer Tax Credit" (EMERGENCY)

H.P. 1036 L.D. 1483

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-569)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-569)**.

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

READ ONCE.

Committee Amendment "A" (H-569) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Reaffirm Maine's Commitment to Business by Amending the Pine Tree Development Zone Laws"

H.P. 1024 L.D. 1473

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-570)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570)**.

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

READ ONCE.

Committee Amendment "A" (H-570) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

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

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

On motion by Senator **BARTLETT** of Cumberland,
RECESSED until 2:30 in the afternoon.

After Recess

Senate called to order by the President.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass Pursuant to Joint Order

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding the Transfer of Patient Health Care Information through an Electronic Health Information Exchange" (EMERGENCY)
S.P. 570 L.D. 1490

Reported that the same **Ought to Pass**, pursuant to Joint Order, S.P. 568.

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**

Ordered sent down forthwith for 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:

Emergency Measure

An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2009, June 30, 2010 and June 30, 2011
H.P. 1048 L.D. 1489

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 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:

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Clarify the Role of the Public Advocate"
H.P. 657 L.D. 954
(S "A" S-260 to C "A" H-165)

In House, May 12, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-165)**.

In Senate, May 29, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-165) AS AMENDED BY SENATE AMENDMENT "A" (S-260)** thereto, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

On motion by Senator **BARTLETT** of Cumberland, the Senate **INSISTED** and **JOINED IN A COMMITTEE OF CONFERENCE**.

(See action later today.)

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act Making Unified Highway Fund and Other Funds Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011" (EMERGENCY)
H.P. 269 L.D. 333

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-539)**.

Signed:

Senators:

DAMON of Hancock
PERRY of Penobscot
GOOLEY of Franklin

Representatives:

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

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

Signed:

Representative:

THOMAS of Ripley

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-539) AS AMENDED BY HOUSE AMENDMENT "B" (H-565)** thereto.

Reports **READ**.

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

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

On motion by same Senator, **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, in concurrence. (Roll Call Requested)

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:

Act

An Act To Simplify the Assessment of E-9-1-1 Surcharges on Prepaid Wireless Telecommunications Service

H.P. 731 L.D. 1056
(C "A" H-270)

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 (#194)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFKY, GOODALL, HOBBS, JACKSON, NUTTING, PERRY, SCHNEIDER, SHERMAN, SULLIVAN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL

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

ABSENT: Senators: MARRACHE, SIMPSON

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being absent, 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:

Act

An Act To Clarify Land Use Regulation in Unorganized and Deorganized Townships

H.P. 301 L.D. 413
(C "A" H-383)

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

Senate at Ease.

Senate called to order by the President.

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

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

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act Making Unified Highway Fund and Other Funds Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011" (EMERGENCY)

H.P. 269 L.D. 333

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-539)** (12 members)

Minority - **Ought Not To Pass** (1 member)

Tabled - June 10, 2009, by Senator **RAYE** of Washington

Pending - motion by Senator **DAMON** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence (Roll Call Requested)

(In House, June 10, 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-539) AS AMENDED BY HOUSE AMENDMENT "B" (H-565)** thereto.)

(In Senate, June 10, 2009, Reports **READ**.)

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 Chair noted the absence of the Senator from Aroostook, Senator **SHERMAN** and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#195)

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

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

EXCUSED: Senator: SHERMAN

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **DAMON** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-539) **READ**.

House Amendment "B" (H-565) to Committee Amendment "A" (H-539) **READ**.

On motion by Senator **BARTLETT** of Cumberland, House Amendment "B" (H-565) to Committee Amendment "A" (H-539) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Committee Amendment "A" (H-539) **ADOPTED**, in **NON-CONCURRENCE**.

Off Record Remarks

On motion by Senator **TRAHAN** of Lincoln, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-539), in **NON-CONCURRENCE**.

On motion by Senator **RAYE** of Washington, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-539), in **NON-CONCURRENCE**.

Senate at Ease.

Senate called to order by the President.

