

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

In Senate Chamber
Thursday
March 12, 2009

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

Prayer by Reverend Dr. David Anderman, First Congregational
Church, UCC of Waterville.

REVEREND ANDERMAN: Let us pray. We are in awe, oh God,
as we realize that we are in Your presence. You are our creator
and judge; our constant challenge and steadfast guide. You set
us in a world and a state of great natural beauty and plentiful
resources. You have given us networks of kinship and friendship,
with the blessings of family and communities. Your generosity
knows no bounds. Forgive us, oh God, when we lose sight of the
abundance of Your world and Your people. When the mentality
of scarcity threatens to overwhelm us open our eyes to all of
Your gifts. When legitimate self-interests threatens to turn into
plain selfishness remind us of Your commands to love our
neighbors as ourselves. When differences over strategies and
tactics threaten to divide us hold before us the vision of the
common good of all Your children, where all share justly in the
fruits of Your abundance. We pray, oh God, especially for this
state and for its political leaders. May God grant you patience for
thankless tasks beyond counting, insight to see beyond today and
this week to the longer future before us, and wisdom to translate
visions of our common good into practical policies. Amen.

Reading of the Journal of Tuesday, March 10, 2009.

Doctor of the day, Dr. Mark Earnshaw, MD of Cape Elizabeth.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by
Senator **BARTLETT** of Cumberland, the following Joint Order:
S.P. 376

Ordered, the House concurring, that when the House and Senate
adjourn, they do so until Tuesday, March 17, 2009, at 10:00 in the
morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Encourage Renewable Energy Investment"
H.P. 660 L.D. 958

Committee on **BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on
TAXATION.

On motion by Senator **SCHNEIDER** of Penobscot, **TABLED** until
Later in Today's Session, pending **REFERENCE.**

Bill "An Act To Encourage Green Commerce"
H.P. 586 L.D. 848

Comes from the House, **REFERRED** to the Committee on
UTILITIES AND ENERGY and ordered printed.

On motion by Senator **HOBBS** of York, **REFERRED** to the
Committee on **BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT**, in **NON-CONCURRENCE.**

Sent down for concurrence.

COMMUNICATIONS

The Following Communication: S.P. 372

**STATE OF MAINE
124TH MAINE LEGISLATURE**

March 10, 2009

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

Dear Senator Jackson and Representative Tuttle:

Please be advised that Governor John E. Baldacci has withdrawn
his nomination of Susan D. Giguere for appointment to the Maine
Workers' Compensation Board, pursuant to Title 3 M.R.S.A. §
154.

This nomination is currently pending before the Joint Standing Committee on Labor.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

S/Hannah M. Pingree
Speaker of the House

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

Sent down for concurrence.

The Following Communication: S.C. 106

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

March 10, 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 Business, Research & Economic Development has had under consideration the nomination of Adam R. Cote of Portland, for appointment to the Midcoast Regional Redevelopment Authority.

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	Schneider of Penobscot, Rector of Knox, Sullivan of York
	Representatives	7	Smith of Monmouth, Austin of Gray, Cohen of Portland, Hunt of Buxton, MacDonald of Boothbay, Martin of Orono, Wright of Berwick
NAYS		0	
ABSENT		3	Rep. Cleary of Houlton, Rep. Giles of Belfast, Rep. Prescott of Topsham

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 Adam R. Cote of Portland, for appointment to the Midcoast Regional Redevelopment Authority be confirmed.

Signed,

S/Elizabeth M. Schneider
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 107

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

March 10, 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 Business, Research & Economic Development has had under consideration the nomination of Michael K. Mahoney of Cape Elizabeth, for appointment to the Finance Authority of Maine.

