

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

In Senate Chamber
Friday
May 29, 2009

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

Prayer by Reverend Richard A. Bamforth, Augusta (Retired).

REVEREND BAMFORTH: I invite you to pray with me. Oh God, the source of life and Lord of all being, we thank You for giving us the challenge and the opportunity to make horrendously difficult decisions for the common good. We praise You for bringing us through the painful processes of cutting back and trimming down those things we would rather leave alone. We ask You, oh Holy One, to strengthen us when we falter, to forgive us when we accomplish too little, and to renew our courage when we have to let some people down. Above all we pray for all those we serve, that they may join with us in helping to pick up the pieces of troubled times by sacrificial giving and communal sharing of responsibility. Help us, we pray, to rediscover our need for each other and build among us a new society in which community wellbeing is more important than selfish gains and neighborhood means more than a street address. As we offer up these our imperfect prayers, to You, oh Lord above, be the glory. Alleluia and Amen.

Reading of the Journal of Thursday, May 28, 2009.

Doctor of the day, Dr. Gary Winn, MPH, DO of Arundel.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Allow Voters To Choose Ongoing Absentee Voter Status"

H.P. 129 L.D. 150
(C "A" H-182)

In House, April 30, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-182).**

In Senate, May 20, 2009, **FAILED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-182), in NON-CONCURRENCE.**

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

Senator **SULLIVAN** of York moved the Senate **RECEDE** and **CONCUR.**

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

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **SULLIVAN** of York to **RECEDE** and **CONCUR.** (Roll Call Ordered)

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Hunting on Sundays on Certain Land"

H.P. 645 L.D. 942

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

Signed:

Senators:

BRYANT of Oxford
TRAHAN of Lincoln

Representatives:

CLARK of Millinocket
EBERLE of South Portland
BRIGGS of Mexico
SHAW of Standish
DAVIS of Sangerville
WHEELER of Kittery
McLEOD of Lee
SARTY of Denmark
CRAFTS of Lisbon

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-426).**

Signed:

Senator:

JACKSON of Aroostook

Representative:

SAVIELLO of Wilton

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Enhance the Shielding of Journalists' Sources"
H.P. 564 L.D. 828

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

Signed:

Senators:

BLISS of Cumberland
HASTINGS of Oxford

Representatives:

PRIEST of Brunswick
DILL of Cape Elizabeth
CLEARY of Houlton
HILL of York
KRUGER of Thomaston
STEVENS of Bangor
NASS of Acton
BEAULIEU of Auburn
CROCKETT of Bethel

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

Signed:

Senator:

HOBBINS of York

Representative:

BRYANT of Windham

(Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought Not To Pass** Report.)

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Enhance Fund-raising Opportunities by Certain Nonprofit and Fraternal Organizations"
H.P. 567 L.D. 831

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-389)**.

Signed:

Senators:

SULLIVAN of York
PLOWMAN of Penobscot

Representatives:

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

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

Signed:

Senator:

GOODALL of Sagadahoc

Representative:

VALENTINO of Saco

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-389) AS AMENDED BY HOUSE AMENDMENT "A" (H-450)** thereto.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-389) **READ**.

House Amendment "A" (H-450) to Committee Amendment "A" (H-389) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-389) as Amended by House Amendment "A" (H-450) thereto, **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2009-10" (EMERGENCY)

H.P. 855 L.D. 1235

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-422)**.

Signed:

Senators:

PERRY of Penobscot
BLISS of Cumberland

Representatives:

WATSON of Bath
BRYANT of Windham
LANGLEY of Ellsworth
FLEMINGS of Bar Harbor
CROCKETT of Augusta
PILON of Saco
CHASE of Wells
VALENTINO of Saco
KNIGHT of Livermore Falls
SIROIS of Turner

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

Signed:

Senator:

NASS of York

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-422) AS AMENDED BY HOUSE AMENDMENT "A" (H-453)** thereto.

Reports **READ**.

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

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

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

Divided Report

Seven members of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Require That a Majority of the Members of the Maine Land Use Regulation Commission Reside in the Commission's Jurisdiction" H.P. 361 L.D. 516

Reported in Report "**A**" that the same **Ought Not to Pass**.

Signed:

Senator:

BRYANT of Oxford

Representatives:

SMITH of Monmouth
PERCY of Phippsburg
PRATT of Eddington
McCABE of Skowhegan
KENT of Woolwich
O'BRIEN of Lincolnville

Three members of the same Committee on the same subject reported in Report "**B**" that the same **Ought to Pass**.

Signed:

Senator:

SHERMAN of Aroostook

Representatives:

GIFFORD of Lincoln
EDGECOMB of Caribou

Two members of the same Committee on the same subject reported in Report "**C**" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-387)**.

Signed:

Senator:

NUTTING of Androscoggin

Representative:

PIEH of Bremen

Comes from the House with Report "**A**", **OUGHT NOT TO PASS READ** and **ACCEPTED**.

Reports **READ**.

Senator **NUTTING** of Androscoggin moved the Senate **ACCEPT** Report "**C**", **OUGHT TO PASS AS AMENDED**, in **NON-CONCURRENCE**.

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

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

Senator **NUTTING**: Thank you, Madame President. Ladies and gentlemen of the Senate, this particular L.D. caused a room full of people and a very long public hearing. This is an issue that has been before the Legislature for close to 20 years now, that is of the seven members that serve on the LURC board what is the minimum threshold for the number of those that actually live in LURC jurisdiction? Currently the law says that only two out of seven have to live in LURC jurisdiction. Some of the Committee members wanted that two in statute to be moved up to four. My co-chair and I felt that the best compromise in this area would be to move the number from two out of seven to three out of seven. Our thought was that currently there are three LURC commissioners living in LURC jurisdiction out of the seven. Let's at least change the statute from two to three to ensure that the number that are living in LURC jurisdiction remains at least as it is now. That is why I moved Report "C". Thank you.

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

Senator **SHERMAN**: Thank you, Madame President. Ladies and gentlemen of the Senate, I would concur with what has already been said. It is a good compromise to set up the LURC board. Thank you.

On motion by Senator **MARRACHÉ** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** Report "C", **OUGHT TO PASS AS AMENDED**, in **NON-CONCURRENCE**. (Roll Call Ordered)

Divided Report

Ten members of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Repeal the Requirement That Alien Big Game Hunters Be Accompanied by Guides Licensed by the State"

H.P. 199 L.D. 253

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-396)**.

Signed:

Senator:
JACKSON of Aroostook

Representatives:
CLARK of Millinocket
EBERLE of South Portland
BRIGGS of Mexico
SHAW of Standish
DAVIS of Sangerville
WHEELER of Kittery
SARTY of Denmark
CRAFTS of Lisbon
SAVIELLO of Wilton

One member of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-397)**.

Signed:

Senator:
BRYANT of Oxford

One member of the same Committee on the same subject reported in Report "C" that the same **Ought Not to Pass**.

Signed:

Representative:
McLEOD of Lee

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-396) READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-396)**.

Reports **READ**.

On motion by Senator **JACKSON** of Aroostook, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF ANY REPORT**.

Senate

Ought to Pass As Amended

Senator ALFOND for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Improve Teacher Confidentiality Laws"

S.P. 439 L.D. 1191

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-267)**.

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

READ ONCE.

Committee Amendment "A" (S-267) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator ALFOND for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Encourage Alternative Compensation Models for Teachers and School Administrators"

S.P. 458 L.D. 1277

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-268)**.

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

READ ONCE.

Committee Amendment "A" (S-268) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Reduce Regulatory Costs for Maine Businesses"

S.P. 111 L.D. 347

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

Signed:

Senators:

SCHNEIDER of Penobscot
SULLIVAN of York

Representatives:

SMITH of Monmouth
WRIGHT of Berwick
HUNT of Buxton
CLEARY of Houlton
MARTIN of Orono

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-269)**.

