

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

In Senate Chamber
Monday
August 24, 2009

Pursuant to the provisions of Article 5, Part 1, Section 8 of the Constitution and the laws of the State of Maine, the Senate convened in the Senate Chamber at Two O'clock in the afternoon and was called to order by President **ELIZABETH H. MITCHELL** of Kennebec County.

Prayer by Senator Peter B. Bowman of York County.

SENATOR BOWMAN: Before I begin I want to remind my colleagues that flags in Maine are at half-staff to honor the death of a Maine Marine. It is emblematic of the sacrifices that are still being made by men and women in this country, and will continue to be made. I would like to begin with a traditional Native American prayer.

Oh Great Spirit whose voice we hear in the winds and whose breath gives life to all the world, hear us. We come before you as your children. We are small and weak. We need Your strength and Your wisdom. Enable us to walk in beauty and make our eyes ever behold the red and purple sunsets. Make our hands respect the things You have made and our ears sharp to hear Your voice. Make us wise so that we may know the things that You have taught us, the lessons You have hidden in every leaf and rock. We seek not to be superior to our brethren, but to be able to fight our greatest enemy which is ourselves. Make us ever ready to come to You with clean hands and straight eyes so that when life fades, as a fading sunset, our spirit may come to You without shame.

Reading and watching the news these days it is easy to get discouraged about our progress as a society, as a nation, and as a member of the international community. Often we seem to spend more time and energy fighting each other, rather than finding solutions to the many problems that we face. So many untruths, so many partial truths, so much innuendo, so much disrespect. In these times let us remember and return to the great strengths, truths and wisdom that are part of our heritage and which we inherently possess. Today, as we gather here in our wondrous and formidable State capitol, to confirm a strong and experienced group of men and women, men and women who are willing to give of their time, their expertise and their compassion to help Maine navigate today's stormy seas, rocks and shoals, let us be reminded of the wisdom of others who came before us. Let us join with these nominees in strong, mutual commitment to the care and support of our beautiful state. In closing I would like to read a blessing from the late Irish teacher and poet John O'Donohue.

Now may we live this day compassionate of heart, clear in word, gracious in awareness, courageous in thought and generous in love.

Pledge of Allegiance led by Senator Margaret M. Craven of Androscoggin County.

Senator **SULLIVAN** of York requested and received leave of the Senate that members and staff be allowed to remove their jackets for the remainder of this Session.

The Following Communication: S.C. 437

**STATE OF MAINE
124th LEGISLATURE
OFFICE OF THE PRESIDENT**

July 23, 2009

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

Dear Secretary O'Brien:

Please be advised that in accordance with Article 5, Part 1, Section 8 of the Constitution of Maine, the Senate of Maine will convene on Monday, August 24th at 2:00 o'clock in the afternoon for the purpose of voting upon confirmation of various appointments made by the Honorable John E. Baldacci, Governor of the State of Maine.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

READ and ORDERED PLACED ON FILE.

QUORUM CALL

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#215)

PRESENT: 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

35 Senators having answered the Roll, the Chair declared a quorum present.

Out of order and under suspension of the Rules, on motion by Senator **BARTLETT** of Cumberland, the following Senate Order:
S.O. 16

Ordered, that a message be sent to Governor John E. Baldacci informing him that in accordance with Article 5, Part 1, Section 8 of the Constitution of Maine, a quorum of Senators is assembled for the consideration of such business as may come before the Senate.

READ and PASSED.

The Chair appointed the Senator from Cumberland, Senator **BARTLETT** to deliver the message to the Governor. The Sergeant-At-Arms escorted the Senator to the Governor's Office.

Subsequently, the Senator from Cumberland, Senator **BARTLETT** reported that he had delivered the message with which he was charged.

COMMUNICATIONS

The Following Communication: S.C. 451

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 10, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Devin Beliveau of Kittery for appointment to the Maine Community College System, Board of Trustees.

Pursuant to Title 20-A M.R.S.A. §12705 (2), this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 452

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 10, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Merle Nelson of Falmouth for reappointment to the Maine Community College System, Board of Trustees.

Pursuant to Title 20-A M.R.S.A. §12705 (2), this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 454

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 10, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Doris Belisle-Bonneau of Auburn for reappointment to the Maine Community College System, Board of Trustees.

Pursuant to Title 20-A M.R.S.A. §12705 (2), this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 455

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE SECRETARY**

August 10, 2009

Sen. Justin Alford
Senate Chair, Joint Standing Committee on Education and
Cultural Affairs
Rep. Patricia Sutherland
House Chair, Joint Standing Committee on Education and
Cultural Affairs
124th Legislature
Augusta, Maine 04333

Dear Senator Alford and Representative Sutherland:

Please be advised that Governor John E. Baldacci has nominated
the following to the Maine Community College System Board of
Trustees:

Devin Beliveau of Kittery for appointment
Merle Nelson of Falmouth for reappointment
Doris Belisle-Bonneau of Auburn for reappointment

Pursuant to Title 20-A M.R.S.A. §12705 (2), these nominations
will require review by the Joint Standing Committee on Education
and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 453

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 18, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that pursuant to Title 3 M.R.S.A., §154, I
am withdrawing my nomination of Merle Nelson for reappointment
to the Maine Community College System, Board of Trustees.

This nomination is currently pending before the Joint
Standing Committee on Education and Cultural Affairs.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 456

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE SECRETARY**

August 18, 2009

Sen. Justin Alford
Senate Chair, Joint Standing Committee on Education and
Cultural Affairs
Rep. Patricia Sutherland
House Chair, Joint Standing Committee on Education and
Cultural Affairs
124th Legislature
Augusta, Maine 04333

Dear Senator Alford and Representative Sutherland:

Pursuant to Title 3 M.R.S.A., §154, please be advised that
Governor John E. Baldacci has withdrawn his nomination of Merle
Nelson of Falmouth for reappointment to the Maine Community
College System Board of Trustees.

This nomination is currently pending before the Joint Standing
Committee on Education and Cultural Affairs.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 490

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

August 19, 2009

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Devin M. Beliveau of Kittery, for appointment to the Maine Community College System Board of Trustees.

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	Alfond of Cumberland, Schneider of Penobscot
	Representatives	8	Sutherland of Chapman, Casavant of Biddeford, Johnson of Greenville, Lovejoy of Portland, McFadden of Dennysville, Nelson of Falmouth, Rankin of Hiram, Wagner of Lewiston
NAYS		0	
ABSENT		3	Rep. Finch of Fairfield, Rep. Richardson of Carmel, Sen. Weston of Waldo

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Devin M. Beliveau of Kittery, for appointment to the Maine Community College System Board of Trustees be confirmed.

Signed,

S/Justin L. Alfond
Senate Chair

S/Patricia B. Sutherland
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** 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 (#216)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Devin M. Beliveau** of Kittery for appointment to the Maine Community College System Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 491

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

August 19, 2009

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Doris A. Belisle-Bonneau of Auburn, for reappointment to the Maine Community College System Board of Trustees.

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 Alfond of Cumberland, Schneider of Penobscot
Representatives 8 Sutherland of Chapman, Casavant of Biddeford, Johnson of Greenville, Lovejoy of Portland, McFadden of Dennysville, Nelson of Falmouth, Rankin of Hiram, Wagner of Lewiston

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 **Doris A. Belisle-Bonneau** of Auburn for reappointment to the Maine Community College System Board of Trustees was **CONFIRMED**.

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

NAYS 0

ABSENT 3 Rep. Finch of Fairfield, Rep. Richardson of Carmel, Sen. Weston of Waldo

The Following Communication: S.C. 457

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Doris A. Belisle-Bonneau of Auburn, for reappointment to the Maine Community College System Board of Trustees be confirmed.

August 10, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Signed,

Dear President Mitchell:

S/Justin L. Alfond
Senate Chair

This is to inform you that I am today nominating Victoria Larson of Windham for reappointment to the Board of Trustees, Maine Maritime Academy.

S/Patricia B. Sutherland
House Chair

Pursuant to Public Law 1975, Chapter 771, §428, this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

Thank you for your assistance in this matter.

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.

Sincerely,

The Doorkeepers secured the Chamber.

S/John Elias Baldacci
Governor

The Secretary opened the vote.

READ and ORDERED PLACED ON FILE.

ROLL CALL (#217)

YEAS: Senators: None

The Following Communication: S.C. 458

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

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 10, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Robert Peacock of Eastport for reappointment to the Board of Trustees, Maine Maritime Academy.

Pursuant to Public Law 1975, Chapter 771, §428, this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 459

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 10, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Rodney Rodrigue of Longwood, Florida for appointment to the Board of Trustees, Maine Maritime Academy.