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	Schneider of Penobscot, Rector of Knox, Sullivan of York
	Representatives	5	Smith of Monmouth, Austin of Gray, Cohen of Portland, Hunt of Buxton, MacDonald of Boothbay
NAYS		0	

ABSENT 5 Rep. Cleary of Houlton, Rep. Giles of Belfast, Rep. Martin of Orono, Rep. Prescott of Topsham, Rep. Wright of Berwick

Eight 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 Michael K. Mahoney of Cape Elizabeth, for appointment to the Finance Authority of Maine be confirmed.

Signed,

S/Elizabeth M. Schneider
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 108

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

March 10, 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 Business, Research & Economic Development has had under consideration the nomination of Susan B. Snowden of Scarborough, for reappointment to the Finance Authority of Maine.

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 Schneider of Penobscot, Rector of Knox, Sullivan of York

Representatives 5 Smith of Monmouth, Austin of Gray, Cohen of Portland, Hunt of Buxton, MacDonald of Boothbay

NAYS 0

ABSENT 5 Rep. Cleary of Houlton, Rep. Giles of Belfast, Rep. Martin of Orono, Rep. Prescott of Topsham, Rep. Wright of Berwick

Eight 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 Susan B. Snowden of Scarborough, for reappointment to the Finance Authority of Maine be confirmed.

Signed,

S/Elizabeth M. Schneider
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 109

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

March 10, 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 Business, Research & Economic Development has had under consideration the nomination of Cathy C. McKelway of Oakland, for reappointment to the Maine Rural Development Authority.

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:

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

L.D. 24 An Act To Prevent Domestic Violence and Abuse

L.D. 25 An Act To Protect Child Victims of Sexual Abuse

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. 315 Resolve, Directing the Department of Health and Human Services and the Department of Agriculture, Food and Rural Resources To Develop a Plan To Facilitate the Procurement of Local Produce by Food Stamp Recipients

L.D. 359 An Act To Ensure That MaineCare Reimbursements to Hospitals Do Not Pay For Hospital Advertisements

L.D. 362 An Act To Support New Mothers Who Are in Substance Abuse Treatment Programs

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. 100

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

March 10, 2009

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

Dear President Mitchell and Speaker Pingree:

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

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

Sincerely,

S/Sen. Lawrence Steven Bliss
Senate Chair

S/Rep. Charles R. Priest
House Chair

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

The Following Communication: S.C. 101

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

March 10, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 691 An Act To Lower the Cost of State Government in the Departments under the Purview of the Joint Standing Committee on Marine Resources

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

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Leila J. Percy
House Chair

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

The Following Communication: S.C. 102

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

March 04, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 212 Resolve, To Study and Develop a Tax Increment Financing Program To Fund the Washington County Development Authority

L.D. 313 An Act To Add a Fuel Oil Benefit to 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.**

The Following Communication: S.C. 103

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

March 10, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 48 Resolve, To Delay the Sustainability of the Highway Fund (EMERGENCY)

L.D. 269 An Act To Appropriate Funds To Equip State Trooper Cars with Cages

L.D. 592 An Act To Increase Mandatory Minimum Insurance Requirements for Vehicles for Hire

L.D. 593 Resolve, To Require the Department of Transportation To Improve the Safety of the Intersection of Route 4 and the Dill Road in the Town of Phillips

L.D. 602 An Act To Permit Wrecker Services To Charge for Storage while a Vehicle Is under an Order of Impoundment

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

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Edward J. Mazurek
House Chair

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

The Following Communication: S.C. 104

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

March 10, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 338 An Act To Improve the Visibility of Automobiles

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

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Edward J. Mazurek
House Chair

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

The Following Communication: S.C. 105

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

March 04, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 396 An Act Regarding Installation of Solar Energy Systems under the Solar and Wind Energy Rebate Program

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

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Jon Hinck
House Chair

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

The Following Communication: H.C. 88

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

March 10, 2009

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

Dear Secretary O'Brien:

The House voted today to adhere to its previous action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Transportation on Bill "An Act To Prohibit the Sale of a Road Sign Originally Placed by the State, a County or a Municipality" (H.P. 10) (L.D. 15).

