

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

In Senate Chamber
Tuesday
January 26, 2010

Pledge of Allegiance led by Senator Gerald M. Davis of Cumberland County.

Reading of the Journal of Thursday, January 21, 2010.

Doctor of the day, Dr. Elisabeth Fowlie-Mock, MD, MPH, FAAFP of Holden.

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

Out of order and under suspension of the Rules, on motion by Senator **BARTLETT** of Cumberland, the following Senate Order:
S.O. 21

Ordered, that a message be sent to the House of Representatives proposing a Convention of the two branches of the Legislature be held at 11:00 this morning in the Hall of the House for the purpose of extending to the Honorable Leigh Ingalls Saufley, Chief Justice of the Supreme Judicial Court, the Justices of the Supreme Judicial Court, and members of the Judiciary, an invitation to attend and request the Chief Justice make such communication as pleases her.

READ and PASSED.

The Chair appointed the Senator from Cumberland, Senator **BARTLETT** to deliver the message to the House of Representatives. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

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

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Require the State To Pay the Costs of School Administration Consolidation"

H.P. 1244 L.D. 1750

Comes from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

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

Prayer by Pastor Karen Garcia, United Methodist Church of New Sharon.

PASTOR GARCIA: Good morning, President Mitchell and honorable Senators of the State of Maine. Thank you for the invitation to share at least a few thoughts with you as you open your day of business this day. In our worship service on Sunday our congregation studied a Bible passage from 1st Corinthians 12. In that passage the Apostle Paul writes about the interconnectedness of all the parts of the body. He writes that every part of the body has a job or a function and that every part has a role to play in the overall welfare of the body. The body would not be the same without any of these parts. The smaller parts are just as important as the bigger ones and less showy parts are equally as important as the ones that get all the attention. He writes, 'The members of the body that seem to be weaker are indispensable and those members of the body that we think less honorable we clothe with greater honor. Our less respectable members are treated with the greater respect.' On Sunday we talked about the country of Haiti, which has been in the news the last couple of weeks as it suffered a disastrous earthquake and the multiple aftershocks. Before the earthquakes if we thought of Haiti at all we might have thought of it as a God-forsaken place, one of extreme poverty, without much to offer the rest of the world, and not really mattering in the grand scheme of things. Even though Haiti might be a weaker part of the body of the world we know it is still an indispensable part of it. In the days following the quake our world has been inspired by the strong will and courage and resilience of the people of Haiti and we respond by reaching out to them at this difficult time. A little closer to home, we know that our state also has stronger parts and weaker parts. We have more populated parts and less populated parts, wealthier parts and less wealthy parts. There are members who can care for themselves and members who cannot. Yet we understand that our connection to each other and the sacred value and worth of all of the parts of our state and individuals who live in it. As we settle into our work today, it is my hope that we will make decisions that benefit not only the stronger members of our body but the weaker ones who depend on us to care for them. I invite you to be in the spirit of prayer with me.

Ever present God, we offer You this day with all its potential and all of its promise. Be with us as we undertake the tasks that affect Your children living in this state. Guide our decisions as we serve those whose lives our in our care this day. We pray this in Your name. Amen.

On motion by Senator **ALFOND** of Cumberland, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

**Pursuant to Statute
Department of Education**

The **Department of Education**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of the Repeal of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education (EMERGENCY)

H.P. 1245 L.D. 1751

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

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

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

On motion by Senator **ALFOND** of Cumberland, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

**Pursuant to Statute
Department of Education**

The **Department of Education**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of the Repeal of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education (EMERGENCY)

H.P. 1246 L.D. 1752

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

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

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

On motion by Senator **ALFOND** of Cumberland, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

Off Record Remarks

At this point a message was received from the House of Representatives, borne by Representative PIOTTI of Unity informing the Senate that the House concurred with the proposition for a Convention of the two branches of the Legislature to be held in the Hall of the House at 11:00 in the morning for the purpose of extending to the Honorable Leigh Ingalls Saufley, Chief Justice of the Supreme Judicial Court, the Justices of the Supreme Judicial Court, and members of the Judiciary, an invitation to attend the Convention and make such communications as pleases them.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 585

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

January 21, 2010

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 Margaret E. Matheson of Augusta, 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	2	Sullivan of York, Plowman of Penobscot
	Representatives	5	Trinward of Waterville, Fitts of Pittsfield, Pinkham of Lexington Township, Russell of Portland, Valentino of Saco

NAYS 0

ABSENT 6 Rep. Beaulieu of Auburn,
Rep. Carey of Lewiston, Rep.
Cornel du Houx of Brunswick,
Sen. Goodall of Sagadahoc,
Rep. Nass of Acton, Rep.
Tuttle of Sanford

Seven 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 Margaret E. Matheson of Augusta, 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: The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you, Madame President. It is unusual for me to stand up and speak to one of our people coming up for confirmation from the Legal and Veterans Affairs Committee but you can see by the name that we all know this outstanding candidate's name. Meg has been working for everybody in this Body and everybody in both Bodies, it seems, since time began. She manages to stay looking 20 years old. This woman is an outstanding candidate to go onto the Ethics Commission and to be able to determine, with a balanced hand, questions that are very important to us. We assume she is listening to us and we would simply say, all of us, that it was a pleasure to chair the committee. It was a unanimous vote. My Republican lead Senator, the Senator from Penobscot, Senator Plowman, was equally as enthusiastic as I was and all of the other chamber members also. I am anticipating all red lights. Usually I don't like red lights but I certainly do in this case. Thank you for allowing me the time to just thank Meg for being willing to continue her service to this institution and to the people of the state of Maine. Thank you.