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

Bill "An Act Making Unified Highway Fund and Other Funds Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011" (EMERGENCY)

H.P. 269 L.D. 333
(H "B" H-565 to C "A" H-539)

Tabled - June 10, 2009, by Senator **RAYE** of Washington

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-539)**, in **NON-CONCURRENCE**

(In House, June 10, 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-539) AS AMENDED BY HOUSE AMENDMENT "B" (H-565)** thereto.)

(In Senate, June 10, 2009, Reports **READ**. On motion by Senator **DAMON** of Hancock, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-539) **READ**. House Amendment "B" (H-565) to Committee Amendment "A" (H-539) **READ**. On motion by Senator **BARTLETT** of Cumberland, **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**. Committee Amendment "A" (H-539) **ADOPTED**, in **NON-CONCURRENCE**. On motion by Senator **TRAHAN** of Lincoln, **RECONSIDERED**.)

Committee Amendment "A" (H-539) **ADOPTED**, in **NON-CONCURRENCE**.

Off Record Remarks

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-539)**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

With reference to the action of the Senate whereby it **INSISTED** and **JOINED** in a **COMMITTEE OF CONFERENCE** on the disagreeing action of the two branches of the legislature on:

Bill "An Act To Clarify the Role of the Public Advocate"
H.P. 657 L.D. 954
(S "A" S-260 to C "A" H-165)

The Chair appointed as conferees on the part of the Senate the following:

Senator **HOBBS** of York

Senator **BOWMAN** of York
Senator **SHERMAN** of Aroostook

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Permanently Establish the Position of Director of Recreational Access and Landowner Relations"

H.P. 594 L.D. 863

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-153)** (8 members)

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

In House, May 29, 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-153)**.

In Senate, June 2, 2009, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-153) AS AMENDED BY HOUSE AMENDMENTS "A" (H-447) AND "B" (H-563)** thereto, in **NON-CONCURRENCE**.

Senator **BRYANT** of Oxford moved the Senate **RECEDE** and **CONCUR**.

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

Senator **NUTTING:** Thank you, Madame President. Ladies and gentlemen of the Senate, I rise this afternoon to urge you to oppose the pending motion so we can hopefully go on and Indefinitely Postpone this bill and all accompanying papers. This bill was a bill brought before our committee. It is a bill and a position that was dealt with unanimously by the Appropriations Committee. They made this position for one year a half-time position and that is included in the budget that we've already voted on. As part of the Inland Fisheries and Wildlife budget, Appropriations worked with the committee of jurisdiction and hunting and boating fees were increased. Once the budget was passed, then Inland Fisheries and Wildlife came forward and they found \$60,000 to fully fund this position after the budget was negotiated, and the hunting and boating fees were increased. Now we get the bill amended up from the other Body. One of the amendments takes the Emergency Preamble off the bill. This landowner relations position, most of the work is in the Summer, and if this bill did pass with the Emergency Preamble removed from it, this wouldn't even take effect until this Fall. The newest amendment creates a study panel to determine whether or not

this position should be funded and at what level it should be funded, and whether or not it should exist in the future. I really don't have a problem with that, but what they also do in this second amendment from the other Body, is that while they're determining and studying whether or not the position should exist and at what level it should be funded at, they're going to fully fund it at the \$96,000 level while we are studying whether or not it should exist. I can't remember a situation where I've seen that before. I went to my file today and drew out the testimony on this particular L.D. Both the Department of Conservation and the Department of Inland Fisheries and Wildlife testified neither for nor against this bill at the public hearing. I'm aware of the great pressure put on various groups to come and testify to somehow fully fund this position starting in the Fall. Some groups have chosen not to come lobby for this fully funding of this position.