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

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

SENATE PAPERS

Bill "An Act To Increase Public Safety by Requiring a Federally Licensed Firearms Dealer To Facilitate the Transfer of Firearms"
S.P. 368 L.D. 985

Presented by Senator SULLIVAN of York.
Cosponsored by Senator: CRAVEN of Androscoggin.

Bill "An Act To Improve Purchasing for the Department of Corrections"
S.P. 374 L.D. 995

Presented by Senator GERZOFKY of Cumberland.
Cosponsored by Representative SCHATZ of Blue Hill and Senators: DAVIS of Cumberland, NUTTING of Androscoggin, Representatives: BURNS of Whiting, HANLEY of Gardiner, HASKELL of Portland, LAJOIE of Lewiston, PLUMMER of Windham, WHEELER of Kittery.

On motion by Senator **GERZOFKY** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent down for concurrence.

Resolve, To Establish a Pilot Program To Provide Greater Cooperation and Coordination between the University of Maine System and the Maine Community College System
S.P. 367 L.D. 984

Presented by President MITCHELL of Kennebec.
Cosponsored by Representative FLOOD of Winthrop and Senator: ALFOND of Cumberland, Representatives: BLODGETT of Augusta, CROCKETT of Augusta, LOVEJOY of Portland, NUTTING of Oakland.

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

Sent down for concurrence.

Bill "An Act To Require the Disclosure of Insurance Policy Limits to an Injured Party"

S.P. 362 L.D. 979

Presented by Senator BARTLETT of Cumberland.

On motion by Senator **BOWMAN** of York, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent down for concurrence.

Resolve, To Establish a Study Commission To Examine the Issue of Eminent Domain (EMERGENCY)

S.P. 364 L.D. 981

Presented by Senator DAVIS of Cumberland.
Cosponsored by Representative TUTTLE of Sanford and Senator: GERZOFISKY of Cumberland, Representatives: HANLEY of Gardiner, HASKELL of Portland, LAJOIE of Lewiston, MAGNAN of Stockton Springs, ROSEN of Bucksport, SYKES of Harrison, WHEELER of Kittery.

On motion by Senator **BLISS** of Cumberland, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Clarify the Definition of 'Employee' in the Employment Security Law"

S.P. 370 L.D. 987

Presented by Senator MARRACHÉ of Kennebec.
Cosponsored by Representative TUTTLE of Sanford and Senator: JACKSON of Aroostook, Representatives: BECK of Waterville, BUTTERFIELD of Bangor, DRISCOLL of Westbrook, TRINWARD of Waterville.

Bill "An Act To Allow Certain Retirees in the Maine Public Employees Retirement System To Return to Service with the State for 180 Days Annually"

S.P. 375 L.D. 996

Presented by Senator GOOLEY of Franklin.
Cosponsored by Representative SAVIELLO of Wilton and Senators: ALFOND of Cumberland, BOWMAN of York, DAVIS of Cumberland, SCHNEIDER of Penobscot, WESTON of Waldo, Representatives: BRIGGS of Mexico, KNAPP of Gorham, McFADDEN of Dennysville.

On motion by Senator **JACKSON** of Aroostook, **REFERRED** to the Committee on **LABOR** and ordered printed.

Sent down for concurrence.

Bill "An Act To Extend the Jurisdiction of the Commission on Governmental Ethics and Election Practices to the Executive Branch"

S.P. 361 L.D. 978

Presented by Senator RAYE of Washington.
Cosponsored by Representative TARDY of Newport and Senators: COURTNEY of York, PLOWMAN of Penobscot, SULLIVAN of York, Representatives: FITTS of Pittsfield, LANGLEY of Ellsworth, NASS of Acton, VALENTINO of Saco.