Signed:

Senator:

RECTOR of Knox

Representatives:

AUSTIN of Gray
MacDONALD of Boothbay
PRESCOTT of Topsham
GILES of Belfast
COHEN of Portland

Reports **READ**.

Senator **SCHNEIDER** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **SCHNEIDER** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow the Sale and Use of Consumer Fireworks"

S.P. 435 L.D. 1187

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

Signed:

Senators:

GERZOFISKY of Cumberland
NUTTING of Androscoggin

Representatives:

HASKELL of Portland
LAJOIE of Lewiston
GREELEY of Levant
SCHATZ of Blue Hill
MAGNAN of Stockton Springs

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-244)**.

Signed:

Senator:

DAVIS of Cumberland

Representatives:

HANLEY of Gardiner
PLUMMER of Windham
BURNS of Whiting
WHEELER of Kittery
SYKES of Harrison

Reports **READ**.

Senator **GERZOFISKY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **GERZOFISKY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Increase Funding for Higher Education"

S.P. 300 L.D. 773

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

Signed:

Senator:
WESTON of Waldo

Representatives:
SUTHERLAND of Chapman
FINCH of Fairfield
CASAVANT of Biddeford
WAGNER of Lewiston
RANKIN of Hiram
RICHARDSON of Carmel
McFADDEN of Dennysville
JOHNSON of Greenville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-266).**

Signed:

Senators:
ALFOND of Cumberland
SCHNEIDER of Penobscot

Representatives:
LOVEJOY of Portland
NELSON of Falmouth

Reports **READ.**

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

Sent down for concurrence.

Divided Report

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

S.P. 167 L.D. 464

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-255).**

Signed:

Senator:
COURTNEY of York

Representatives:
BOLAND of Sanford
BROWNE of Vassalboro
WILLETTE of Presque Isle
HAYES of Buckfield
COTTA of China

HARVELL of Farmington
SCHATZ of Blue Hill

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

Signed:

Senators:
SIMPSON of Androscoggin
JACKSON of Aroostook

Representatives:
BEAUDETTE of Biddeford
CLARK of Easton
KAENRATH of South Portland

Reports **READ.**

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

Divided Report

Eight members of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Laws Governing Bottle Redemption and To Establish the Department of Agriculture, Food and Rural Resources as the Agent in the State for the Purposes of Bottle Redemption"
S.P. 139 L.D. 397

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-270).**

Signed:

Senators:
SCHNEIDER of Penobscot
SULLIVAN of York

Representatives:
SMITH of Monmouth
WRIGHT of Berwick
MacDONALD of Boothbay
HUNT of Buxton
CLEARY of Houlton
MARTIN of Orono

Three members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-271).**

Signed:

Senator:
RECTOR of Knox

Representatives:

AUSTIN of Gray
PRESCOTT of Topsham

One member of the same Committee on the same subject reported in Report "C" that the same **Ought Not to Pass**.

Signed:

Representative:

GILES of Belfast

Reports **READ**.

Senator **SCHNEIDER** of Penobscot moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-270)**.

On motion by Senator **RAYE** of Washington, **TABLED** until Later in Today's Session, pending the motion by Senator **SCHNEIDER** of Penobscot to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-270)**.

Divided Report

Nine members of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Authorize the Annexation of a Portion of Redington Township in Franklin County to the Town of Carrabassett Valley" (EMERGENCY)

S.P. 288 L.D. 741

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-252)**.

Signed:

Senator:

COURTNEY of York

Representatives:

BOLAND of Sanford
BROWNE of Vassalboro
WILLETTE of Presque Isle
HAYES of Buckfield
COTTA of China
CLARK of Easton
HARVELL of Farmington
SCHATZ of Blue Hill

Three members of the same Committee on the same subject reported in Report "B" that the same **Ought Not to Pass**.

Signed:

Senator:

SIMPSON of Androscoggin

Representatives:

BEAUDETTE of Biddeford
KAENRATH of South Portland

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-253)**.

Signed:

Senator:

JACKSON of Aroostook

Reports **READ**.

Senator **SIMPSON** of Androscoggin moved the Senate **ACCEPT** Report "B", **OUGHT NOT TO PASS**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report "B", **OUGHT NOT TO PASS**.

SECOND READERS

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

House

Bill "An Act to Amend Mercury Standards for Air Emission Sources"

H.P. 1035 L.D. 1482

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

Resolve, Regarding Legislative Review of Portions of Chapter 41: Special Restrictions on Pesticide Use, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control (EMERGENCY)

H.P. 1012 L.D. 1460

READ A SECOND TIME.

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

House As Amended

Bill "An Act To Amend the Laws Governing the Confidentiality of Correctional Facility Plans"

H.P. 52 L.D. 59

(H "A" H-449 to C "A" H-362)

Resolve, Regarding Legislative Review of Portions of Chapter 182: Formula for Distribution of Funds to Child Developmental Services Regional Sites, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 68 L.D. 78
(C "B" H-374)

Bill "An Act Regarding Construction and Excavation near Burial Sites"

H.P. 97 L.D. 113
(C "A" H-416)

Bill "An Act To Clarify Standards by Which Game Wardens May Stop All-terrain Vehicles"

H.P. 244 L.D. 308
(C "A" H-354)

Bill "An Act To Remove the Sales Tax on Watercraft"

H.P. 473 L.D. 659
(C "A" H-398)

Resolve, To Require the State To Consult with the City of Hallowell prior to the Sale of Certain Real Property (EMERGENCY)

H.P. 623 L.D. 905
(C "A" H-358)

Bill "An Act To Update and Clarify Statutes Related to or Administered by the Department of Public Safety"

H.P. 633 L.D. 915
(C "A" H-357)

Bill "An Act To Reduce Lung Cancer Rates in Maine"

H.P. 646 L.D. 943
(C "A" H-365)

Bill "An Act To Reverse the Effects of Grant v. Central Maine Power, Inc. on Workers' Compensation"

H.P. 649 L.D. 946
(C "A" H-359)

Bill "An Act To Establish Annual Reporting for Genetically Engineered Crops"

H.P. 667 L.D. 965
(C "A" H-385)

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
(C "A" H-353)

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

H.P. 694 L.D. 1006
(C "A" H-349)

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

H.P. 711 L.D. 1036
(C "A" H-373)

Bill "An Act To Promote Economic Development in the Greater Portland Region"

H.P. 729 L.D. 1054
(C "A" H-378)

Bill "An Act To Strengthen Sustainable Long-term Supportive Services for Maine Citizens"

H.P. 745 L.D. 1078
(C "A" H-351)

Bill "An Act To Allow Veterans and Active Duty Military Members To Qualify for In-state Tuition"

H.P. 752 L.D. 1090
(C "A" H-372; H "A" H-421)

Bill "An Act To Establish a Model Dating Violence Prevention Policy"

H.P. 760 L.D. 1105
(C "A" H-323)

Bill "An Act To Implement the Recommendations of the Ad Hoc Task Force on the Use of Deadly Force by Law Enforcement Officers Against Individuals Suffering From Mental Illness"

H.P. 805 L.D. 1166
(C "A" H-413)

Bill "An Act To Create a Post-judgment Mechanism To Provide Relief for a Person Whose Identity Has Been Stolen and Falsely Used in Court Proceedings"

H.P. 818 L.D. 1179
(C "A" H-409)

Bill "An Act To Amend the School Funding Formula Regarding School Administrative Units That Are Eligible for the Minimum State Share of Their Total Allocation" (EMERGENCY)

H.P. 845 L.D. 1225
(C "A" H-404)

Resolve, To Direct Action on Health Disparities of the Passamaquoddy Tribe and Washington County (EMERGENCY)

H.P. 848 L.D. 1228
(C "A" H-403)