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

Senator **PLOWMAN:** Thank you, Madame President. Men and women of the Senate, I am very enthusiastically supporting your confirmation of Ms. Matheson for this position. This position is the very difficult to fill position. It's the independent member of the Ethics Commission. It is the person who sits between all the other party members. It's very hard to find an independent member who can be nominated, not only be nominated but be nominated by every presiding officer between the Bodies. We were very pleased. You all know Meg. You all know that impartiality is probably her middle name. I've got to tell you that never have we been so pleased to have a candidate before us.

Not only does she have the experience in her education of government with a degree in government and a degree in the law, but she also worked here. She knows our process. She knows the law, except for the changes we've made in the brief time since she left. Actually I think we're still okay. We haven't made any just yet. The fact is that she also offered to come back and help us. We have many, many people in the state of Maine who share some of Meg's qualities but the fact is for her to come back and offer her services back to us again is a huge gift back to the state of Maine and to all of you who are going to be counting on all of her skills, which include her level headedness, impartiality, her knowledge of the law, and her sense of humor. You can't forget that her humor might be the thing that really keeps things from getting hot and heavy as we go into a pretty big year for many of us. I stand and am very pleased to urge you all to vote red. You don't always listen to me when I say that, but today it is okay. Thank you, Madame President.

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 (#256)

YEAS: Senators: None

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

ABSENT: Senator: BRYANT

EXCUSED: Senator: SIMPSON

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, 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 **Margaret E. Matheson** of Augusta 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. 586

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

January 21, 2010

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 Joseph P. LaLiberte of Lewiston, for appointment 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, Plowman of Penobscot
	Representatives	5	Trinward of Waterville, Fitts of Pittsfield, Pinkham of Lexington Township, Russell of Portland, Valentino of Saco
NAYS		0	
ABSENT		6	Rep. Beaulieu of Auburn, Rep. Carey of Lewiston, Rep. Cornell du Houx of Brunswick, Sen. Goodall of Sagadahoc, Rep. Nass of Acton, Rep. Tuttle of Sanford

Seven 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 Joseph P. LaLiberte of Lewiston, for appointment 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 (#257)

YEAS: Senators: None

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

ABSENT: Senator: BRYANT

EXCUSED: Senator: SIMPSON

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, 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 **Joseph P. LaLiberte** of Lewiston for appointment to the Gambling Control Board was **CONFIRMED**.

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

The Following Communication: S.C. 587

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

January 21, 2010

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 Harry J. Stickney of Augusta, for appointment 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, Plowman of Penobscot
	Representatives	5	Trinward of Waterville, Fitts of Pittsfield, Pinkham of Lexington Township, Russell of Portland, Valentino of Saco
NAYS		0	
ABSENT		6	Rep. Beaulieu of Auburn, Rep. Carey of Lewiston, Rep. Cornell du Houx of Brunswick, Sen. Goodall of Sagadahoc, Rep. Nass of Acton, Rep. Tuttle of Sanford

Seven 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 Harry J. Stickney of Augusta, for appointment 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 (#258)

YEAS: Senators: None

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

ABSENT: Senator: BRYANT

EXCUSED: Senator: SIMPSON

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, 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 **Harry J. Stickney** of Augusta for appointment to the Gambling Control Board was **CONFIRMED**.

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

The Following Communication: S.C. 584

**STATE OF MAINE
SUPREME JUDICIAL COURT**

January 11, 2010

The Honorable Elizabeth H. Mitchell
President of the Senate
3 State House Station
Augusta, Maine 04333-0003

The Honorable Hannah M. Pingree
Speaker of the House
2 State House Station
Augusta, Maine 04333-0002

Dear President Mitchell and Speaker Pingree:

I am pleased to accept your invitation to address a Joint Session of the 124th Maine Legislature on Tuesday, January 26, 2010, at 11:00 A.M. I appreciate the courtesy of the Legislative Branch of government in permitting me to address the cause of justice in Maine.

I look forward to seeing you on January 26, 2010.

Sincerely,

S/Leigh I. Saufley
Chief Justice

READ and ORDERED PLACED ON FILE.