Bill "An Act To Reduce the Risk of Hypothermia in Residential Rental Units" (EMERGENCY)

S.P. 366 L.D. 983

Presented by Senator SULLIVAN of York.
Cosponsored by Representative TRINWARD of Waterville and Senators: BLISS of Cumberland, COURTNEY of York, MARRACHÉ of Kennebec, PLOWMAN of Penobscot, Representatives: BEAULIEU of Auburn, CAMPBELL of Newfield, CONNOR of Kennebunk, MILLER of Somerville, NASS of Acton, PENDLETON of Scarborough, PERRY of Calais, PRIEST of Brunswick, RUSSELL of Portland, SANBORN of Gorham, TUTTLE of Sanford, VALENTINO of Saco.

On motion by Senator **SULLIVAN** of York, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act To Protect the Public Health and the Environment by Prohibiting the Sale of Wheel Weights Containing Lead or Mercury"

S.P. 369 L.D. 986

Presented by Senator GOODALL of Sagadahoc.
Cosponsored by Speaker PINGREE of North Haven and Senators: COURTNEY of York, DIAMOND of Cumberland, JACKSON of Aroostook, President MITCHELL of Kennebec, SIMPSON of Androscoggin, Representatives: CORNELL du HOUX of Brunswick, WALSH INNES of Yarmouth, RICHARDSON of Warren.

On motion by Senator **GOODALL** of Sagadahoc, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Provide a Tax Credit for Heating and Cooling System Alternatives and Improvements That Benefit the Environment and Address Climate Change" (EMERGENCY)
S.P. 363 L.D. 980

Presented by Senator SMITH of Piscataquis.
Cosponsored by Senator RAYE of Washington, Representative McKANE of Newcastle, Representative FLETCHER of Winslow and Senators: COURTNEY of York, GOODALL of Sagadahoc, RECTOR of Knox, SIMPSON of Androscoggin, Representatives: CURTIS of Madison, FITTS of Pittsfield, SAVIELLO of Wilton, TARDY of Newport.

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

On motion by Senator **BLISS** of Cumberland, **TABLED** until Later in Today's Session, pending **REFERENCE**.

Bill "An Act To Amend the Charter of the Milo Water District"
S.P. 373 L.D. 994

Presented by Senator SMITH of Piscataquis.
Cosponsored by Representative DAVIS of Sangerville.

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

Sent down for concurrence.

Pursuant to Statutes
Commission on Governmental Ethics and Election Practices

Senator SULLIVAN for the **Commission on Governmental Ethics and Election Practices**, pursuant to the Maine Revised Statutes, Title 1, section 1009 asks leave to report that the accompanying Bill "An Act To Amend the Laws Governing Legislative Ethics"

S.P. 365 L.D. 982

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

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

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Michelle Gagne, of Auburn, a teacher at Sherwood Heights Elementary School, who is a recipient of the 2008 Milken Family Foundation National Educator Award. This award is given to individuals who exhibit exceptional educational talent as evidenced by effective instructional practices and student learning results in the classroom; exemplary educational accomplishments beyond the classroom that provide models of excellence for the profession; strong long-range potential for professional and policy leadership; and an engaging and inspiring presence that motivates and impacts students, colleagues and the community. We extend our congratulations to Ms. Gagne for her receiving this honor and we thank her for her outstanding service to the youth of the State;

SLS 87

Sponsored by Senator SIMPSON of Androscoggin.
Cosponsored by Representatives: BEAULIEU of Auburn, BICKFORD of Auburn, BOLDUC of Auburn.

READ.

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

Senator **SIMPSON:** Thank you, Madame President. Men and women of the Senate, I'm very proud to have Michelle Gagne and her students here today. She is one of those teachers that you hope that your children are lucky enough to have. She is Maine's winner of the 2008 Milken Award for Teaching Excellence. Ms. Gagne is a creative teacher who looks for new ways to use positive reinforcement to encourage her students, serving as a role model for other teachers. She has even designed two programs along these lines. I am very grateful she teaches the students of the city of Auburn. Like any great teacher, she is up in the gallery today with her students and I hope we can recognize her. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the gallery Michelle Gagne, the recipient of the 2008 Milken Family Foundation National Educator Award. She's accompanied by her class of 1st and 2nd grade students. Would the Senate please stand and acknowledge their presence.