Bill "An Act To Protect the Long-term Viability of Island Lobster Fishing Communities"

H.P. 851 L.D. 1231
(C "A" H-401)

Bill "An Act To Streamline the Regulatory Process for Commercial Building Construction Projects" (EMERGENCY)

H.P. 861 L.D. 1242
(C "A" H-368)

Bill "An Act To Amend Operating After Suspension Laws by Creating an Infraction Alternative for Certain Kinds of Operating After Suspension"

H.P. 862 L.D. 1243
(C "A" H-412)

Bill "An Act To Repeal Inactive Boards and Commissions"

H.P. 873 L.D. 1254
(C "A" H-328; H "A" H-331)

Bill "An Act Regarding Low-profit Limited Liability Companies"

H.P. 884 L.D. 1265
(C "A" H-410)

Bill "An Act To Implement the Recommendations of the Criminal Law Advisory Commission"

H.P. 894 L.D. 1275
(C "A" H-376)

Bill "An Act To Continue Coverage of Oil Clean-up Costs and Improve Administration of the Ground Water Oil Clean-up Fund"

H.P. 936 L.D. 1332
(C "A" H-360)

Bill "An Act To Ensure the Effectiveness of Critical Incident Stress Management Teams"

H.P. 964 L.D. 1374
(H "A" H-448)

Bill "An Act To Allow Efficient Health Insurance Coverage"

H.P. 976 L.D. 1397
(C "A" H-393)

Resolve, To Implement Select Recommendations of the Joint Select Committee on Future Maine Prosperity (EMERGENCY)

H.P. 989 L.D. 1413
(C "A" H-379)

Bill "An Act To Update Terms and Make Changes in Child Care and Transportation Benefits under the Temporary Assistance for Needy Families Program"

H.P. 992 L.D. 1416
(C "A" H-405)

Bill "An Act To Implement Respectful Language Amendments"

H.P. 995 L.D. 1419
(C "A" H-402)

Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions - Matching Funds and Property and Equipment, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

H.P. 1013 L.D. 1461
(C "A" H-392)

Bill "An Act To Amend Licensing, Certification and Registration Requirements for Health Care Providers and Other Facilities"

H.P. 1019 L.D. 1464
(C "A" H-364)

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

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

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

READ A SECOND TIME.

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

Resolve, Regarding Legislative Review of Portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a Major Substantive Rule of the Board of Pesticides Control (EMERGENCY)

H.P. 674 L.D. 972
(C "A" H-384)

READ A SECOND TIME.

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

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

H.P. 774 L.D. 1119
(C "A" H-375)

READ A SECOND TIME.

On motion by Senator **SIMPSON** of Androscoggin, Senate Amendment "A" (S-254) **READ**.

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

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **SIMPSON** of Androscoggin to **ADOPT** Senate Amendment "A" (S-254). (Roll Call Ordered)

Bill "An Act To Establish and Promote Statewide Collaboration and Coordination in Public Health Activities and To Enact a Universal Wellness Initiative"

H.P. 953 L.D. 1363
(C "A" H-407; H "A" H-436)

READ A SECOND TIME.

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

Senator **ROSEN:** Thank you, Madame President. Men and women of the Senate, the only reason I set this item aside is to take a moment to say a couple of words about this bill, which has been quietly moving through the process. It is significant because of its success and because of the work the members of the Health and Human Services Committee and many others did for the last four years. This is a bill that establishes a new health model for the public health system in Maine, a system that has never really existed before. In this State we've had a centralized function in State government in what is now the Maine Center for Disease Control and Prevention, the Department of Health in Bangor, and the Department of Health in Portland, but otherwise, we've had a very fragmented system. For the last four years people involved in the public health arena, people involved with the Healthy Maine Partnership, folks connected to healthy community coalitions, people who are connected to the Heart Association, the Lung Association, the Cancer Society, and all of the other body parts organizations that are very active in health-related items, have all worked incredibly hard to try to bring together a mechanism so that we have an on-the-ground public health system that has a Maine flavor and a Maine style. People have put in huge efforts. I particularly want to acknowledge the director of the Governor's Office of Health Policy and Finance, Trish Riley, and Dr. Dora Mills and the Maine CDC who put in tremendous time and effort. This is really a case study of how you take existing funding and resources and hundreds of people that are involved in a particular arena, and essentially, over a period of time, conduct what really was a mini version of the Paris Peace Talks with great persistence and hammer out an integrated system. Now, at this point, they are ready to deliver so it will be eligible for federal accreditation. Just to give you an example of its early success, when the State was confronting the H1N1 virus, Director Mills was able to immediately reach out and have an interactive conversation with over 200 public health grassroots people in the field and have a quick reaction and conversation, which she really has never been able to have in such an integrated manner before. I applaud the work of Representative Miller in the other Body and all the people who took her lead in this effort, and I encourage your continued support. Thank you.

PASSED TO BE ENGROSSED AS AMENDED, in concurrence.

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

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate As Amended

Bill "An Act To Encourage Veterinary Practice in Maine"
 S.P. 116 L.D. 352
 (C "A" S-258)

Bill "An Act To Provide Representation for Dog Clubs on the Animal Welfare Advisory Council"
 S.P. 157 L.D. 454
 (C "A" S-243)

Bill "An Act To Improve the Use of Information Regarding Sex Offenders"
 S.P. 429 L.D. 1157
 (C "A" S-264)

Bill "An Act To Protect the Privacy of Maine Residents under the Driver's License Laws"
 S.P. 492 L.D. 1357
 (S "A" S-247 to C "A" S-215)

Bill "An Act To Enact the Maine Uniform Power of Attorney Act"
 S.P. 507 L.D. 1404
 (C "A" S-240)

Bill "An Act Regarding the Pay of Tribal Representatives" (EMERGENCY)
 S.P. 512 L.D. 1428
 (C "A" S-256)

Bill "An Act To Amend Sentinel Events Reporting Laws To Reduce Medical Errors and Improve Patient Safety"
 S.P. 519 L.D. 1435
 (C "A" S-248)

Bill "An Act To Ban Racial Profiling"
 S.P. 526 L.D. 1442
 (C "A" S-265)

Bill "An Act To Amend the Maine Clean Election Act and the Enforcement Procedures of the Commission on Governmental Ethics and Election Practices"
 S.P. 536 L.D. 1451
 (C "A" S-242)

Bill "An Act To Modify Child Support Enforcement Procedures and Requirements"
 S.P. 543 L.D. 1459
 (C "A" S-241)

Bill "An Act To Facilitate Testing and Demonstration of Renewable Ocean Energy Technology"
 S.P. 545 L.D. 1465
 (C "A" S-249)

Bill "An Act Concerning Debarment from Contracts with the Department of Environmental Protection"
 S.P. 548 L.D. 1471
 (C "A" S-239)

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

Sent down for concurrence.

ROLL CALL (#117)

Bill "An Act Regarding Agency Liquor Stores" (EMERGENCY)
S.P. 257 L.D. 682
(C "A" S-263)

READ A SECOND TIME.

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

YEAS: 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: Senators: None

35 Senators having voted in the affirmative and No Senator having voted in the negative, was **PASSED TO BE ENGROSSED AS AMENDED.**

Sent down for concurrence.

Bill "An Act To Protect Maine Citizens and Franchised New Motor Vehicle Dealers" (EMERGENCY)
S.P. 483 L.D. 1337
(C "A" S-262)

READ A SECOND TIME.

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

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

Senator **SULLIVAN:** Thank you, Madame President. Men and women of the Senate, I have no problem with this bill. It was a unanimous report out of the Business, Research and Economic Development Committee. It also was an emergency. We were just not aware of how much of an emergency it would be. This was a negotiated settlement. Both sides were sent under the direction of our Senate Chair, the Senator from Penobscot, Senator Schneider. This came back. This protects our Maine car dealers, with the uncertain business climate for the automobile industry. On Monday all of the pundits were suggesting that we will see another bankruptcy from GM go forth. This protects our Maine dealers as that begins to unravel. It is an important bill. A unanimous report. I simply would like to show our Maine dealers that are the hearts of many of our communities, that this Maine Legislature fully supports them. That would be my only reason.