Pursuant to Public Law 1975, Chapter 771, §428, this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 461

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE SECRETARY**

August 10, 2009

Sen. Justin Alfond
Senate Chair, Joint Standing Committee on Education and Cultural Affairs
Rep. Patricia Sutherland
House Chair, Joint Standing Committee on Education and Cultural Affairs
124th Legislature
Augusta, Maine 04333

Dear Senator Alfond and Representative Sutherland:

Please be advised that Governor John E. Baldacci has nominated the following to the Maine Maritime Academy Board of Trustees:

Victoria Larson of Windham for reappointment
Robert Peacock of Eastport for reappointment
Rodney Rodrigue of Longwood, Florida for appointment

Pursuant to Public Law 1975, Chapter 771, §428, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 460

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 18, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that pursuant to Title 3 M.R.S.A., §154, I am withdrawing my nomination of Victoria Larson for reappointment to the Maine Maritime Academy Board of Trustees.

This nomination is currently pending before the Joint Standing Committee on Education and Cultural Affairs.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 462

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE SECRETARY**

August 18, 2009

Sen. Justin Alfond
Senate Chair, Joint Standing Committee on Education and Cultural Affairs
Rep. Patricia Sutherland
House Chair, Joint Standing Committee on Education and Cultural Affairs
124th Legislature
Augusta, Maine 04333

Dear Senator Alfond and Representative Sutherland:

Pursuant to Title 3 M.R.S.A., §154, please be advised that Governor John E. Baldacci has withdrawn his nomination of Victoria Larson of Windham for reappointment to the Maine Maritime Academy Board of Trustees.

This nomination is currently pending before the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 492

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

August 19, 2009

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Robert J. Peacock II of Eastport, for reappointment to the Maine Maritime Academy Board of Trustees.

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	Alfond of Cumberland, Schneider of Penobscot, Weston of Waldo
	Representatives	8	Sutherland of Chapman, Casavant of Biddeford, Johnson of Greenville, Lovejoy of Portland, McFadden of Dennysville, Nelson of Falmouth, Rankin of Hiram, Wagner of Lewiston
NAYS		0	
ABSENT		2	Rep. Finch of Fairfield, Rep. Richardson of Carmel

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 Robert J. Peacock II of Eastport, for reappointment to the Maine Maritime Academy Board of Trustees be confirmed.

Signed,

S/Justin L. Alfond
Senate Chair

S/Patricia B. Sutherland
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** 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 (#218)

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

Representatives 8 Sutherland of Chapman, Casavant of Biddeford, Johnson of Greenville, Lovejoy of Portland, McFadden of Dennysville, Nelson of Falmouth, Rankin of Hiram, Wagner of Lewiston

NAYS 0

ABSENT 2 Rep. Finch of Fairfield, Rep. Richardson of Carmel

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 **Robert J. Peacock II** of Eastport for reappointment to the Maine Maritime Academy Board of Trustees was **CONFIRMED**.

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

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 Rodney P. Rodrigue of Longwood, Florida, for appointment to the Maine Maritime Academy Board of Trustees be confirmed.

Signed,

S/Justin L. Alfond
Senate Chair

S/Patricia B. Sutherland
House Chair

The Following Communication: S.C. 489

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

August 19, 2009

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Rodney P. Rodrigue of Longwood, Florida, for appointment to the Maine Maritime Academy Board of Trustees.

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 Alfond of Cumberland, Schneider of Penobscot, Weston of Waldo

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** 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 (#219)

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 **Rodney P. Rodrigue** of Longwood, Florida, for appointment to the Maine Maritime Academy Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 446

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 3, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Robert Clifford of Lewiston for appointment as an Active Retired Associate Justice to the Maine Supreme Judicial Court.

Pursuant to Article V, Part 1 §8 of the Constitution of Maine, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 447

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 3, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Samuel W. Collins, Jr. of Rockland for reappointment as an Active Retired Associate Justice to the Maine Supreme Judicial Court.

Pursuant to Article V, Part 1 §8 of the Constitution of Maine, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 448

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE SECRETARY**

August 3, 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 Robert Clifford of Lewiston for appointment and Samuel W. Collins, Jr. of Rockland for reappointment as Active Retired Associate Justices to the Maine Supreme Judicial Court.

Pursuant to Article V, Part 1 §8 of the Constitution of Maine, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 499

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

August 20, 2009

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Robert W. Clifford of Lewiston, for appointment as an Active Retired Supreme Court Justice.

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

YEAS	Senators	3	Bliss of Cumberland, Hastings of Oxford, Hobbins of York
	Representatives	10	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, Stevens of Bangor

NAYS 0

ABSENT 0

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

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Robert W. Clifford of Lewiston, for appointment as an Active Retired Supreme Court Justice 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 (#220)

YEAS: Senators: None

NAYS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, CRAVEN, DAMON, DAVIS, DIAMOND, GERZOFKY, 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 the Honorable **Robert W. Clifford** of Lewiston for appointment as an Active Retired Supreme Court Justice was **CONFIRMED**.

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

The Following Communication: S.C. 500

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

August 20, 2009

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Samuel W. Collins, Jr. of Rockland, for reappointment as an Active Retired Supreme Judicial Court Justice.

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

YEAS	Senators	3	Bliss of Cumberland, Hastings of Oxford, Hobbins of York
------	----------	---	----------------------------------------------------------------

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

NAYS 0

ABSENT 1 Rep. Dill of Cape Elizabeth

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

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Samuel W. Collins, Jr. of Rockland, for reappointment as an Active Retired Supreme Judicial Court Justice 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 (#221)

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 the Honorable **Samuel W. Collins, Jr.** of Rockland for reappointment as an Active Retired Supreme Judicial Court Justice was **CONFIRMED**.

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

The Following Communication: S.C. 441

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 3, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Ronald Daigle of Fort Kent for appointment as an Active Retired Maine District Court Judge.

Pursuant to Title 4, MRSA §157-1, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 442

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 3, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating James MacMichael of Skowhegan for appointment as an Active Retired Maine District Court Judge.

Pursuant to Title 4, MRSA §157-1, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 443

**STATE OF MAINE
124th LEGISLATURE
OFFICE OF THE SECRETARY**

August 3, 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 Ronald Daigle of Fort Kent and James MacMichael of Skowhegan for appointment as Active Retired Maine District Court Judges.

Pursuant to Title 4, MRSA §157-1, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 501

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

August 20, 2009

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Ronald A. Daigle of Fort Kent, for appointment as an Active Retired District Court Judge.

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	Bliss of Cumberland, Hastings of Oxford, Hobbins of York
	Representatives	9	Priest of Brunswick, Bryant of Windham, Cleary of Houlton, Crockett of Bethel, Dill of Cape Elizabeth, Hill of York, Kruger of Thomaston, Nass of Acton, Stevens of Bangor
NAYS		0	
ABSENT		1	Rep. Beaulieu of Auburn

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

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Ronald A. Daigle of Fort Kent, for appointment as an Active Retired District Court Judge 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.

Representatives 10

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, Stevens of Bangor

ROLL CALL (#222)

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

NAYS 0

ABSENT 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable James MacMichael of Skowhegan, for appointment as an Active Retired District Court Judge be confirmed.

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Ronald A. Daigle** of Fort Kent for appointment as an Active Retired District Court Judge was **CONFIRMED**.

Signed,

S/Lawrence S. Bliss
Senate Chair

S/Charles R. Priest
House Chair

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

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 502

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.

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

The Doorkeepers secured the Chamber.

August 20, 2009

The Secretary opened the vote.

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

ROLL CALL (#223)

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable James MacMichael of Skowhegan, for appointment as an Active Retired District Court Judge.

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 Bliss of Cumberland, Hastings of Oxford, Hobbins of York

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **James MacMichael** of Skowhegan for appointment as an Active Retired District Court Judge 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 the Honorable James MacMichael. Would he please stand and accept the greetings of the Maine Senate.

The Following Communication: S.C. 444

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 3, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Joseph Jabar of Waterville for appointment as Associate Justice to the Maine Supreme Judicial Court.

Pursuant to Article V, Part 1 §8 of the Constitution of Maine, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 445

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE SECRETARY**

August 3, 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 Joseph Jabar of Waterville for appointment as Associate Justice to the Maine Supreme Judicial Court.

Pursuant to Article V, Part 1 §8 of the Constitution of Maine, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 503

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

August 20, 2009

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Joseph M. Jabar, Sr. of Waterville, for appointment as a Supreme Judicial Court Justice.

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

YEAS	Senators	3	Bliss of Cumberland, Hastings of Oxford, Hobbins of York
------	----------	---	----------------------------------------------------------------

Representatives 10 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, Stevens of Bangor

1 Senator having voted in the affirmative and 34 Senators having voted in the negative, and 1 being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Joseph M. Jabar, Sr.** of Waterville for appointment as a Supreme Judicial Court Justice was **CONFIRMED**.

NAYS 0
ABSENT 0

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

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

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber the Honorable Joseph M. Jabar. Would he please stand and accept the greetings of the Maine Senate.

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Joseph M. Jabar, Sr. of Waterville, for appointment as a Supreme Judicial Court Justice be confirmed.