James Morse, of Saco, a senior at Thornton Academy, who is one of ten semi-finalist nominees for the 2009 Mr. Maine Basketball Award. This award is presented to one outstanding basketball player in the State at the end of his basketball season by the Maine Association of Basketball Coaches and local McDonald's owners and operators. The award is the State's highest basketball honor which recognizes the player's performance on the court as well as his contributions to his team and basketball in the State. James is the cocaptain of the team and was instrumental in helping the Thornton Academy boys basketball team win the 2009 Class A State Championship. We extend our congratulations and best wishes to James on his nomination;

SLS 88

Sponsored by Senator HOBBS of York.
Cosponsored by Representatives: PILON of Saco, VALENTINO of Saco.

READ.

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

Senator **HOBBS:** Thank you, Madame President. Men and women of the Senate, as an alumnus of Thornton Academy, it gives me extra special pleasure to introduce James Morse of Thornton Academy and congratulate him for being nominated as one of the ten semi-finalists for the 2009 Mr. Maine Basketball Award. This award is presented to one outstanding male basketball player in the state at the end of his senior year of playing basketball. The award, which is also the state's highest basketball honor, recognizes the player's performance on the court as well as his contribution to his team, basketball, and the state of Maine. James was co-captain for Thornton Academy and was instrumental in helping Thornton Academy boy's basketball team win the 2009 Class A State Championship. Thornton Academy finished the season with a 19 - 3 record. For James, this season was a very good one. He averaged 17 points per game, 6 rebounds, 6 assists per game, and even 4 steals per game. In addition to his nomination for Mr. Basketball, James was also nominated for the Gatorade Player of the Year in the MacDonald's All American Game, which is a national award. He also earned a spot on the first team of the Southern Maine Athletic Association and was the Most Valuable Player of the Western Maine Tournament. We are very proud of his nomination to the Mr. Maine Basketball Award and, although we all wish he would have won the award, it was quite an honor for Thornton Academy and for James and for all of the citizens of Saco that he was nominated for this award. I'm very pleased that he is here today to accept this sentiment.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber members of the Thornton Academy boy's basketball team with their co-captains James Morse and Michael Guerin and other distinguished members of the team as well as Thornton Academy teacher and coach Bob Davies, assistant

coaches Craig Agreste, Braden Clement, and Ron Cote. Would you please stand and accept the greetings of the Maine Senate.

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

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

The following members of the Thornton Academy Boys' Basketball Team, on winning the 2009 Class A State Basketball Championship: Luke Barkhuff, Ian Barwise, Michael Guerin (co-captain), Tomas Littlefield, James Morse (co-captain), Colby Parker, Matt Perreault, Andrew Shaw, Keegan Sullivan, Tyler Tanguay, Daniel Tarsetti, Tyler Tholl, John Trull (co-captain), and Doug Wilcox. The championship team's coach is Bob Davies and the assistant coaches are Craig Agreste, Braden Clement and Ron Cote. We extend our congratulations and best wishes to the team members on this accomplishment;

SLS 90

Sponsored by Senator HOBBS of York.
Cosponsored by Senator: SULLIVAN of York, Representatives: CONNOR of Kennebunk, PILON of Saco, VALENTINO of Saco.

READ.

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

Senator **HOBBS:** Thank you very much, Madame President. It gives me a great honor to present this Joint Order in honor of the Thornton Academy basketball team for winning the State championship for Class A Basketball. This was an honor for all of us who are alumnus of Thornton Academy, all the citizens of the city of Saco, and we are very proud to have with us, as you mentioned, Thornton Academy's team and their coaches, which I think is a tremendous tribute to them. I must say that my good colleague, the Senator from Androscoggin, Senator Simpson, was a very gracious loser, having cheered very hard for the Edward Little team. I would have to say that it was probably one of the hardest fought games that Thornton Academy had all year. I wish congratulations to both teams, but especially to my alma mater, Thornton Academy. It gives me great pleasure to present this Joint Order to the team. Thank you.