I think the two things that trouble me the most is that I always thought that departments should kind of put all their financial cards on the table while we're trying to deal with a very difficult budget. All of a sudden now we have a department that proposed hiking fees and all of a sudden after the budget's done they found close to \$60,000. The other thing that troubles me the most though, even more than that, is to have this administration work so hard to fully fund this position, to undo what the Appropriations Committee unanimously did, and to put all this effort in it. I've not seen one ounce of effort, for instance, to try to fully fund the \$2 million of cuts we made to children's mental health or dozens of other examples I could give you. Yet we've got to pull out all the stops to try to somehow, for part of a year, fund this position at the full \$96,000, even though the Appropriations Committee has only half-time funded it, which I think was appropriate. It won't take effect until the Fall because of the amendments. There is no Emergency Preamble on this bill any more. I would urge you to oppose the pending motion so we can go on and indefinitely Postpone this bill and all its accompanying papers. Thank you.

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

Senator **BRYANT:** Thank you, Madame President. Ladies and gentlemen of the Senate, I would just say that this is a Majority Report from the Committee on Agriculture, Conservation and Forestry. We talked about this the other day, about the importance of this position. People that hunt and fish recreate on other people's land. It is paramount that, in fact, we do what we can to make sure that the landowners are happy or satisfied. That they feel like their issues are being heard. This bill allows us to do that. If we don't do that, we risk our activities that we like to do on other people's land. I would encourage you to support this Majority Report.

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

Senator **NUTTING:** Thank you, Madame President. Ladies and gentlemen of the Senate, during the work session on this particular L.D. we requested examples. In fact, the good Senator from Aroostook, Senator Sherman was the one that requested examples of some of the things this position had been involved with. The departments brought forth for us 16 examples of work that had been done by this position in the last 18 months. Sixteen examples. That was it. I think Appropriations dealt with this position appropriately.

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 pending question before the Senate is the motion by the Senator from Oxford, Senator Bryant to Recede and Concur. 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 (#196)

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

NAYS: Senators: COURTNEY, DAVIS, DIAMOND, GOOLEY, HASTINGS, MCCORMICK, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, WESTON

EXCUSED: Senator: SHERMAN

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BRYANT** of Oxford to **RECEDE** and **CONCUR, PREVAILED.**

Off Record Remarks

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

SENATE PAPERS

Bill "An Act To Protect Maine Citizens and Franchised New Car and Truck Dealers" (EMERGENCY)
S.P. 571 L.D. 1491

Presented by President MITCHELL of Kennebec.
(GOVERNOR'S BILL)
Cosponsored by Speaker PINGREE of North Haven.

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

READ ONCE, without reference to a Committee.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Improve Opportunity in the Maine Woods" (EMERGENCY)

H.P. 1049 L.D. 1492

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

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

READ ONCE, without reference to a Committee.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Make Certain Changes to the Laws Regarding E-9-1-1 Surcharge Collection from Prepaid Wireless and Voice over Internet Protocol Providers"

H.P. 540 L.D. 789

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-202)** (3 members)

Tabled - May 12, 2009, by Senator **RAYE** of Washington

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

(In House, May 7, 2009, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

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

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

Senator **GOOLEY**: Thank you, Madame President. This morning I think I slacked off and I did not rise on one of the supplements. In the Franklin County area we recently lost one of our very well known individuals. His name was Steve Bull. He was 54 and lived in Temple. He was a musician, author, and known for his quick wit, gentle spirit, and compassionate heart. I got to know him because I play in the Old Crow Indian Band in Farmington. I play the snare drum. He played tuba. This was for 25 years or so. We played in the gazebo on Monday nights in Farmington, if you want to come up and listen to some good music. John Philip Sousa, that is one of our favorite persons. Anyways, he played the tuba. That was one of his favorite things to do. He was a disk jockey and operations manager for WKTJ. He was a well-known radio personality. He was a writer, an author. One of his books was Dances with Blackflies. Maybe somebody has a copy. Our Attorney General has a copy. Dances with Blackflies. He sold this book through L.L. Bean and it was a real big seller through L.L.Bean. He also had a weekly column in the Franklin Journal and Livermore Falls Advertiser called Shooting the Bull. Can you believe it. Steve Bull. He will certainly be long remembered. He died too early and will be greatly missed. Thank you.

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED**, until Thursday, June 11, 2009, at 10:00 in the morning, in memory of and lasting tribute to Stephen R. Bull of Temple.