The Following Communication: S.C. 438

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

Signed,

August 3, 2009

S/Lawrence S. Bliss
Senate Chair

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

S/Charles R. Priest
House Chair

READ and ORDERED PLACED ON FILE.

Dear President Mitchell:

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

This is to inform you that I am today nominating Beth Dobson of Portland for appointment as Maine District Court Judge.

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.

Pursuant to Title 4, MRSA §157-1, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

The Doorkeepers secured the Chamber.

Thank you for your assistance in this matter.

The Secretary opened the vote.

Sincerely,

ROLL CALL (#224)

S/John Elias Baldacci
Governor

YEAS: Senator: DAMON

READ and ORDERED PLACED ON FILE.

NAYS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, CRAVEN, 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

The Following Communication: S.C. 439

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 3, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Daniel Driscoll of Kennebunk for appointment as Maine District Court Judge.

Pursuant to Title 4, MRSA §157-1, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 440

**STATE OF MAINE
124th LEGISLATURE
OFFICE OF THE SECRETARY**

August 3, 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 Beth Dobson of Portland and Daniel Driscoll of Kennebunk for appointment as Maine District Court Judges.

Pursuant to Title 4, MRSA §157-1, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 504

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

August 20, 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 Beth Dobson of Portland, for appointment as a District Court Judge.

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	Bliss of Cumberland, Hastings of Oxford, Hobbins of York
	Representatives	10	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, Stevens of Bangor

NAYS 0

ABSENT 0

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

Thirteen 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 Beth Dobson of Portland, for appointment as a District Court Judge 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 (#225)

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

YEAS	Senators	3	Bliss of Cumberland, Hastings of Oxford, Hobbs of York
	Representatives	10	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, Stevens of Bangor

NAYS 0

ABSENT 0

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

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 **Beth Dobson** of Portland for appointment as a District Court Judge was **CONFIRMED**.

Thirteen 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 Daniel F. Driscoll of Kennebunk, for appointment as a District Court Judge be confirmed.

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

Signed,
S/Lawrence S. Bliss
Senate Chair

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Beth Dobson. Would she please stand and accept the greetings of the Maine Senate.

S/Charles R. Priest
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 505

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

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

August 20, 2009

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

The Doorkeepers secured the Chamber.

Dear Madame President:

The Secretary opened the vote.

ROLL CALL (#226)

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 Daniel F. Driscoll of Kennebunk, for appointment as a District Court Judge.

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

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:

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 **Daniel F. Driscoll** of Kennebunk, for appointment as a District Court Judge 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 Daniel F. Driscoll. Would he please stand and accept the greetings of the Maine Senate.

The Following Communication: S.C. 449

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 4, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating A. Mavourneen Thompson of Peaks Island for appointment to the Maine Human Rights Commission.

Pursuant to Title 5, MRSA §4561, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 450

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE SECRETARY**

August 4, 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 A. Mavourneen Thompson of Peaks Island for appointment to the Maine Human Rights Commission.

Pursuant to Title 5 MRSA §4561, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 506

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

August 21, 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 A. Mavourneen Thompson of Peaks Island, for appointment to the Maine Human Rights Commission.

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

YEAS	Senators	3	Bliss of Cumberland, Hastings of Oxford, Hobbins of York
------	----------	---	----------------------------------------------------------------

Representatives 9 Priest of Brunswick, Beaulieu of Auburn, Bryant of Windham, Crockett of Bethel, Dill of Cape Elizabeth, Hill of York, Kruger of Thomaston, Nass of Acton, Stevens of Bangor

1 Senator having voted in the affirmative and 34 Senators having voted in the negative, and 1 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 **A. Mavourneen Thompson** of Peaks Island for appointment to the Maine Human Rights Commission was **CONFIRMED**.

NAYS 0

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

ABSENT 1 Rep. Cleary of Houlton

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 A. Mavourneen Thompson of Peaks Island, for appointment to the Maine Human Rights Commission be confirmed.

The Following Communication: S.C. 493

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

Signed,

August 4, 2009

S/Lawrence S. Bliss
Senate Chair

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

S/Charles R. Priest
House Chair

READ and ORDERED PLACED ON FILE.

Dear President Mitchell:

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

This is to inform you that I am today nominating Marvin Glazier of Bangor for appointment to the Maine Commission on Indigent Legal Services.

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.

Pursuant to Title 4 M.R.S.A. §1803 (1), this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

The Doorkeepers secured the Chamber.

Thank you for your assistance in this matter.

The Secretary opened the vote.

Sincerely,

ROLL CALL (#227)

S/John Elias Baldacci
Governor

YEAS: Senator: PLOWMAN

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 494

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 4, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Kim Moody of Poland for appointment to the Maine Commission on Indigent Legal Services.

Pursuant to Title 4 M.R.S.A. §1803 (1), this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 495

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 4, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Ronald Schneider of Wells for appointment to the Maine Commission on Indigent Legal Services.

Pursuant to Title 4 M.R.S.A. §1803 (1), this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 496

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 4, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Kenneth Spier of Portland for appointment to the Maine Commission on Indigent Legal Services.

Pursuant to Title 4 M.R.S.A. §1803 (1), this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 497

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 4, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Sally Sutton of South Portland for appointment to the Maine Commission on Indigent Legal Services.

Pursuant to Title 4 M.R.S.A. §1803 (1), this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 498

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE SECRETARY**

August 4, 2009

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

Dear Senator Bliss and Representative Priest:

Please be advised that Governor John E. Baldacci has nominated the following to the Maine Commission on Indigent Legal Services:

Marvin Glazier of Bangor for appointment
Kim Moody of Poland for appointment
Ronald Schneider of Wells for appointment
Kenneth Spirer of Portland for appointment
Sally Sutton of South Portland for appointment

Pursuant to Title 4 M.R.S.A. §1803 (1), these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 513

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

August 21, 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 Marvin H. Glazier of Bangor, for appointment to the Maine Commission on Indigent Legal Services.

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	Bliss of Cumberland, Hastings of Oxford, Hobbins of York
	Representatives	10	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, Stevens of Bangor

NAYS 0

ABSENT 0

Thirteen 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 Marvin H. Glazier of Bangor, for appointment to the Maine Commission on Indigent Legal Services 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 (#228)

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

NAYS 0
 ABSENT 1 Sen. Hastings of Oxford

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 Kimberly A. Moody of Poland, for appointment to the Maine Commission on Indigent Legal Services 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 (#229)

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Kimberly A. Moody** of Poland for appointment to the Maine Commission on Indigent Legal Services was **CONFIRMED**.

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

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 **Marvin H. Glazier** of Bangor for appointment to the Maine Commission on Indigent Legal Services was **CONFIRMED**.

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

The Following Communication: S.C. 514

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

August 21, 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 Kimberly A. Moody of Poland, for appointment to the Maine Commission on Indigent Legal Services.

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	Bliss of Cumberland, Hobbins of York
	Representatives	10	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, Stevens of Bangor

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Kimberly A. Moody. Would she please stand and accept the greetings of the Maine Senate.

The Following Communication: S.C. 515

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

August 21, 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 Ronald W. Schneider, Jr. of Wells, for appointment to the Maine Commission on Indigent Legal Services.

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	Bliss of Cumberland, Hastings of Oxford, Hobbins of York
	Representatives	10	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, Stevens of Bangor
NAYS		0	
ABSENT		0	

Thirteen 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 Ronald W. Schneider, Jr. of Wells, for appointment to the Maine Commission on Indigent Legal Services 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 (#230)

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 **Ronald W. Schneider, Jr.** of Wells for appointment to the Maine Commission on Indigent Legal Services was **CONFIRMED**.

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

The Following Communication: S.C. 516

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

August 21, 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 Kenneth S. Spirer of Portland, for appointment to the Maine Commission on Indigent Legal Services.

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	Bliss of Cumberland, Hobbins of York
	Representatives	10	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, Stevens of Bangor

NAYS 0

ABSENT 1 Sen. Hastings of Oxford

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 Kenneth S. Spirer of Portland, for appointment to the Maine Commission on Indigent Legal Services 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 (#231)

YEAS: Senators: None

NAYS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, CRAVEN, DAMON, DAVIS, DIAMOND, GERZOFKY, 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 **Kenneth S. Spirer** of Portland for appointment to the Maine Commission on Indigent Legal Services was **CONFIRMED**.

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

The Following Communication: S.C. 517

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

August 21, 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 Sally Sutton of So. Portland, for appointment to the Maine Commission on Indigent Legal Services.

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	Bliss of Cumberland, Hobbins of York
	Representatives	9	Priest of Brunswick, Beaulieu of Auburn, Bryant of Windham, Cleary of Houlton, Dill of Cape Elizabeth, Hill of York, Kruger of Thomaston, Nass of Acton, Stevens of Bangor

NAYS 0
ABSENT 2 Rep. Crockett of Bethel, Sen. Hastings of Oxford

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 Sally Sutton of So. Portland, for appointment to the Maine Commission on Indigent Legal Services 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 (#232)

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, 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 **Sally Sutton** of So. Portland for appointment to the Maine Commission on Indigent Legal Services was **CONFIRMED**.