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

Senator **SULLIVAN:** Thank you, Madame President. As an alumnus of Thornton Academy also, my class did not win one game our senior year in basketball. However, this is proof positive that from Junior High at Saco Middle School, some of them are from other areas, middle school children do grow up to be quite outstanding young men, and young women if they were here. Some of the faces are very familiar. Public education and sports are so much a part of what makes America great. To each

of you, I would ask you to revel in this day but remember that college awaits you. Schooling and education is a privilege and please take care of it carefully. Thank you so much. Congratulations to each and every one of you and to their fine coaches.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize again the Thornton Academy Trojans, Class A Boy's Basketball State Champions; lead by their head coach Bob Davis. Would you please stand again and accept our congratulations and greetings.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **TRANSPORTATION** on Bill "An Act To Authorize a General Fund Bond Issue To Maintain Train Quiet Zone Status in Millinocket"

H.P. 474 L.D. 660

Reported that the same be **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

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

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

Pursuant to Resolve

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Pertaining to the Breeding and Selling of Dogs and Cats"

H.P. 666 L.D. 964

Reported that the same be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, pursuant to Resolve 2007, chapter 203, section 3.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

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

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in concurrence.

Ought to Pass

The Committee on **TRANSPORTATION** on Resolve, To Name the Gorham Bypass

H.P. 236 L.D. 296

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Require the Secretary of State To Provide Notice of License Revocation or Suspension by Certified Mail"

H.P. 42 L.D. 49

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

Signed:

Senators:

DAMON of Hancock
GOOLEY of Franklin

Representatives:

MAZUREK of Rockland
HOGAN of Old Orchard Beach
PEOPLES of Westbrook
THERIAULT of Madawaska
CAREY of Lewiston
ROSEN of Bucksport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-5)**.

Signed:

Representatives:

HARLOW of Portland
BROWNE of Vassalboro
THOMAS of Ripley
CEBRA of Naples

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

Reports **READ**.

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

Bill "An Act To Amend the Occupancy Limits for Campsites in the Unorganized Territories" (EMERGENCY)
H.P. 113 L.D. 134

Senate

Pursuant to Public Law

Senator NUTTING for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Implement the Recommendations of the Commission To Study the Protection of Farms and Farmland Pertaining to Taxation"
S.P. 371 L.D. 993

Reported that the same be **REFERRED** to the Committee on **TAXATION**, pursuant to Public Law 2007, chapter 649, section 11, subsection 6.

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

REFERRED to the Committee on **TAXATION**.

Sent down for concurrence.

Ought to Pass As Amended

Senator BOWMAN for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Remove the Age Restriction for Serving as a Corporator of a Mutual Financial Institution"
S.P. 13 L.D. 4

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-5)**.

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

READ ONCE.

Committee Amendment "A" (S-5) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SECOND READERS

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

House

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

Senate As Amended

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

S.P. 39 L.D. 90
(C "A" S-4)

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

Sent down for concurrence.

ENACTORS

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

Emergency Measure

An Act To Modify the Maine Dental Education Loan Program
S.P. 63 L.D. 177

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act To Allow School Buses To Travel at the Posted Speed Limit on the Interstate and the Maine Turnpike
H.P. 94 L.D. 110

An Act To Remove Game Sanctuary Status for Certain Lands in the Town of Orrington
H.P. 108 L.D. 124

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

Resolve

Resolve, To Rename the Father Curran Bridge in Augusta
H.P. 53 L.D. 60

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (3/3/09) Assigned matter:

Bill "An Act To Protect Maine's Groundwater"
H.P. 573 L.D. 837

Tabled - March 3, 2009, by Senator **GOODALL** of Sagadahoc

Pending - **REFERENCE**

(In House, March 3, 2009, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.)