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed as Amended. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

Resolve, Authorizing the Finance Authority of Maine To Oversee an Obligation Owed to the State by Lincoln Paper and Tissue, LLC

S.P. 552 L.D. 1477
(C "A" S-257)

READ A SECOND TIME.

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

Senator **ROSEN:** Thank you, Madame President. I was just hoping that we might have just a brief discussion related to this bill to answer a couple of questions I have. The bill proposes to move a promissory note, that currently rests with the DEP, in the amount of \$860,000 that was scheduled to mature three days ago, on May 26, 2009. This is a promissory note to Lincoln Paper and Tissue and transfers that obligation to the Finance Authority. My question is whether any payment on this obligation has been received up to the date of maturity, what the prospects are for a successful pay-off of the note, and what is the implication of transferring it over to the Finance Authority?

THE PRESIDENT: The Senator from Hancock, Senator Rosen poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you, Madame President. Men and women of the Senate, I can answer some of the questions posed. First of all, the reason for the transfer is that originally this was held under the DEP because the mill was shut down due to bankruptcy. It was held in stasis. It wrapped about \$1 million in debt, I believe, because of the cost to keep it in stasis. That was negotiated as part of the transfer when the note was taken over. I believe some of it has been paid off. That's the part I'm not positive about, but I believe some of it has been paid off. The idea was to have a governing body that is well versed in finance

take over the responsibility for negotiating this pay back. I would hope that it is able to be paid back. The mill is doing very good. In fact, I'm happy to report one of its competitors, which to our advantage, was recently not able to be successful and so that business is coming forward to the Lincoln mill. I hope that, yes, it would be successful in paying back the note. However, that will be negotiated, the terms of the note, by FAME.

PASSED TO BE ENGROSSED AS AMENDED.

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

ORDERS OF THE DAY

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

Bill "An Act To Allow Voters To Choose Ongoing Absentee Voter Status"

H.P. 129 L.D. 150
(C "A" H-182)

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

Pending - motion by Senator **SULLIVAN** of York to **RECEDE** and **CONCUR** (Roll Call Ordered)

(In House, April 30, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-182).**)

(In Senate, May 20, 2009, **FAILED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-182), in NON-CONCURRENCE.**)

(In House, May 28, 2009, that Body **INSISTED.**)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#118)

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **SULLIVAN** of York to **RECEDE** and **CONCUR**, **PREVAILED.**

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

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Require That a Majority of the Members of the Maine Land Use Regulation Commission Reside in the Commission's Jurisdiction" H.P. 361 L.D. 516

Report "**A**" - **Ought Not to Pass** (7 members)

Report "**B**" - **Ought to Pass** (3 members)

Report "**C**" - **Ought to Pass as Amended by Committee Amendment "A" (H-387).**(2 members)

Tabled - May 29, 2009, by Senator **MARRACHÉ** of Kennebec

Pending - motion by Senator **NUTTING** of Androscoggin to **ACCEPT** Report "**C**", **OUGHT TO PASS AS AMENDED**, in **NON-CONCURRENCE.** (Roll Call Ordered)

(In House, May 28, 2009, Report "**A**", **OUGHT NOT TO PASS READ** and **ACCEPTED.**)

(In Senate, May 29, 2009, Reports **READ.**)

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

Senator **BRYANT:** Thank you, Madame President. Ladies and gentlemen of the Senate, just a few thoughts on this process. There are different sides on this issue and I don't come down on any one side, but where I do come down in opposing the pending motion is that it's hard enough to get people to serve on this board. It's hard enough to get qualified people to spend their time. Basically they are only getting stipend pay. To restrict it even further really makes no sense to me. I oppose the pending motion.

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

Senator **NUTTING:** Thank you, Madame President. Ladies and gentlemen of the Senate, to continue the debate with a few more details on this bill. We heard that exact argument from the Department of Conservation when they opposed this bill. They didn't think they could find qualified people who live in LURC jurisdiction. This doesn't surprise me. I don't think it should surprise you. That was like throwing salt in an open wound to suggest that qualified people to serve on LURC don't live in LURC jurisdiction and aren't interested or have time to serve. We've had as many as four out of the seven LURC commissioners in the past living in LURC territory. Now current law says that two, that's the minimum threshold, out of seven. What myself and my co-chair, and I'm glad to see now the good Senator from Aroostook, Senator Sherman, are supporting at least moving the statute to three. Currently there are three commissioners out of seven who actually live in LURC jurisdiction. I urge you to support the pending motion, to at least have three out of the seven commissioners actually live in LURC jurisdiction. Thank you.

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

Senator **BRYANT:** Thank you, Madame President. Men and women of the Senate, I would just say you could have more from LURC jurisdiction if they are available. If you have someone who wants to serve on that board and put in that time for a stipend, then send their names to the Governor's Office and put them on the board. To restrict it so that you have fewer opportunities makes no sense.

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

Senator **SHERMAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, I just note that, as already stated, there are three people on there now. If you were at the hearing you might have found quite a few volunteers in the audience during this hearing. I'll also note there are 12,000 people in LURC territory. Surely there are one or two who would like to serve on the board.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Nutting to Accept Report "C", Ought to Pass as Amended. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#119)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, COURTNEY, CRAVEN, DAMON, DAVIS, DIAMOND, GERZOFKY, GOODALL, GOOLEY, HASTINGS, HOBBS, JACKSON, MARRACHE, MCCORMICK, NASS, NUTTING, PLOWMAN, RAYE, RECTOR, ROSEN, SCHNEIDER, SHERMAN, SIMPSON, SMITH, SULLIVAN, TRAHAN, WESTON

NAYS: Senators: BRYANT, MILLS, PERRY, THE PRESIDENT - ELIZABETH H. MITCHELL

31 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** Report "C", **OUGHT TO PASS AS AMENDED**, in **NON-CONCURRENCE**, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-387) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SENATE REPORTS - from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Reduce Regulatory Costs for Maine Businesses"
S.P. 111 L.D. 347

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-269)** (6 members)

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

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

(In Senate, May 29, 2009, Reports **READ**.)

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

Senator **RECTOR:** Thank you, Madame President. Men and women of the Senate, this is a bill to try and address some of the issues that we find our small businesses face around the State with regulation and the need for someone to sort of run defense for them. We felt that we had a means of doing that and it is the Minority Report. We're hoping that you will consider defeating this motion and allow us to present our arguments because we think there is a compelling case to be made for support of our

small businesses around the state. I will speak to that at the appropriate time. Thank you, Madame President.

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

Senator **SCHNEIDER:** Thank you, Madame President. Men and women of the Senate, I hope you will support the pending motion. This bill was a bill that we felt has already a mechanism to be addressed through the Regulatory Fairness Board. It's a board that has just gotten membership and is starting to get going. We'd like that board to have an opportunity to address these sorts of issues that were brought forward in the bill. Thank you.