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

The Following Communication: S.C. 463

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 11, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Dimitri Balatsos of Falmouth for appointment to the Maine Public Employees Retirement System Board of Trustees.

Pursuant Title 5 MRSA §17102 (1-D), this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 464

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 11, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Benedetto Viola of Scarborough for reappointment to the Maine Public Employees Retirement System Board of Trustees.

Pursuant Title 5 MRSA §17102 (1-D), this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 465

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 11, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Kenneth Williams of Damariscotta for reappointment to the Maine Public Employees Retirement System Board of Trustees.

Pursuant Title 5 MRSA §17102 (1-D), this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 466

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE SECRETARY**

August 11, 2009

Sen. Troy Jackson
Senate Chair, Joint Standing Committee on Labor
Rep. John Tuttle
House Chair, Joint Standing Committee on Labor
124th Legislature
Augusta, Maine 04333

Dear Senator Jackson and Representative Tuttle:

Please be advised that Governor John E. Baldacci has nominated the following to the Maine Public Employees Retirement System Board of Trustees:

Dimitri Balatsos of Falmouth for appointment
Benedetto Viola of Scarborough for reappointment
Kenneth Williams of Damariscotta for reappointment

Pursuant to Title 5 M.R.S.A. §17102 (1-D), these nominations will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 510

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

August 21, 2009

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Dimitri N. Balatsos of Falmouth, for appointment to the Maine Public Employees Retirement System Board of Trustees.

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

YEAS	Senators	3	Jackson of Aroostook, Gerzofsky of Cumberland, Mills of Somerset
	Representatives	7	Bickford of Auburn, Blodgett of Augusta, Butterfield of Bangor, Cushing of Hampden, Gilbert of Jay, Hamper of Oxford, Thibodeau of Winterport
NAYS		0	

ABSENT 3 Rep. Tuttle of Sanford, Rep. Clark of Millinocket, Rep. Driscoll of Westbrook

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Dimitri N. Balatsos of Falmouth, for appointment to the Maine Public Employees Retirement System Board of Trustees be confirmed.

Signed,

S/Troy D. Jackson
Senate Chair

S/John L. Tuttle Jr.
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#233)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Dimitri N. Balatsos** of Falmouth for appointment to the Maine Public Employees Retirement System Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 511

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

August 21, 2009

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Benedetto Viola of Scarborough, for reappointment to the Maine Public Employees Retirement System Board of Trustees.

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

YEAS	Senators	3	Jackson of Aroostook, Gerzofsky of Cumberland, Mills of Somerset
	Representatives	7	Bickford of Auburn, Blodgett of Augusta, Butterfield of Bangor, Cushing of Hampden, Gilbert of Jay, Hamper of Oxford, Thibodeau of Winterport
NAYS		0	
ABSENT		3	Rep. Tuttle of Sanford, Rep. Clark of Millinocket, Rep. Driscoll of Westbrook

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Benedetto Viola of Scarborough, for reappointment to the Maine Public Employees Retirement System Board of Trustees be confirmed.

Signed,

S/Troy D. Jackson
Senate Chair

S/John L. Tuttle Jr.
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#234)

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 **Benedetto Viola** of Scarborough for reappointment to the Maine Public Employees Retirement System Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 512

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

August 21, 2009

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Kenneth L. Williams of Damariscotta, for reappointment to the Maine Public Employees Retirement System Board of Trustees.

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

YEAS	Senators	3	Jackson of Aroostook, Gerzofsky of Cumberland, Mills of Somerset
	Representatives	7	Bickford of Auburn, Blodgett of Augusta, Butterfield of Bangor, Cushing of Hampden, Gilbert of Jay, Hamper of Oxford, Thibodeau of Winterport
NAYS		0	
ABSENT		3	Rep. Tuttle of Sanford, Rep. Clark of Millinocket, Rep. Driscoll of Westbrook

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Kenneth L. Williams of Damariscotta, for reappointment to the Maine Public Employees Retirement System Board of Trustees be confirmed.

Signed,

S/Troy D. Jackson
Senate Chair

S/John L. Tuttle Jr.
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#235)

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
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 11, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Carol B. Gilmore of Charleston for reappointment to the Maine Labor Relations Board.

Pursuant Title 26 MRSA §968, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

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 **Kenneth L. Williams** of Damariscotta for reappointment to the Maine Public Employees Retirement System Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 467

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 11, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating David Elliott of Whitefield for appointment to the Maine Labor Relations Board.

Pursuant Title 26 MRSA §968, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 468

The Following Communication: S.C. 469

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 11, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Wayne Whitney of Brunswick for reappointment to the Maine Labor Relations Board.

Pursuant Title 26 MRSA §968, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 470

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE SECRETARY**

August 11, 2009

Sen. Troy Jackson
Senate Chair, Joint Standing Committee on Labor
Rep. John Tuttle
House Chair, Joint Standing Committee on Labor
124th Legislature
Augusta, Maine 04333

Dear Senator Jackson and Representative Tuttle:

Please be advised that Governor John E. Baldacci has nominated the following to the Maine Labor Relations Board:

David Elliott of Whitefield for appointment
Carol B. Gilmore of Charleston for reappointment
Wayne Whitney of Brunswick for reappointment

Pursuant to Title 26 M.R.S.A. §968, these nominations will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 507

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

August 21, 2009

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of David C. Elliott of Whitefield, for appointment to the Maine Labor Relations Board.

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	Jackson of Aroostook, Gerzofsky of Cumberland
	Representatives	7	Bickford of Auburn, Blodgett of Augusta, Butterfield of Bangor, Cushing of Hampden, Gilbert of Jay, Hamper of Oxford, Thibodeau of Winterport
NAYS		0	
ABSENT		4	Rep. Tuttle of Sanford, Rep. Clark of Millinocket, Rep. Driscoll of Westbrook, Sen. Mills of Somerset

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of David C. Elliott of Whitefield, for appointment to the Maine Labor Relations Board be confirmed.

Signed,

S/Troy D. Jackson
Senate Chair

S/John L. Tuttle Jr.
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#236)

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

NAYS 0
 ABSENT 4 Rep. Tuttle of Sanford, Rep. Clark of Millinocket, Rep. Driscoll of Westbrook, Sen. Mills of Somerset

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Carol B. Gilmore of Charleston, for reappointment to the Maine Labor Relations Board be confirmed.

Signed,

S/Troy D. Jackson
 Senate Chair

S/John L. Tuttle Jr.
 House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#237)

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 **Carol B. Gilmore** of Charleston for reappointment to the Maine Labor Relations Board was **CONFIRMED**.

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

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 **David C. Elliott** of Whitefield for appointment to the Maine Labor Relations Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 508

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

August 21, 2009

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Carol B. Gilmore of Charleston, for reappointment to the Maine Labor Relations Board.

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	Jackson of Aroostook, Gerzofsky of Cumberland
	Representatives	7	Bickford of Auburn, Blodgett of Augusta, Butterfield of Bangor, Cushing of Hampden, Gilbert of Jay, Hamper of Oxford, Thibodeau of Winterport

The Following Communication: S.C. 509

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

August 21, 2009

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Wayne W. Whitney of Brunswick, for reappointment to the Maine Labor Relations Board.

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	Jackson of Aroostook, Gerzofsky of Cumberland
	Representatives	7	Bickford of Auburn, Blodgett of Augusta, Butterfield of Bangor, Cushing of Hampden, Gilbert of Jay, Hamper of Oxford, Thibodeau of Winterport
NAYS		0	
ABSENT		4	Rep. Tuttle of Sanford, Rep. Clark of Millinocket, Rep. Driscoll of Westbrook, Sen. Mills of Somerset

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Wayne W. Whitney of Brunswick, for reappointment to the Maine Labor Relations Board be confirmed. Signed,

S/Troy D. Jackson
Senate Chair

S/John L. Tuttle Jr.
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#238)

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 **Wayne W. Whitney** of Brunswick for reappointment to the Maine Labor Relations Board was **CONFIRMED**.

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

The Following Communication: S.C. 471

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 6, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Peter Danton of Saco for reappointment to the Gambling Control Board.

Pursuant Title 8 MRSA §1002 (4), this nomination will require review by the Joint Standing Committee on Legal and Veterans Affairs and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 472

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 6, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Cushing Samp of Saco for reappointment to the Gambling Control Board.