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1387 An Act To Strengthen Maine's Financial Future in Perpetuity
- L.D. 1481 An Act To Authorize a General Fund Bond Issue To Fund Energy Efficiency Investments for Maine's Future

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

Sincerely,

S/Sen. G. William Diamond
Senate Chair

S/Rep. Emily Ann Cain
House Chair

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

The Following Communication: S.C. 578

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

January 20, 2010

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

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 637 An Act To Ensure Services for Adults with Developmental Disabilities
- L.D. 757 An Act To Improve the Transparency of Certain Hospitals
- L.D. 1281 An Act To Increase the Efficiency and Effectiveness of Licensing Behavioral Health Care Providers

The Following Communication: S.C. 576

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

January 21, 2010

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

Dear President Mitchell and Speaker Pingree:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 628 An Act To Allocate Prospective Federal Funding To Support Maine's Dairy Industry (EMERGENCY)
- L.D. 1182 An Act To Prevent Price Gouging in the Sale of Milk

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

Sincerely,

S/Sen. John M. Nutting
Senate Chair

S/Rep. Wendy Pieh
House Chair

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

The Following Communication: S.C. 577

**STATE OF MAINE
ONE HUNDRED AND TWENTY FOURTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

January 21, 2010

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

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

Sincerely,

S/Sen. Joseph C. Brannigan
Senate Chair

S/Rep. Anne C. Perry
House Chair

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

The Following Communication: S.C. 580

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

January 21, 2010

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 807 An Act To Improve and Promote Maine's
Landlocked Salmon Resources

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

Sincerely,

S/Sen. Bruce S. Bryant
Senate Chair

S/Rep. Herbert E. Clark
House Chair

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

The Following Communication: S.C. 581

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

January 21, 2010

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 1365 An Act To Establish a Single-payer Health Care
System

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

Sincerely,

S/Sen. Peter B. Bowman
Senate Chair

S/Rep. Sharon Anglin Treat
House Chair

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

The Following Communication: S.C. 582

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

January 21, 2010

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 529 An Act To Create a Traffic Court

L.D. 1378 An Act To Adopt Portions of the Uniform
Mediation Act

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

Sincerely,

S/Sen. Lawrence S. Bliss
Senate Chair

S/Rep. Charles R. Priest
House Chair

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

The Following Communication: S.C. 583

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

January 20, 2010

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

Dear President Mitchell and Speaker Pingree:

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

- L.D. 588 An Act To Amend the Excise Tax on Motor Vehicles To Reflect Depreciation
- L.D. 662 An Act To Phase Out the Distribution of the Disproportionate Tax Burden Fund under the State-municipal Revenue Sharing Program over a 5-year Period
- L.D. 1273 An Act To Simplify the Application for Benefits under the Circuitbreaker Program

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

Sincerely,

S/Sen. Joseph C. Perry
Senate Chair

S/Rep. Thomas R. Watson
House Chair

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

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Amend the Rights and Liabilities of the Supervisory Physician of a Physician Assistant"

H.P. 1112 L.D. 1574

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

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

REFERRED to the Committee on **JUDICIARY**, in concurrence.

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Clarify the State's Initiative Involving the Federal Post-9/11 Veterans Educational Assistance Act of 2008" (EMERGENCY)

H.P. 1070 L.D. 1521

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-586)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-586)**.

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

READ ONCE.

Committee Amendment "A" (H-586) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator SULLIVAN for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Regarding Mobile Service Bars at Municipal Golf Courses"

S.P. 603 L.D. 1596

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-352)**.

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

READ ONCE.

Committee Amendment "A" (S-352) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Improve the Availability, Efficiency and Cost of Services for Infants, Young Children and Their Families"

S.P. 619 L.D. 1654

Reported that the same be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and the Committee on **HEALTH AND HUMAN SERVICES**.

Signed:

Senators:

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

Representatives:

- SUTHERLAND of Chapman
- WAGNER of Lewiston
- LOVEJOY of Portland
- NELSON of Falmouth
- RANKIN of Hiram
- RICHARDSON of Carmel

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

Signed:

Representatives:

- FINCH of Fairfield
- CASAVANT of Biddeford
- McFADDEN of Dennysville
- JOHNSON of Greenville

Reports **READ**.

Senator **ALFOND** of Cumberland moved the Senate **ACCEPT** the Majority Report.

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

Senator **BRANNIGAN:** Thank you, Madame President. Men and women of the Senate, I certainly am opposed to this move because I oppose almost in general dual referrals. However, given the stature of the sponsor and his assurance that he has taken the sting out of this and given that my House chair is insistent that they do this, therefore I will not oppose it but I want it

on the record that I don't think it works very well to do dual referrals.

On motion by Senator **ALFOND** of Cumberland, the Majority Report **ACCEPTED** and the Bill **REFERRED** to the Committees on **EDUCATION AND CULTURAL AFFAIRS AND HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

After Convention

In Senate Chamber

Senate called to order by the President

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED** to Thursday, January 28, 2010, at 10:00 in the morning.