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

Senator **SMITH:** Thank you, Madame President. Members of the Senate, just a couple of words. Regulatory costs are one of the top three or four items when you poll many businesses in this state. It's been time and time again. In 2007 a compilation of various reports was made by the Maine Economic Research Institute that, in compiling those reports, showed regulation as the number three item behind taxation and less government. I think probably less government could be combined with regulations as well to probably put that as number one on the list. This is a serious matter for those of us who are interested in finding ways to bring more job opportunities to the people of Maine and creating capital investment here in Maine. The private sector is speaking very loudly and clearly on this and this Legislature has done nothing to address the issue. We are very mindful, those of us who are interested in this issue, that we cannot spend money this year trying to wind our way through this. We are also mindful that the Regulatory Fairness Board has basically failed at this point. As a matter of fact, the half position dedicated to it was defunded in the budget, we found out, within the last 24 hours. We need to restart this process and at least get us back to where we have a vehicle for businesses to deal with regulatory costs and regulatory issues. I'm hoping that you will oppose the pending motion so that we can adopt the other report and perhaps table this bill momentarily while we figure out a way to get this done in view of the fact that, as of 24 hours ago, the position that was available to help address some of these very serious regulatory process issues has disappeared on us. I think we can come up with something and I would ask for the opportunity to do so. 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 would concur with the Senate Chair on this. This bill was presented as a concept draft. At a time when we are facing serious financial concerns this concept draft came in. This is what we were to look at, 'This bill proposes to reduce regulatory costs for businesses in the state by establishing a council on private sector regulatory costs composed of private sector business leaders.' The State would be funding something for the private sector. It would have the power to compel staffing from any State agency and have the authority to compel a State agency to cooperate. It was a concept draft and yet we are compelling people. We have a Regulatory Fairness Board

designed. This is a problem. At a time when we're trying to cut State government, we seem to want the private industry to travel. There is more I could say and I know that we worked with this. That was from the testimony that we got. We did get some further clarification in the work session. To come up and to pass a law that would allow the private sector to come in and compel State staffing to do certain things, would grant authority to something that is State funded to private sectors, is beyond my comprehension at this point. Perhaps it's a good idea, I don't know, but to be looking at concept drafts at this point in our economy is not a good idea. I ask you to please support the pending motion. Thank you.

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

Senator **RECTOR:** Thank you, Madame President. Men and women of the Senate, just to correct a little misunderstanding, perhaps, that the good Senator from York has expressed. It was indeed a concept draft when this came in but we have refined that through the Committee Amendment "A", which is the Minority Report. It does, in fact, address a variety of the issues I think she expressed concern about. We have a structure, we do have a plan, and we are prepared to implement it if we can get the Minority Report. Thank you, Madame President.

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

Senator **SULLIVAN:** Thank you, Madame President. Men and women of the Senate, I would simply remind the men and women of the Senate that when we heard the first thoughts of this it was a concept draft. It was created after, as the Minority Report, when we said no, that there were some problems and all of a sudden we have a Minority Report being written to implement law when the Majority had said no. I would tell you that the Maine Regulatory Fairness Board has some members on it that are pretty impressive. The two chairs are former Senator Marge Kilkelly and Larry Schneider, who is the Vice-Chair. Just those two people alone are pretty impressive. They are willing to move ahead. I would strongly suggest that we should have had some more at the hearing. There were some ideas. We should vote Ought Not to Pass now and perhaps bring the issue forward next session. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#120)

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **SCHNEIDER** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Repeal the Requirement That Alien Big Game Hunters Be Accompanied by Guides Licensed by the State"

H.P. 199 L.D. 253

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-396)** (10 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "B" (H-397)** (1 member)

Report "C" - **Ought Not to Pass** (1 member)

Tabled - May 29, 209, by Senator **JACKSON** of Aroostook

Pending - **ACCEPTANCE OF ANY REPORT**

(In House, May 28, 2009, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-396)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-396)**.)

(In Senate, May 29, 2009, Reports **READ**.)

On motion by Senator **BRYANT** of Oxford, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-396)** **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-396) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow the Sale and Use of Consumer Fireworks"
S.P. 435 L.D. 1187

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-244)** (6 members)

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

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

(In Senate, May 29, 2009, Reports **READ**.)

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

Senator **GOOLEY:** Thank you, Madame President. Men and women of the Senate, I am pleased to stand before you on this particularly hard issue. It's L.D. 1187, to allow sale and use of consumer fireworks. There are over 20 states that now allow consumer-grade fireworks. I have a whole speech but I'm going to forego it. You received a flyer here earlier. I'll outline that. Maine is one of five states which allow only novelty fireworks such as sparklers, yet you can drive a few miles to New Hampshire, whose law L.D. 1187 is modeled after, and purchase a much broader selection of fireworks. L.D. 1187 proposes a \$1,500 per year license fee for sellers of fireworks. In addition to the taxes received on the sale of fireworks, this bill is a boon to Maine's economy and it also keeps hard earned Maine dollars in Maine. That's important. It has a lot to do with the way life should be, which the sign down in Kittery says. New Hampshire estimates the annual sale of fireworks exceeds \$7.8 million and if Maine's 5% sales tax was applied it would result in at least \$390,000 in the General Fund. Over and above that is the millions of dollars in sales which Maine residents would keep here in Maine, and that's very important. L.D. 1187 also provides a higher level of safety to Maine consumers by ensuring their fireworks are safe and are not merely purchased at a roadside stand in a different state. L.D. 1187 prohibits the sale of fireworks to anyone under the age of 21. Also this bill gives local municipalities local control to adopt their own ordinances which allow or prohibit the sale, use or possession of fireworks. I hope we will go on to support the Minority Report. Thank you very much.

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

Senator **GERZOFSKY:** Thank you, Madame President. Ladies and gentlemen of the Senate, let the fireworks begin. It's a good

day for it. It's a Friday and it's a good day for fireworks. This bill came through the committee. We had several work sessions on it. Because of the financial implications, we tried our best to find a way to be able to do this, but we were unable to find that magic formula on how to regulate industry, this product coming into Maine, and how to provide public safety. On one hand we have public safety and on the other hand we have some tax revenues. I'd certainly like to have those tax revenues because I could certainly spend them or give suggestions where that revenue should go. When I look at states like New Hampshire that sell fireworks, as the good Senator just mentioned, I see that they had 47 fires last year caused by fireworks. I realized that when I got elected to the Maine House in 2000 until I got elected to this Body, Maine had 43 fires caused by fireworks. That's public safety because you realize that you can't legally go to New Hampshire to buy fireworks and bring them to Maine, because you are breaking the law when you do that. The Fire Marshall explained to us the dangers of fireworks coming into the state and not having regulations on them. This bill brings no regulations and allowed some of the municipalities to say whether you could have them or not. I thought that was interesting. In Brunswick, my hometown, if I started shooting off fireworks across the Androscoggin River into Topsham, where they didn't allow them, I think the Senator from Sagadahoc, Senator Goodall, might have a problem with that and I'd probably get a telephone call from him. I look at states like Washington, on the other side of the country from us on the Pacific Ocean, and they allow fireworks. They had 1,693 fires and they have a population of about 6.5 million people. I look at Massachusetts, which doesn't allow fireworks but has the same population, they had 67. That's a pretty big difference between the states that are allowing these fireworks to come into them and the states that are not. If you want to talk about public safety and you are going to talk about regulating fireworks, that bill will probably come before this Legislature sooner or later. It's when the industry comes here, and the industry wants to regulate these and get them to be able to be sold in Maine, that we will pass a bill. When it's just the businesses that want to come into Maine and be able to sell fireworks with no regulations, no safeguards, no way to prevent kids from buying fireworks and cramming them down a barrel of a pipe and creating a bomb, just because that's what kids do and they are dangerous, I would hope that this Body would follow the Ought Not to Pass on this. My committee has a fire chief on this bill, we have law enforcement on this bill, and we have public safety on this bill. Thank you very much.

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

Senator **GOOLEY:** Thank you, Madame President. I also have these same statistics that were just given to you by the previous speaker. I guess I would single out that statistics are statistics, facts are facts, factoids are factoids. Everything has to be qualified. What kind of fire? Is it a little fire that might be 5' by 5' or is a raging forest fire? I don't think there are many raging forest fires. I have statistics here which show the fireworks fires reported from the latest year. It shows that Maine had 13 from fireworks, so fireworks are rampantly used here in the state of Maine now. New Hampshire had 16. I rest my case. Thank you.