Pursuant Title 8 MRSA §1002 (4), this nomination will require review by the Joint Standing Committee on Legal and Veterans Affairs and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 473

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE SECRETARY**

August 6, 2009

Sen. Nancy Sullivan
Senate Chair, Joint Standing Committee on Legal and Veterans Affairs
Rep. Pamela Trinward
House Chair, Joint Standing Committee on Legal and Veterans Affairs
124th Legislature
Augusta, Maine 04333

Dear Senator Sullivan and Representative Trinward:

Please be advised that Governor John E. Baldacci has nominated the following to the Gambling Control Board:

Peter Danton of Saco for reappointment
Cushing Samp of Saco for reappointment

Pursuant to Title 8 M.R.S.A. §1002 (4), these nominations will require review by the Joint Standing Committee on Legal and Veterans Affairs and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 485

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

August 19, 2009

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Legal and Veterans Affairs has had under consideration the nomination of Honorable Peter W. Danton of Saco, for reappointment to the Gambling Control Board.

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	Sullivan of York, Goodall of Sagadahoc
	Representatives	4	Trinward of Waterville, Carey of Lewiston, Russell of Portland, Valentino of Saco
NAYS	Senators	1	Plowman of Penobscot
	Representatives	3	Fitts of Pittsfield, Nass of Acton, Pinkham of Lexington Township

ABSENT 3 Rep. Beaulieu of Auburn,
Rep. Cornel du Houx of
Brunswick, Rep. Tuttle of
Sanford

Six members of the Committee having voted in the affirmative and four in the negative, it was the vote of the Committee that the nomination of Honorable Peter W. Danton of Saco, for reappointment to the Gambling Control Board be confirmed.

Signed,

S/Nancy B. Sullivan
Senate Chair

S/Pamela Jabar Trinward
House Chair

READ and ORDERED PLACED ON FILE.

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

Senator **PLOWMAN:** Thank you, Madame President. Men and women of the Senate, I rise to speak about the nomination that is before this Body. This nomination came before the Legal and Veterans Affairs Committee last week. It is the nomination of the Honorable Peter Danton of Saco to the Gambling Control Board. You will notice, further on the calendar that Mr. Danton has also been nominated to be on the Liquor and Lottery Commission and I'm afraid that I cannot discuss one without the other, but I will try to do my best and abide by the rules. Mr. Danton is a fine public servant for the State of Maine. We have all heard that he has served here, he has served for the Governor, he has served as a Aide to the Governor, he has been Secretary of State. He is very well versed, obviously, in gambling and lottery issues. Mr. Danton has been, in my opinion and in other members of the Committees opinions, nominated to two committees who, when he makes a decision, may develop a conflict. We often nominate people who realize they may have conflicts and they will offer to recuse themselves, but it usually has to do with their business, the people they know, or family members. Certainly they do not need to recuse themselves because another board they sit on poses a conflict of interest. In this case the conflict of interest has developed since Mr. Danton's first appointment to both committees. In his 10-year report to the Legislature and the Legal and Veterans Affairs Committee, Mr. Gwadosky pointed out that there were emerging issues that were being brought to bear on the Liquor and Lottery Commission. With the permission of the Chair, I will read from the report to state what those emerging issues are. On page 13 of the report emerging issues are defined as competition. "Competition for gaming dollars exist in Maine as it does in many states. Although the Bureau does not currently consider all of these other gaming opportunities to be a serious competitive threat, and has successfully competed with them, it can give no assurance that future competition will not adversely affect lottery sales and performances." Mr. Gwadosky goes on to state that in November 2003 Maine voters approved a referendum that permitted the authorization of 1500 video lottery terminals at a racino located at the Bangor Raceway. The racino opened its doors in November 2005 and initially instant ticket sales were impacted. Since the racino opened its doors the sales

have rebounded somewhat but are still down approximately 4.6% in Penobscot County. I will continue to the last paragraph, "It is important to note that while the Maine State Lottery and racino have both been adopted by citizen referendums their net profit payback to the state are very different. Last year the Maine Lottery had total gross sales of \$230 million and after expenses transferred \$50.6 million to the state general fund. In its first full year of operation the racino's gross sales were \$564 million," and I quote, "and transferred only \$5.6 million, or a little less than 1%, to the state general fund. If additional racino/casino types of gaming with similar payoffs are subsequently approved they will likely further negatively impact the lottery's annual state general fund transfer. It is in the State's financial interest to carefully monitor any new expansion of gaming in Maine."

The Gaming Control Board oversees the competition to the Maine State Lottery. In the enabling legislation for the Liquor and Lottery Commission it says "the Lottery was established to operate as a dynamic entrepreneurial business enterprise and to be accountable to the Commissioner of Administrative and Financial Services through a series of audits and reports and through the compliance of financial disclosure, open meetings and public records laws." The Lottery Commission is allowed as an enterprise account as possible. It is run like a business. The people who oversee them, that five member board who oversees them, have to make decisions based on the outcome of a business that runs according to statute as an enterprise account with an entrepreneurial point. So do the businesses who will be overseen by the Gambling Control Board. Both of these nominations were considered and there were four votes cast against Mr. Danton because we believe Mr. Danton should choose one board or the other. I would point you to something on your desks, a Portland Press Herald editorial as well as a Maine Sunday Telegram editorial entitled "Two Boards is One Too Many for the Former Saco Lawmaker." Mr. Danton can do a great job on either board but the people should be looking at this Legislature and asking if there is an appearance of a conflict of interest. We discuss this in our Committee all of the time. If there is an appearance and there is a way to avoid it I believe that the best thing I've heard, and Mr. Danton is no doubt a talented person and he would probably be a valuable asset to either board, just not both. Maine may be a small state but with 1.3 million people there ought to be two who are qualified to fill these jobs. Thank you.

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

Senator **SULLIVAN:** Thank you, Madame President. I can't say that I'm surprised that this was indeed a six to four vote on both of the nominations. Here are some of the points. What was brought up was a ten year old newspaper article. There was a Ms. Newman who was a paid lobbyist, by the way, ten years ago we were talking about whether or not Scarborough Downs should expand and that was going out to voters. There was a person who was going to be appointed to another board. Eventually she resigned on her own after a lot of public pressure, pressure that came from a former Chief Executive's Press Agent. She was a paid lobbyist in opposition to the Downs. So that was a problem ten years ago. Lots of things have changed. We have the slots now. What the good Senator from Penobscot has just reported about the ten year report deals, in particular, with non-profits and the gaming they are doing, which we have a bill that we will be

taking up in October because the non-profits are feeling that we're cutting into the lotteries with all of those special tickets that our Committee has had to go against. They are cutting into the lottery, so that's another issue. It has to do with the lottery versus the non-profits and how they raise money for fundraisers. So that is another issue and they are not quite the same. Remember too, these are reappointments. Nothing has changed in this. When the Gambling Control Board was established we had slots. Nothing has changed. These are reappointments. If a man is qualified the first time he should be qualified for the second time. I would remind you too, there is no law against this. In fact I would even remind you there is a Mr. Hale who serves on two boards now. He happens to be a representative from the other side of the aisle. There are lots of issues. This is another way to ask our Maine people who volunteer for these boards to simply, I would say there is another person and I would be happy to explain that later. The other thing you need to know is one is a regulatory board and one is simply a board that enforces what this Body and the other Body put in for laws. Mr. Danton has seven terms as a Senator and understands what happens in the Legislature. If he is going to be on a board that simply interprets the laws that we pass, they are two entirely different boards, that we need to honor the people who volunteer. There are not a lot of people who step up to volunteer. These are volunteer issues. It is a reappointment. We have other people who serve on two boards. These two boards are entirely different. One is regulatory and one simply makes sure it does what we have said it should do.

I did have occasion to take a trip to the Bangor slots and I simply asked the chief of security to tell me how Mr. Danton has been. The Bangor slots are thoroughly pleased with him and they sounded disappointed that they didn't know this was coming, because they would have been more than happy to come down and support him. So I am asking that you support this. It's the right thing to do. Once again, it's people coming forward to volunteer. He is 82 years old. He doesn't need to do this, he volunteers because he has the background, and I think there is going to be a speaker who is going to talk about his background. I ask that you vote with the majority of the Committee. I ask that you honor this, honor the fact that it's a reappointment and keep in mind that you should be sure to follow this when we start to discuss the bill that's coming up about non-profits and how they do impact the lottery. The lottery tickets that go to cancer or veterans or anything, those do that. Remember the slots are privately owned and the lottery is Maine owned. Thank you very much.

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

Senator **PLOWMAN:** Thank you, Madame President. Madame President, just to clarify, the gentlemen who was alluded to on the floor is actually named Mr. George McHale. Mr. George McHale serves on two boards, one is the Gambling Control Board and the other is the Harness Racing Commission which is under the purview of the Agriculture Committee. Should that ever arise I would be glad to discuss that, and I'm sure Mr. McHale would be very surprised to find out he's a Republican. I'm sure this will be discussed on his radio show in the morning where he takes a very, very liberal point of view and spends a good deal of time that he points out the differences between himself and his very able radio personality friend, Mr. Rick Tyler, who is a Republican.