On motion by Senator **GOODALL** of Sagadahoc, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed, in concurrence.

The Chair laid before the Senate the following Tabled and Later (3/5/09) Assigned matter:

Bill "An Act To Provide a Tax Deduction for Landlords Who Complete Energy Audits on Rental Units"
S.P. 333 L.D. 885

Tabled - March 5, 2009, by Senator **PERRY** of Penobscot

Pending - **REFERENCE**

(Committee on **TAXATION** suggested and ordered printed.)

On motion by Senator **BLISS** of Cumberland, **REFERRED** to the Joint Select Committee on **MAINE'S ENERGY FUTURE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/5/09) Assigned matter:

Bill "An Act To Amend the Alewife Fishing Laws"
H.P. 130 L.D. 151

Tabled - March 5, 2009, by Senator **BARTLETT** of Cumberland

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

(In House, February 26, 2009, **PASSED TO BE ENGROSSED**.)

(In Senate, March 5, 2009, **READ A SECOND TIME**.)

PASSED TO BE ENGROSSED, in concurrence.

The Chair laid before the Senate the following Tabled and Later (3/10/09) Assigned matter:

Bill "An Act To Rate Energy Efficiency and Carbon Emissions of Buildings"
S.P. 357 L.D. 935

Tabled - March 10, 2009, by Senator **GOODALL** of Sagadahoc

Pending - **REFERENCE**

(Committee on **NATURAL RESOURCES** suggested and ordered printed.)

On motion by Senator **GOODALL** of Sagadahoc, **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/10/09) Assigned matter:

Bill "An Act To Combat Childhood Obesity through the Creation of Recreational and Athletic Fields"
H.P. 632 L.D. 914

Tabled - March 10, 2009, by Senator **NUTTING** of Androscoggin

Pending - **REFERENCE**

(In House, March 10, 2009, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.)

On motion by Senator **NUTTING** of Androscoggin, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

The Chair laid before the Senate the following Tabled and Later (3/10/09) Assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide Constitutional Protection to the Funds Generated by the Regional Greenhouse Gas Initiative
H.P. 658 L.D. 956

Tabled - March 10, 2009, by Senator **GOODALL** of Sagadahoc

Pending - **REFERENCE**

(In House, March 10, 2009, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.)

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending **REFERENCE**.

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Increase the Penalty for Keeping a Dangerous Dog That Harms a Domesticated Animal"
H.P. 680 L.D. 988

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

On motion by Senator **NUTTING** of Androscoggin, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Clarify the Limits of the Maine Uniform Building and Energy Code"
H.P. 685 L.D. 997

Bill "An Act To Provide a Strategic Planning Fund for Research and Development and Technology-related Companies"
H.P. 686 L.D. 998

Bill "An Act To Streamline the Evaluation of Economic Development Programs"
H.P. 687 L.D. 999

Come from the House, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Amend the Provision Creating the Long-term Care Partnership Program" (EMERGENCY)
H.P. 688 L.D. 1000

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **BRANNIGAN** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, To Conduct an Updated Study of the Feasibility of Establishing a Single-payor Health Care System in the State
H.P. 690 L.D. 1002

Resolve, Directing the Office of Program Evaluation and Government Accountability To Perform a Performance Evaluation and Cost-benefit Analysis of the Dirigo Health Program
H.P. 691 L.D. 1003

Bill "An Act Relating to Self-insurance"
H.P. 692 L.D. 1004

Bill "An Act To Continue Access to Dirigo Choice Health Insurance by Reducing Administrative Costs and Replacing the Savings Offset Payment"
H.P. 693 L.D. 1005

Come from the House, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

On motion by Senator **BOWMAN** of York, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Create the Probate and Trust Law Advisory Commission"

H.P. 694 L.D. 1006

Comes from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

On motion by Senator **BLISS** of Cumberland, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act Pertaining to the Retirement of Certain Oil and Hazardous Material Specialists"

H.P. 695 L.D. 1007

Comes from the House, **REFERRED** to the Committee on **LABOR** and ordered printed.