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

Senator **DAMON:** Thank you, Madame President. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion. I do not have the statistics in front of me with regard to fires and the causes of fires, although the good Senator from Cumberland and the good Senator from Franklin have quoted some of those statistics. My sense is that there are more fires started by lighting firewood than there are from lighting fireworks, yet we don't want to prohibit that practice. I would simply say that as you consider this you should let those who light decide. Thank you.

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

Senator **PLOWMAN:** Thank you, Madame President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **PLOWMAN:** Thank you, Madame President. Under current law, are fireworks considered contraband in the state of Maine?

THE PRESIDENT: The Senator from Penobscot, Senator Plowman poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Gerzofsky.

Senator **GERZOFSKY:** Thank you, Madame President. Yes, I believe they are.

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

Senator **GOOLEY:** Thank you, Madame President. In response to that question, the State Police does go into New Hampshire and does give out summonses to individuals who buy fireworks in New Hampshire and bring them back into the state of Maine. That is an expense for the State Police to do that. As I said before, fireworks are already rampantly used here in the state of Maine. Thank you.

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

Senator **GERZOFSKY:** Thank you, Madame President. Ladies and gentlemen of the Senate, I want to give you one absolute statistic. In 1963, when I was living in Pasadena, California, my family's home burned down on New Year's Eve. The fire was caused by fireworks, sparklers, those little things that kids have. It was against the law to have them but the kids were playing down next to the house and it caught on some leaves and the house burned with my family sound asleep. I wasn't at home that night. I was up at Colorado Boulevard getting ready for the Rose Parade. The fire department had to spend that night fighting a house fire with the Rose Bowl floats going by it, not wanting them to catch on fire. They were more interested in the floats than the house at the time. These fireworks, we all use, we all like them, and we all like to go see them. One of the biggest fireworks displays in New England is held in Bellows Falls, Vermont the first weekend in August and I would suggest that everybody go there

to watch them. They are as big as anything you'll find in Boston or in New York. New York is another city I spent quite a few of my years in and we put together a fireworks display there and spent \$100,000. It was absolutely regulated by the town and allowed. We can be very flippant if we choose and let those who light decide. I like that one, I thought that was good. Let's remember the effects of these fireworks. You hold a sparkler in your hand and you're four years old. You are playing with it and you hold that in your hand. It does not go out. That little kid is going to have a scar on her hand and in her mind for a long time. Let's remember that these things kill people and if we're not going to regulate them, we shouldn't have them. Thank you very much, ladies and gentlemen, and please follow my light.

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

Senator **NUTTING:** Thank you, Madame President. Ladies and gentlemen of the Senate, I also rise to support the pending motion. It really had quite an effect on me at the public hearing to hear the testimony of a physician, who was president of the Maine Medical Association and also head of the Maine Society of Eye Physicians and Surgeons, talking about the unfortunate circumstances where they've had to do surgery on kid's eyes resulting from accidents with firecrackers. I voted on the Ought Not to Pass Report. In the future, if there was a different bill that had a lot more regulation as part of it, I might reconsider that position. Right now this Medical Association testimony, to me, was very powerful. A lot of accidents happen and here are these doctors trying to make the best of a really bad situation. I don't think we need any more examples of that here in this state, at least not for now.

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

Senator **GOOLEY:** Thank you, Madame President. Men and women of the Senate, having risen three times on this issue, is it permissible to speak again?

THE PRESIDENT: The Senator from Franklin, Senator Gooley, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **GOOLEY:** Thank you, Madame President. The term 'flippant' was used by a previous speaker and I do not take this discussion flippantly. Thank you.

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

Senator **RAYE:** Thank you, Madame President. I want to rise briefly to point out that it is my understanding that this legislation would prohibit the sale of fireworks to anyone under the age of 21.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#121)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, CRAVEN, DIAMOND, GERZOFSKY, GOODALL, HASTINGS, HOBBS, HOBBS, MARRACHE, MILLS, NASS, NUTTING, PERRY, PLOWMAN, RECTOR, SCHNEIDER, SIMPSON, SULLIVAN, TRAHAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: BRYANT, COURTNEY, DAMON, DAVIS, GOOLEY, JACKSON, MCCORMICK, RAYE, ROSEN, SHERMAN, SMITH, WESTON

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **GERZOFSKY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

Resolve, Regarding Legislative Review of Portions of Chapter 41: Special Restrictions on Pesticide Use, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control (EMERGENCY)
H.P. 1012 L.D. 1460

Tabled - May 29, 2009, by Senator **RAYE** of Washington

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

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

(In Senate, May 29, 2009, **READ A SECOND TIME**.)

PASSED TO BE ENGROSSED, in concurrence.

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

Resolve, Regarding Legislative Review of Portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a Major Substantive Rule of the Board of Pesticides Control (EMERGENCY)

H.P. 674 L.D. 972
(C "A" H-384)

Tabled - May 29, 2009, by Senator **RAYE** of Washington

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

(In House, May 28, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-384).**)

(In Senate, May 29, 2009, **READ A SECOND TIME.**)

PASSED TO BE ENGROSSED AS AMENDED, in concurrence.

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

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

H.P. 774 L.D. 1119
(C "A" H-375)

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

Pending - motion by Senator **SIMPSON** of Androscoggin to **ADOPT** Senate Amendment "A" (S-254) (Roll Call Ordered)

(In House, May 27, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-375).**)

(In Senate, May 29, 2009, **READ A SECOND TIME.** On motion by Senator **SIMPSON** of Androscoggin, Senate Amendment "A" (S-254) **READ.**)

Senator **COURTNEY** of York, under unanimous consent, requested and received leave of the Senate to withdraw his request for a Roll Call.

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

Senator **DAVIS:** Thank you, Madame President. Men and women of the Senate, my wife and I are approaching our 45th wedding anniversary, and we have been swimming at Old Orchard Beach for 45 years. We live in West Falmouth, but we swim in Old Orchard. It's one of the few places left in Maine where you can swim and there's no charge. I would oppose this amendment for the following reasons; Old Orchard wants to protect itself from a community that seems to think they can regulate the Old Orchard Beach shoreline. Basically, the beach is their business. Old Orchard Beach is one of the most wonderful beaches in the world, and to have any regulation or anything in the bay like windmills or other construction would really put a damper on their tourist business. This tourist business is both Maine people, like me and my family, and folks from out of state. I ask that you defeat this motion and go on to the original bill. Thank you.

On motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by Senator **SIMPSON** of Androscoggin to **ADOPT** Senate Amendment "A" (S-254).

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Create a Unified Board of Higher Education"

H.P. 952 L.D. 1362

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

Signed:

Senators:

ALFOND of Cumberland
SCHNEIDER of Penobscot
WESTON of Waldo

Representatives:

SUTHERLAND of Chapman
FINCH of Fairfield
CASAVANT of Biddeford
WAGNER of Lewiston
LOVEJOY of Portland
RANKIN of Hiram
RICHARDSON of Carmel
McFADDEN of Dennysville
JOHNSON of Greenville

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

Signed:

Representative:

NELSON of Falmouth

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

Reports **READ.**

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend Provisions of the Submerged Lands Law"

H.P. 926 L.D. 1322

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-428)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-428)**.

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

READ ONCE.

Committee Amendment "A" (H-428) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Transfer the Seed Potato Board to the Maine Potato Board"

H.P. 982 L.D. 1406

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-441)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-441)**.

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

Committee Amendment "A" (H-441) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding the Operation of County Jails and the State Board of Corrections"

H.P. 844 L.D. 1224

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-439)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-439)**.

Report **READ**.

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

The Committee on **NATURAL RESOURCES** on Resolve, To Establish the Blue Ribbon Commission To Examine the Legal and Policy Implications of Groundwater Extraction (EMERGENCY)
H.P. 913 L.D. 1310

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-434)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-434)**.