This is certainly not a partisan issue. This was not brought forth as a partisan issue, it was brought forward by four members of a caucus who walked in at four different points of the morning and expressed, without talking to each other, the same opinion. I would like to go on the record for Mr. McHale, whom I consider a friend. We have very lively debates and again I feel the need, if this is going to be on the record, that Mr. McHale would be accurately described. Thank you, Madame President.

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

Senator **HOBBS:** Thank you, Madame President. Men and women of the Senate, if I may just address the comments made by the good gentlelady from Penobscot, Senator Plowman, I too concur with you that the good gentleman from the Voice of Maine radio is probably not a Republican, but I can tell you this is somewhat ironic because the good gentlelady from Penobscot and myself have debated on that radio show on several different times and on several different issues. Unfortunately I find myself, this afternoon, in opposition to the position of my friend from Penobscot. Peter Danton is someone I have known all of my life. In fact I think I was playing Little League when I first met him. He is an effective and a dedicated public servant who has served in several different areas, at the local level as the police and fire commissioner. He served seven different terms in this Body. He served as the Chief of Staff for Governor Joseph Brennan. He also served as Deputy Secretary of State and was secretary and treasurer of the Maine Turnpike Authority. Since 2003 he has served as a member of the Liquor and Lottery Commission. Unfortunately because of his experience and the fact that he understands how the process works when it comes to different bodies and commissions, he is being criticized today. Put your thinking caps on to 2003. We had a divisive referendum on resort gambling and we had a divisive referendum on racino gambling. As a result none of those initiated petition referendums were passed by the voters of Maine. That was the racino gambling bill. Governor Baldacci didn't particularly like that initiative bill and attempted, through the legislative process and through a process of having an advisory board initiated which he asked Peter Danton to serve on, because he wanted to make sure that this new entity of gambling in Maine was going to have a proper governing body. As a result the Legislature in 2004 passed a comprehensive bill that tightened up the initiated referendum that had passed by the voters. It was consistent with the voters' intent but to make sure that this particular bill and the industry was well regulated. Ironically the other member of that gambling control advisory group was none other than George McHale, my friend. The reason he was put on this board is the same reason that Peter Danton was put on the board, because they brought to the board a breadth of experience in certain areas. In 1973, believe it or not, I served in the House of Representatives and Senator Danton served in this Body. At the end of the session there was a bill to establish a lottery commission and a lottery and that particular bill was defeated initially and was resurrected at the end of the session under the leadership of Senator Danton. It was because of his knowledge of how to implement a commission, being the lottery commission, through that process, that is the reason he was put on the Gambling Control Board, this advisory board that took place before for a 5-month period in 2004. During that time Peter Danton has served on these two boards with distinction. There have been no accusations of any impropriety,

malfeasance in office, or anything of that nature. Ironically, in order to remove someone from the Liquor and Lottery Commission the person who belongs to that commission, who is a member of that commission, must be impeached by the Legislature. That's not the same for the Gambling Control Board. That is a different situation because it was initiated by referendum. Peter Danton, quite frankly, doesn't deserve to be criticized for his years of public service. Quite frankly I'm embarrassed to say that Peter Danton's legacy will probably mean that everyone will talk about this particular moment, but just as that editorial was read by the good Senator from Penobscot, I wish I had the editorial that was in the Biddeford-Saco Journal Tribune just last week commending Senator Peter Danton for initiating a request to the Supreme Judicial Court to rename the plate, the name of the plate of his brother, the former Chief Judge, Nicholas W. Danton. The courtroom was named after him. He asked that his birthname, Nicholas Daoutakos be used instead of Nicholas Danton. It was quite an honor to be asked to speak at that particular event. We had former Chief Justice Vincent McCusick, the recently confirmed Supreme Court Active Retired Justice Bob Clifford speaking on behalf of Chief Justice Sauffley, and many others. The editorial talked about Peter Danton and the Danton family and Judge Nicholas Danton and the other nine brothers and sisters and how they came to this country. They had great vision and worked hard and it's quite a success story, as I'm sure all of our relatives have the same types of stories. It's unfortunate that Peter Danton won't be remembered, possibly, for that story. He will be remembered because there was a debate on the floor of the Maine Senate regarding, and implying, that for some reason there was an appearance of some type of impropriety. I urge you to put all of that aside and vote today on this nomination. I think it's the right thing to do and the just thing to do. Thank you.

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

Senator **HASTINGS:** Thank you, Madame President. Ladies and Gentlemen of the Senate, I'm somewhat disheartened to see this turn into a debate over Mr. Danton and his character because I've heard nothing from the Senator from Penobscot that in any way would suggest that he is not of the highest character and a wonderful public servant. The Senator from Penobscot was making a simple point that the finest person in Maine should not be appointed to positions on committees that regulate competing areas of commerce. It's the appearance of that. Mr. Danton would be a fine member, as the Senator from Penobscot indicated, to either commission and we would welcome his continued public service, but if I cast my vote against him I would not want it said that I did so because I in any way disrespect the character and integrity of Mr. Danton, who I feel to be a fine man and a worthy holder of one of either of these two appointments. I believe that this Body should rise above that and look at the appearance here. They say, men and women of the Senate, that we should be careful not to appoint people who have naturally occurring conflicts just by the nature of their appointments. 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 to speak in favor of the nomination of the Honorable Peter W. Danton of Saco to both boards. Madame President I will also try to stay within the bounds of our rules. At the hearing no one raised the point that anyone went to the Chief Executive and said that there was a conflict. No one has ever said there was a conflict in the past. Both boards have two different purposes. One board, the Gambling Control Board, is tailored narrowly on slot machines. It is run by the State and the laws that we enact. It's very stringent. The other is focused on lottery and liquor. There is no issue of liquor here today, but it is important to note that they are working on gaming in terms of lottery tickets, in terms of some of the non-profit institutions, fraternal societies and so forth. On many boards across the state you can find potential conflicts. The Honorable former Senator Danton was asked if there ever was a conflict to arise would he recuse himself and he said absolutely. Asked if any information was ever discussed about the Liquor and Lottery Commission while he was on the Gambling Control Board, the answer was no. The question was asked if while he was on the Liquor and Lottery Commission did he ever discuss slot machines. The answer was no. In addition, if there is no conflict it is also important to note that I think it's an asset to have knowledge about the entire field of gambling in the State of Maine. So, I rise to raise those points and to also agree with many of the statements that were raised on the floor, some by the Chair of LVA, the good Senator from York, and the other good Senator from York County, Senator Hobbins, but also to rebut the claim that there is a conflict of interest. Thank you.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LEGAL AND VETERANS AFFAIRS** 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 (#239)

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

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

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, and 15 being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Peter W. Danton** of Saco for reappointment to the Gambling Control Board was **CONFIRMED**.

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

The Following Communication: S.C. 486

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

August 19, 2009
The Honorable Elizabeth H. Mitchell
President of the Senate of Maine
124th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Legal and Veterans Affairs has had under consideration the nomination of Cushing P. Samp of Saco, for reappointment to the Gambling Control Board.

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	Sullivan of York, Goodall of Sagadahoc, Plowman of Penobscot
	Representatives	7	Trinward of Waterville, Carey of Lewiston, Fitts of Pittsfield, Nass of Acton, Pinkham of Lexington Township, Russell of Portland, Valentino of Saco
NAYS		0	
ABSENT		3	Rep. Beaulieu of Auburn, Rep. Cornel du Houx of Brunswick, Rep. Tuttle of Sanford

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Cushing P. Samp of Saco, for reappointment to the Gambling Control Board be confirmed.

Signed,

S/Nancy B. Sullivan
Senate Chair

S/Pamela Jabar Trinward
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LEGAL AND VETERANS AFFAIRS** 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 (#240)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Cushing P. Samp** of Saco for reappointment to the Gambling Control Board was **CONFIRMED**.

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

The Following Communication: S.C. 474

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 6, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Andre Duchette of Brunswick for appointment to the Commission on Governmental Ethics and Election Practices.

Pursuant Title 1 MRSA §1002, this nomination will require review by the Joint Standing Committee on Legal and Veterans Affairs and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 475

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE SECRETARY**

August 6, 2009
Sen. Nancy Sullivan
Senate Chair, Joint Standing Committee on Legal and Veterans Affairs
Rep. Pamela Trinward
House Chair, Joint Standing Committee on Legal and Veterans Affairs
124th Legislature
Augusta, Maine 04333

Dear Senator Sullivan and Representative Trinward:

Please be advised that Governor John E. Baldacci has nominated Andre Duchette of Brunswick for appointment to the Commission on Governmental Ethics and Election Practices.

Pursuant to Title 1 M.R.S.A. §1002, this nomination will require review by the Joint Standing Committee on Legal and Veterans Affairs and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 487

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

August 19, 2009

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Legal and Veterans Affairs has had under consideration the nomination of Andre G. Duchette of Brunswick, for appointment to the Commission on Governmental Ethics and Election Practices.