On motion by Senator **JACKSON** of Aroostook, **REFERRED** to the Committee on **LABOR** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Allow for a Dual Liquor License"

H.P. 681 L.D. 989

Bill "An Act To Increase the Preservation Time for Municipal Campaign Finance Reports"

H.P. 682 L.D. 990

Bill "An Act To Increase Consumer Choice for Wine"
H.P. 696 L.D. 1008

Come from the House, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

On motion by Senator **SULLIVAN** of York, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Allow Lobster License Exemptions to Persons with Certain Medical Criteria"

H.P. 697 L.D. 1009

Comes from the House, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Create a Statute of Limitations for Oil Discharge Violations"

H.P. 683 L.D. 991

Resolve, To Require the Department of Environmental Protection To Review Its Rules Regarding Incinerators

H.P. 698 L.D. 1010

Bill "An Act To Improve Solid Waste Disposal Quality"
H.P. 699 L.D. 1011

Come from the House, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

On motion by Senator **GOODALL** of Sagadahoc, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Increase Highway Safety by Requiring Daytime Headlight Use"

H.P. 684 L.D. 992

Comes from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

On motion by Senator **DAMON** of Hancock, **TABLED** until Later in Today's Session, pending **REFERENCE**.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Establish the Maine Broadband Commission" (EMERGENCY)

H.P. 700 L.D. 1012

Comes from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

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

ORDERS OF THE DAY

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

NOMINATION - of Adam R. Cote of Portland for appointment to the Midcoast Regional Redevelopment Authority

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

Pending - **CONSIDERATION**

(In Senate, March 12, 2009, Communication (S.C. 106) from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT, READ** and **ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** 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 (#15)

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 **Adam R. Cote** of Portland for appointment to the Midcoast Regional Redevelopment Authority was **CONFIRMED**.

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

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

NOMINATION - of Michael K. Mahoney of Cape Elizabeth for appointment to the Finance Authority of Maine

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

Pending - **CONSIDERATION**

(In Senate, March 12, 2009, Communication (S.C. 107) from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT, READ** and **ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** 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 (#16)

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 **Michael K. Mahoney** of Cape Elizabeth for appointment to the Finance Authority of Maine was **CONFIRMED**.

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

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

NOMINATION - of Susan B. Snowden of Scarborough for reappointment to the Finance Authority of Maine

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

Pending - **CONSIDERATION**

(In Senate, March 12, 2009, Communication (S.C. 108) from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** 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 (#17)

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 **Susan B. Snowden** of Scarborough for reappointment to the Finance Authority of Maine was **CONFIRMED**.

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

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

NOMINATION - of Cathy C. McKelway of Oakland for reappointment to the Maine Rural Development Authority

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

Pending - **CONSIDERATION**

(In Senate, March 12, 2009, Communication (S.C. 109) from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** 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 (#18)

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

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

Senator **NUTTING** of Androscoggin was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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 **Cathy C. McKelway** of Oakland for reappointment to the Maine Rural Development Authority was **CONFIRMED**.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

Bill "An Act Regarding the Regulation of Agricultural Composting Operations"

S.P. 115 L.D. 351

In Senate, February 3, 2009, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Comes from the House, **REFERRED** to the Committee on **NATURAL RESOURCES AND THE COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in **NON-CONCURRENCE**.

On motion by Senator **NUTTING** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, March 17, 2009, at 10:00 in the morning.

Off Record Remarks

Senator **MARRACHÉ** of Kennebec was granted unanimous consent to address the Senate off the Record.

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

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

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

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

Senator **DAMON** of Hancock was granted unanimous consent to address the Senate off the Record.

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