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

READ ONCE.

Committee Amendment "A" (H-434) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Bill "An Act Concerning Water Quality in Watersheds"
H.P. 978 L.D. 1399

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-452)**.

Comes from the House with the Report **READ** and the Bill and Accompanying papers **INDEFINITELY POSTPONED**.

Report **READ**.

Senator **GOODALL** of Sagadahoc moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you, Madame President. Men and women of the Senate, I just want to take this opportunity to thank the good Committee Chairs from Marine Resources, the Senator from Hancock along with the good Senator from Lincoln, as well as the Appropriations Committee and the good Senate Chair, the Senator from Cumberland, Senator Diamond. L.D. 1399 was a very important bill that was included in the budget. It helps preserve our shellfish industry with those three marine positions. I want to give credit to the bipartisan effort that was put forth, not only in the committee rooms but also in Appropriations and lobbying in the hallway and also to our many clambers who came and spent many hours at the State House. With that, I just want to say thank you and I hope no one opposes the motion.

On motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Modify the Citizen Initiative Process"

H.P. 189 L.D. 235

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-435)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-435)**.

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

READ ONCE.

Committee Amendment "A" (H-435) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Amend the Maine Clean Election Laws Governing Gubernatorial Candidates"

H.P. 970 L.D. 1380

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-429)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-429)**.

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

READ ONCE.

Committee Amendment "A" (H-429) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions - Increase of Seed Money to \$150,000, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

H.P. 1014 L.D. 1462

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-445)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-445)**.

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

READ ONCE.

Committee Amendment "A" (H-445) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Amend the Surcharge for the E-9-1-1 System" (EMERGENCY)

H.P. 210 L.D. 264

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-437)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-437)**.

Report **READ**.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Expand Access to Oral Health Care"

H.P. 188 L.D. 234

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-433)**.

Signed:

Senators:

BOWMAN of York
ALFOND of Cumberland
McCORMICK of Kennebec

Representatives:

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

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

Signed:

Representative:

WEAVER of York

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-433).**

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (H-433) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Increase Consumer Choice for Wine" H.P. 696 L.D. 1008

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-366).**

Signed:

Senators:

SULLIVAN of York
GOODALL of Sagadahoc
PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
CORNELL du HOUX of Brunswick
PINKHAM of Lexington Township
FITTS of Pittsfield
NASS of Acton
RUSSELL of Portland

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

Signed:

Representatives:

VALENTINO of Saco
TRINWARD of Waterville
TUTTLE of Sanford
CAREY of Lewiston

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

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (H-366) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Limit Membership by School Administrative Units in Certain Interscholastic Organizations" H.P. 1011 L.D. 1457

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

Signed:

Senators:

ALFOND of Cumberland
SCHNEIDER of Penobscot
WESTON of Waldo

Representatives:

SUTHERLAND of Chapman
FINCH of Fairfield
CASAVANT of Biddeford
WAGNER of Lewiston
LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram
McFADDEN of Dennyville

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

Signed:

Representatives:

RICHARDSON of Carmel
JOHNSON of Greenville

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

Reports **READ**.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend Certain Laws Related to the Department of Agriculture, Food and Rural Resources" H.P. 874 L.D. 1255

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-440)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-440) AS AMENDED BY HOUSE AMENDMENT "A" (H-454)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-440) **READ**.

House Amendment "A" (H-454) to Committee Amendment "A" (H-440) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-440) As Amended by House Amendment "A" (H-454) thereto, **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

ENACTORS

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

Emergency Resolve

Resolve, Directing the State Tax Assessor To Adjust the State Valuation for the Town of Topsham

S.P. 509 L.D. 1390
(C "A" S-188)

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

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

ENACTORS

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

Acts

An Act To Allow Eleven Large Game Shooting Areas in the State H.P. 252 L.D. 316
(C "A" H-236)

An Act To Clarify the Status and Benefits of Employees of the Child Development Services System

S.P. 268 L.D. 693
(C "A" S-189)

An Act To Amend the Private Way Laws with Regard to Road Associations

H.P. 918 L.D. 1315
(C "A" H-316)

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

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

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

An Act To Require the State To Provide Bonita Rogan with Health Insurance Benefits

S.P. 284 L.D. 737
(C "A" S-190)

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

An Act To Prohibit Furnishing a Place for Minors To Use Illegal Drugs

S.P. 305 L.D. 791
(C "A" S-193)

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator ALFOND for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Create the Maine Online Learning Program" (EMERGENCY)

S.P. 531 L.D. 1446

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

Report **READ**.

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

Senator **COURTNEY:** Thank you, Madame President. Men and women of the Senate, just going through this bill, I'm glad to see the Education Committee is so committed to the Maine Online Learning Program and I hope it incorporates some of the benefits of virtual learning. Thank you.

ACCEPTED.

READ ONCE.

Committee Amendment "A" (S-273) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

COMMUNICATIONS

The Following Communication: S.C. 380

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

May 29, 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":

L.D. 898 An Act To Amend the Law Pertaining to Permanently Restricted Funds of Municipal Public Libraries

L.D. 1266 Resolve, Establishing a Blue Ribbon Panel To Address Disparities in Economic Development between the Passamaquoddy Tribe and the State and the United States (EMERGENCY)

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. 381

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

May 27, 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 Labor has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1092 An Act To Improve Worksite Accountability for Public Construction Projects by Requiring Subcontractor Identification

L.D. 1441 An Act To Amend and Clarify the Application of the Laws Regarding Severance Pay

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

Sincerely,

S/Sen. Troy D. Jackson
Senate Chair

S/Rep. John L. Tuttle, Jr.
House Chair

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

ORDERS OF THE DAY

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

HOUSE REPORT - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding the Operation of County Jails and the State Board of Corrections"
H.P. 844 L.D. 1224

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-439).**

Tabled - May 29, 2009, by Senator **RAYE** of Washington

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, May 29, 2009, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-439).**)

(In Senate, May 29, 2009, Report **READ.**)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-439) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (5/7/09) Assigned matter:

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Clarify When the Rental of a Car Is Exempt from Sales and Use Tax"
S.P. 240 L.D. 666
(C "A" S-77)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-77)** (7 members)

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

Tabled - May 7, 2009, by Senator **BLISS** of Cumberland

Pending - **FURTHER CONSIDERATION**

(In Senate, April 28, 2009, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-77).**)

(In House, May 6, 2009, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE.**)

On motion by Senator **PERRY** of Penobscot, the Senate **INSISTED**.

Sent down for concurrence.

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

Bill "An Act Regarding Asbestos Abatement Work"
S.P. 518 L.D. 1434

Tabled - May 20, 2009, by Senator **SIMPSON** of Androscoggin

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-159)**

(In Senate, May 20, 2009, on motion by Senator **GOODALL** of Sagadahoc, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (S-159) **READ**.)

On motion by Senator **GOODALL** of Sagadahoc, Senate Amendment "A" (S-272) to Committee Amendment "A" (S-159) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you, Madame President. Men and women of the Senate, we had debate over this bill about a week or so ago and at that time I said I'd be offering an amendment. The amendment is before you today and I would urge you to support this amendment. This amendment cuts the proposed increases by approximately 50% in the next fiscal year. It would be dropping down from \$150,000 generated originally to \$75,000 and in the following fiscal year from \$200,000 to \$100,000. At this point I will not add any more to my comments at this point. I encourage you to support my motion.

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

Senator **SMITH:** Thank you, Madame President. Men and women of the Senate, I have yet to see that amendment. It may be on my desk here somewhere.

On motion by Senator **SMITH** of Piscataquis, **TABLED** until Later in Today's Session, pending the motion by Senator **GOODALL** of Sagadahoc to **ADOPT** Senate Amendment "A" (S-272) to Committee Amendment "A" (S-159).