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	Sullivan of York, Goodall of Sagadahoc, Plowman of Penobscot
	Representatives	7	Trinward of Waterville, Carey of Lewiston, Fitts of Pittsfield, Nass of Acton, Pinkham of Lexington Township, Russell of Portland, Valentino of Saco
NAYS		0	
ABSENT		3	Rep. Beaulieu of Auburn, Rep. Cornel du Houx of Brunswick, Rep. Tuttle of Sanford

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Andre G. Duchette of Brunswick, for appointment to the Commission on Governmental Ethics and Election Practices be confirmed.

Signed,

S/Nancy B. Sullivan
Senate Chair

S/Pamela Jabar Trinward
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LEGAL AND VETERANS AFFAIRS** 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 (#241)

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 **Andre G. Duchette** of Brunswick for appointment to the Commission on Governmental Ethics and Election Practices was **CONFIRMED**.

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

The Following Communication: S.C. 476

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

August 6, 2009

The Honorable Elizabeth Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Peter Danton of Saco for reappointment to the Liquor and Lottery Commission.

Pursuant to 5 MRSA §283-A (1), this nomination will require review by the Joint Standing Committee on Legal and Veterans Affairs and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 477

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE SECRETARY**

August 6, 2009

Sen. Nancy Sullivan
Senate Chair, Joint Standing Committee on Legal and Veterans Affairs
Rep. Pamela Trinward
House Chair, Joint Standing Committee on Legal and Veterans Affairs
124th Legislature
Augusta, Maine 04333

Dear Senator Sullivan and Representative Trinward:

Please be advised that Governor John E. Baldacci has nominated Peter Danton of Saco for reappointment to the Liquor and Lottery Commission.

Pursuant to 5 M.R.S.A. §283-A (1), this nomination will require review by the Joint Standing Committee on Legal and Veterans Affairs and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 488

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

August 19, 2009

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Legal and Veterans Affairs has had under consideration the nomination of Honorable Peter W. Danton of Saco, for reappointment to the State Liquor and Lottery 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	Sullivan of York, Goodall of Sagadahoc
	Representatives	4	Trinward of Waterville, Carey of Lewiston, Russell of Portland, Valentino of Saco
NAYS	Senators	1	Plowman of Penobscot
	Representatives	3	Fitts of Pittsfield, Nass of Acton, Pinkham of Lexington Township
ABSENT		3	Rep. Beaulieu of Auburn, Rep. Cornel du Houx of Brunswick, Rep. Tuttle of Sanford

Six members of the Committee having voted in the affirmative and four in the negative, it was the vote of the Committee that the nomination of Honorable Peter W. Danton of Saco, for reappointment to the State Liquor and Lottery Commission be confirmed.

Signed,

S/Nancy B. Sullivan
Senate Chair

S/Pamela Jabar Trinward
House Chair

READ and ORDERED PLACED ON FILE.

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

Senator **PLOWMAN:** Thank you, Madame President. Men and women of the Senate, again I rise to reiterate that Mr. Danton is highly qualified to be on either one of these boards. He has certainly added to the information that is available, but as we continue to go forward and try to impress upon the people of the State of Maine that we understand the difference between what is and what it should look like, that we hold ourselves to a standard that's a little bit higher than they expect us to. Unfortunately I can see how this vote is going to go too. I say that Mr. Danton is without reproach, but I'm not sure that you couldn't have found someone as qualified and then the question wouldn't even have arisen. I am going to vote against this nomination as well on the same grounds and I wish that Mr. Danton could have seen that choosing one or the other is not only good for the board, but it's

good for the faith that the people of the State of Maine put in us and the Governor as nominations are put forward. This is not how we reassure the people of the State of Maine that we understand that they're as concerned with appearance as anything else. I will be voting no again. Thank you.

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

Senator **SULLIVAN:** Thank you Madame President. Men and women of the Senate, I am going to simply ask that you vote to confirm the majority vote of the Committee. On both of these votes for Mr. Danton not one person stood up in opposition. Not one person of the public came forward in opposition to this man. In fact we had a person to come forward to speak in favor. They are reappointments. The appointment was sent to our Committee. It clearly reads in the rules of hearings that we are looking at this person for this appointment being qualified. I suggest strongly, as a piece of legislation, that one of us put in that a person cannot serve on two boards. However, the rules and the laws before us in that Committee was to consider if that person was qualified to serve on the board. If you remember, it says that only those considerations, a person's qualifications for this particular nomination could be considered at a hearing. We are considering a law that may need to be changed, but here we are. I will proudly cast my vote in opposition to overturning this nomination because it's the right thing to do. We, ladies and gentlemen of the Senate, also live by the laws we create and there is no law preventing somebody from serving on two boards. Pure and simple, our jurisdiction, our command, our mission in a hearing is to find out is this person fully qualified for the appointment that is being made. I've heard from both sides of the aisle, it is indisputably yes. I think it's pretty clear. That's the law. That's the law we live by. Those are the rules of the hearing. Thank you.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LEGAL AND VETERANS AFFAIRS** 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 (#242)

YEAS: Senators: COURTNEY, DAVIS, GOOLEY, HASTINGS, NASS, PLOWMAN, RAYE, RECTOR, ROSEN, SHERMAN, SMITH, TRAHAN

NAYS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFISKY, GOODALL, HOBBSINS, JACKSON, MARRACHE, MCCORMICK, MILLS, NUTTING, PERRY, SCHNEIDER, SIMPSON, SULLIVAN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL

July 13, 2009

The Honorable Elizabeth H. Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

12 Senators having voted in the affirmative and 23 Senators having voted in the negative, and 12 being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Peter W. Danton** of Saco for reappointment to the State Liquor and Lottery Commission was **CONFIRMED**.

This is to inform you that I am today nominating James Atwell of Falmouth for appointment to the Efficiency Maine Trust Board.

Pursuant to PL 2009 Ch. 372-B §10103, this nomination will require review by the Joint Standing Committee on Utilities and Energy and confirmation by the Senate.

Thank you for your assistance in this matter

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 429

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

July 13, 2009

The Honorable Elizabeth H. Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

The Following Communication: S.C. 431

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

July 13, 2009

The Honorable Elizabeth H. Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Michelle Atherton of Orrington for appointment to the Efficiency Maine Trust Board.

Dear President Mitchell:

Pursuant to PL 2009 Ch. 372-B §10103, this nomination will require review by the Joint Standing Committee on Utilities and Energy and confirmation by the Senate.

This is to inform you that I am today nominating Adam Lee of Cumberland Center for appointment to the Efficiency Maine Trust Board.

Thank you for your assistance in this matter

Sincerely,

S/John Elias Baldacci
Governor

Pursuant to PL 2009 Ch. 372-B §10103, this nomination will require review by the Joint Standing Committee on Utilities and Energy and confirmation by the Senate.

Thank you for your assistance in this matter

READ and ORDERED PLACED ON FILE.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 430

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

The Following Communication: S.C. 432

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

July 13, 2009

The Honorable Elizabeth H. Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Naomi Mermin of Portland for appointment to the Efficiency Maine Trust Board.

Pursuant to PL 2009 Ch. 372-B §10103, this nomination will require review by the Joint Standing Committee on Utilities and Energy and confirmation by the Senate.

Thank you for your assistance in this matter

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 434

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

July 13, 2009

The Honorable Elizabeth H. Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating John Rohman of Bangor for appointment to the Efficiency Maine Trust Board.

Pursuant to PL 2009 Ch. 372-B §10103, this nomination will require review by the Joint Standing Committee on Utilities and Energy and confirmation by the Senate.

Thank you for your assistance in this matter

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 433

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

July 13, 2009

The Honorable Elizabeth H. Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Glenn Poole of Orrington for appointment to the Efficiency Maine Trust Board.

Pursuant to PL 2009 Ch. 372-B §10103, this nomination will require review by the Joint Standing Committee on Utilities and Energy and confirmation by the Senate.

Thank you for your assistance in this matter

Sincerely,

S/John Elias Baldacci
Governor

The Following Communication: S.C. 435

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE GOVERNOR**

July 13, 2009

The Honorable Elizabeth H. Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Mitchell:

This is to inform you that I am today nominating Thomas Tietenberg of Waterville for appointment to the Efficiency Maine Trust Board.

Pursuant to PL 2009 Ch. 372-B §10103, this nomination will require review by the Joint Standing Committee on Utilities and Energy and confirmation by the Senate.

Thank you for your assistance in this matter

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 436

**STATE OF MAINE
124th LEGISLATURE
OFFICE OF THE SECRETARY**

July 13, 2009

Sen. Barry J. Hobbins
Senate Chair, Joint Standing Committee on Utilities and Energy
Rep. Jon Hinck
House Chair, Joint Standing Committee on Utilities and Energy
124th Legislature
Augusta, ME 04333

Dear Senator Hobbins and Representative Hinck:

Please be advised that Governor John E. Baldacci has nominated the following for appointment to the Efficiency Maine Trust Board:

John Rohman of Bangor
Adam Lee of Cumberland Center
Michelle Atherton of Orrington
Thomas Tietenberg of Waterville
Naomi Mermin of Portland
James Atwell of Falmouth
Glenn Poole of Orrington

Pursuant to Public Law 2009, Chapter 372-B §10103, these nominations will require review by the Joint Standing Committee on Utilities and Energy and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 478

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

August 12, 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 Utilities and Energy has had under consideration the nomination of Michelle C. Atherton of Orrington, for appointment to the Efficiency Maine Trust Board.

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	Hobbins of York, Bowman of York, Sherman of Aroostook
	Representatives	8	Hinck of Portland, Adams of Portland, Blanchard of Old Town, Dostie of Sabattus, Fitts of Pittsfield, Fletcher of Winslow, Thibodeau of Winterport, Wagner of Lyman
NAYS		0	
ABSENT		2	Rep. Flaherty of Scarborough, Rep. Van Wie of New Gloucester

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 Michelle C. Atherton of Orrington, for appointment to the Efficiency Maine Trust Board be confirmed.

Signed,

S/Barry J. Hobbins
Senate Chair

S/Jon Hinck
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **UTILITIES AND ENERGY** 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 (#243)

Representatives 8

Hinck of Portland, Adams of Portland, Blanchard of Old Town, Dostie of Sabattus, Fitts of Pittsfield, Fletcher of Winslow, Thibodeau of Winterport, Wagner of Lyman

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

NAYS 0

ABSENT 2 Rep. Flaherty of Scarborough, Rep. Van Wie of New Gloucester

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 James S. Atwell of Falmouth, for appointment to the Efficiency Maine Trust Board be confirmed.

Signed,

S/Barry J. Hobbins
Senate Chair

S/Jon Hinck
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **UTILITIES AND ENERGY** 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 (#244)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Michelle C. Atherton** of Orrington for appointment to the Efficiency Maine Trust Board was **CONFIRMED**.

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

The Following Communication: S.C. 479

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

August 12, 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 Utilities and Energy has had under consideration the nomination of James S. Atwell of Falmouth, for appointment to the Efficiency Maine Trust Board.

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 Hobbins of York, Bowman of York, Sherman of Aroostook

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 **James S. Atwell** of Falmouth for appointment to the Efficiency Maine Trust Board was **CONFIRMED**.

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

The Following Communication: S.C. 480

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

August 12, 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 Utilities and Energy has had under consideration the nomination of Adam D. Lee of Cumberland Center, for appointment to the Efficiency Maine Trust Board.

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	Hobbins of York, Bowman of York, Sherman of Aroostook
	Representatives	8	Hinck of Portland, Adams of Portland, Blanchard of Old Town, Dostie of Sabattus, Fitts of Pittsfield, Fletcher of Winslow, Thibodeau of Winterport, Wagner of Lyman
NAYS		0	
ABSENT		2	Rep. Flaherty of Scarborough, Rep. Van Wie of New Gloucester

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 Adam D. Lee of Cumberland Center, for appointment to the Efficiency Maine Trust Board be confirmed.

Signed,

S/Barry J. Hobbins
Senate Chair

S/Jon Hinck
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **UTILITIES AND ENERGY** 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 (#245)

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, 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 **Adam D. Lee** of Cumberland Center for appointment to the Efficiency Maine Trust Board was **CONFIRMED**.

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

The Following Communication: S.C. 481

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

August 12, 2009

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

ROLL CALL (#246)

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

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 Utilities and Energy has had under consideration the nomination of Naomi S. Mermin of Portland, for appointment to the Efficiency Maine Trust Board.

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	Hobbins of York, Bowman of York, Sherman of Aroostook
	Representatives	8	Hinck of Portland, Adams of Portland, Blanchard of Old Town, Dostie of Sabattus, Fitts of Pittsfield, Fletcher of Winslow, Thibodeau of Winterport, Wagner of Lyman
NAYS		0	
ABSENT		2	Rep. Flaherty of Scarborough, Rep. Van Wie of New Gloucester

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 **Naomi S. Mermin** of Portland for appointment to the Efficiency Maine Trust Board was **CONFIRMED**.

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

The Following Communication: S.C. 482

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 Naomi S. Mermin of Portland, for appointment to the Efficiency Maine Trust Board be confirmed.

Signed,

S/Barry J. Hobbins
 Senate Chair

S/Jon Hinck
 House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **UTILITIES AND ENERGY** 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.

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

August 12, 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 Utilities and Energy has had under consideration the nomination of Glenn S. Poole of Orrington, for appointment to the Efficiency Maine Trust Board.

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	Hobbins of York, Bowman of York, Sherman of Aroostook
------	----------	---	-------------------------------------------------------

Representatives 8 Hinck of Portland, Adams of Portland, Blanchard of Old Town, Dostie of Sabattus, Fitts of Pittsfield, Fletcher of Winslow, Thibodeau of Winterport, Wagner of Lyman

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 **Glenn S. Poole** of Orrington for appointment to the Efficiency Maine Trust Board was **CONFIRMED**.

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

NAYS 0

ABSENT 2 Rep. Flaherty of Scarborough, Rep. Van Wie of New Gloucester

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 Glenn S. Poole of Orrington, for appointment to the Efficiency Maine Trust Board be confirmed.

Signed,

S/Barry J. Hobbins
Senate Chair

S/Jon Hinck
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **UTILITIES AND ENERGY** 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 (#247)

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

The Following Communication: S.C. 483

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

August 12, 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 Utilities and Energy has had under consideration the nomination of John M. Rohman of Bangor, for appointment to the Efficiency Maine Trust Board.

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	Hobbins of York, Bowman of York, Sherman of Aroostook
	Representatives	8	Hinck of Portland, Adams of Portland, Blanchard of Old Town, Dostie of Sabattus, Fitts of Pittsfield, Fletcher of Winslow, Thibodeau of Winterport, Wagner of Lyman
NAYS		0	
ABSENT		2	Rep. Flaherty of Scarborough, Rep. Van Wie of New Gloucester

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 John M. Rohman of Bangor, for appointment to the Efficiency Maine Trust Board be confirmed.

Signed,

S/Barry J. Hobbins
Senate Chair

S/Jon Hinck
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **UTILITIES AND ENERGY** 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 (#248)

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 **John M. Rohman** of Bangor for appointment to the Efficiency Maine Trust Board was **CONFIRMED**.

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

The Following Communication: S.C. 484

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

August 12, 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 Utilities and Energy has had under consideration the nomination of Thomas H. Tietenberg of Waterville, for appointment to the Efficiency Maine Trust Board.

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	Hobbins of York, Bowman of York, Sherman of Aroostook
	Representatives	8	Hinck of Portland, Adams of Portland, Blanchard of Old Town, Dostie of Sabattus, Fitts of Pittsfield, Fletcher of Winslow, Thibodeau of Winterport, Wagner of Lyman
NAYS		0	
ABSENT		2	Rep. Flaherty of Scarborough, Rep. Van Wie of New Gloucester

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 Thomas H. Tietenberg of Waterville, for appointment to the Efficiency Maine Trust Board be confirmed.

Signed,

S/Barry J. Hobbins
Senate Chair

S/Jon Hinck
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **UTILITIES AND ENERGY** 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 (#249)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Thomas H. Tietenberg** of Waterville for appointment to the Efficiency Maine Trust Board was **CONFIRMED**.

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

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

Senator **SCHNEIDER**: Thank you, Madame President. So infrequently do we get the chance before somebody as special as Meg Mathieson retires to get up and to just say a few words of thanks and gratitude. I really felt like it's important to say this for Meg and her office. I know since I have been here she and her staff have done just an outstanding job. I know that often we are not easy to deal with and somehow they spin magic out of ideas that we have. I just want to express my sincere thanks for her many years, she is truly one of the gems and I think it's a terrible shame that we are losing her, but I'm very glad for her and that she is going to be doing all kinds of exciting, and hopefully relaxing, things. I just want to wish her well in her retirement and let her know that she will be incredibly missed. She has certainly made her mark on Maine and has really added to it tremendously well. Thank you, thank you so much Meg.

On motion by Senator **BRANNIGAN** of Cumberland, the Honorable **ELIZABETH H. MITCHELL**, President of the Senate, declared the First Confirmation Session of the 124th Legislature, **ADJOURNED SINE DIE** at 3:53 in the afternoon.

Off Record Remarks

ORDERS

On motion by Senator **BARTLETT** of Cumberland, the following Senate Order:

S.O. 17

Ordered, that a message be sent to Governor John E. Baldacci informing him that the Senate has transacted all business before it and is ready to Adjourn Without Day.

READ and PASSED.

The Chair appointed the Senator from Cumberland, Senator **BARTLETT** to deliver the message to the Governor. The Sergeant-At-Arms escorted the Senator to the Governor's Office.

Subsequently, the Senator from Cumberland, Senator **BARTLETT** reported that he had delivered the message with which he was charged.

Off Record Remarks

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