The Chair laid before the Senate the following Tabled and Later (5/28/09) Assigned matter:

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Relating to Industrial Hemp"

H.P. 798 L.D. 1159

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-356)** (10 members)

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

Tabled - May 28, 2009, by Senator **COURTNEY** of York

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

(In House, May 27, 2009, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-356)**.)

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

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

Senator **NUTTING:** Thank you, Madame President. Ladies and gentlemen of the Senate, just very briefly, this is a 12 to 1 report out of our committee. We anticipate the federal government changing the rules on the growing of this type of industrial hemp. This, for the agriculture community, could have great ramifications in the energy front as far as using this for energy pellets for woodstoves, and in the fiber production front as well. This particular variety that would only be allowed, it was said at the public hearing that if someone was going to try to smoke this product to get high that the cigarette would have to be the size of a telephone pole. That made us comfortable. This is a product which is grown in several foreign countries. A lot of it is grown in Canada. This would only happen if the federal government says that it could. This would allow us to be more streamlined and get production up and started quicker. I urge you to support the pending motion. Thank you.

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

Senator **SHERMAN:** Thank you, Madame President. I rise to lay some facts, if I may, contrary to what I've just heard. I apologize for not having my papers. After yesterday I just kind of dumped them, so this is going to be off the cuff. This is a form of marijuana that looks like a marijuana plant, it smells like a marijuana plant, it has Tetrahydrocannabinol in it, it's 3/10 of 1%. The stuff smoked around the countryside is 6%. It doesn't have to be a telephone pole size, it could be about three or four feet if you wanted to wrap that up. I wish I had the amendment here. You probably have it. If you could take a look at that. The federal guidelines are that you have to be fingerprinted if you're going to grow it. You have to have GPS coordinates on it. Background checks. You can fool yourself into thinking this is something that's tightly controlled, but on the other hand, if you think about it, the federal government is going to issue something and go into criminal background checks, fingerprints, and maps locating all of this stuff. I think that should tell you something as to whether this stuff is semi-safe or not. The thing I really am opposed to is that this is touted somehow as some sort of development for farmers. This thing may or may not happen. I mentioned the other day, if

you want to talk about canola, which is ongoing and we could help that along, or soy beans. Raye's mustard, some of that is grown up in Aroostook County. If you want o you could figure some way to do that now. There is an infrastructure there. I'm going to have this wrong because I don't have the numbers in front of me, but I think in either British Columbia or Alberta, 43,000 or 46,000 acres of this was grown. It's a crop they can't sell because there are so many substitutes for it. Pardon me if I have it wrong, but I think in Canada now it's down to 8,000 acres. In my mind, if it's touted as economic development, put it in your diaries and look three or four years from now and see what happens with this. If you had a real good chemist, and you look at the pictures of it and it looks exactly like the ordinary marijuana that you can see all around the countryside in some places if you drive the back roads, you could extract, if you wanted to, 3/10 of 1%, you can grind that up and dissolve it in ether or something, reflux it and you can enhance that if you want to do that. All I am saying is we can pass this, and I can see the headlines now of what a nice hemp state up here, come and grow it. This issue really for me is that this is a phony kind of way to help agriculture in this state. I'd rather go back before Appropriations and talk about maybe a little milk tier. That would have an impact, but I won't go back there. I don't want to pick up more rocks that are thrown at me. I just think this is, in my mind, really a phony issue to help agriculture in this state. I really don't think it's going to happen. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Nutting to Accept the Majority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#122)

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

NAYS: Senators: COURTNEY, DAVIS, GOOLEY, MCCORMICK, MILLS, NASS, ROSEN, SHERMAN, SMITH, WESTON

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **NUTTING** of Androscoggin to the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-356) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (5/28/09) Assigned matter:

HOUSE REPORT - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Establish a State-controlled Casino"

H.P. 378 L.D. 533

Report - Ought to Pass as Amended by Committee Amendment "A" (H-391)

Tabled - May 28, 2009, by Senator **COURTNEY** of York

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, May 28, 2009, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-391).**)

(In Senate, May 28, 2009, Report **READ.**)

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

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

Senator **SULLIVAN:** Thank you, Madame President. Men and women of the Senate, I would simply tell you that this is a Resolve. Each session we appear to have more and more casino bills and racino bills. This is a Resolve that would set up, if one of these should pass at any time, and study what we would want, would Maine control it rather than an outside company, and what would be the rules so everybody would not be playing on the rules. It is simply being proactive to something that may or may not happen. It is a Resolve. It does not allow a casino to be built through the State or anything right now. It simply is a chance to have a coming together, an understanding, and rules for if this were allowed by a vote of the people, or whatever, in this state.

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

Senator **PLOWMAN:** Thank you, Madame President. Men and women of the Senate, I stand to speak with the Senator from York, Senator Sullivan. This was a unanimous report of our committee to send it forward so we can work on it so that if and when this does happen we are not reactionary but, as the Senator said, proactive. It is time that we recognize that we are a gambling state and there is interest. We need to have good public policy in place with all the questions identified and answered as we go forward. I know there has been some angst about the title, but if you look at it, you will see that it is a concept draft for us to recognize all of the issues and flesh them out at a time that works for us and not against us. I urge you to vote for the Resolve. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#123)

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

NAYS: Senators: BOWMAN, COURTNEY, DAVIS, MILLS, NASS, RECTOR, ROSEN, SHERMAN, SMITH, TRAHAN, WESTON

ABSENT: Senator: HOBBS

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being absent, the **OUGHT TO PASS AS AMENDED** Report, **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-391) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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

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

Off Record Remarks

On motion by Senator **BARTLETT** of Cumberland, **RECESSED** until 2:00 in the afternoon.

After Recess

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

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

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

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

Tabled - May 29, 2009, by Senator **RAYE** of Washington

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

(In House, May 28, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-383).**)

(In Senate, May 29, 2009, **READ A SECOND TIME.**)

PASSED TO BE ENGROSSED AS AMENDED, in concurrence.

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

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

H.P. 774 L.D. 1119
(C "A" H-375)

Tabled - May 29, 2009, by Senator **COURTNEY** of York

Pending - motion by Senator **SIMPSON** of Androscoggin to **ADOPT** Senate Amendment "A" (S-254)

(In House, May 27, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-375).**)

(In Senate, May 29, 2009, **READ A SECOND TIME.** On motion by Senator **SIMPSON** of Androscoggin, Senate Amendment "A" (S-254) **READ.**)

On motion by Senator **SIMPSON** of Androscoggin, Senate Amendment "A" (S-254) **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-375) AND SENATE AMENDMENT "A" (S-254), in NON-CONCURRENCE.

Sent down for concurrence.

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

Bill "An Act Regarding Agency Liquor Stores" (EMERGENCY)
S.P. 257 L.D. 682
(C "A" S-263)

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

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**

(In Senate, May 29, 2009, **READ A SECOND TIME.**)

Senator **DIAMOND** of Cumberland moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

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

Senator **DIAMOND:** Thank you, Madame President. Men and women of the Senate, this item is already in the budget. It came out of Legal and Veterans Affairs Committee. It was about regulations for agency liquor stores. There was one portion of this that we do need to clarify and get on the record. When it talks about the various criteria to get an agency liquor license, one of the criteria reads as follows: 'Applicant has held a license to sell malt liquor and wine for off-premises consumption for more than one year without a violation of any provision of this title.' Some folks were confused. They thought that this might mean that you would have to have a license for a year before you could get a license. Obviously that is not the intent. It doesn't say 'and'.

There is no 'and' in there. I just wanted to clarify, on the record, so if anybody in the future wanted to refer to this explanation they would have a record to go to. Indeed, this is already in the budget and it's all set. I think we're all set to go.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/14/09) Assigned matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require a Vacancy in the Office of United States Senator To Be Filled by Election"
S.P. 76 L.D. 226

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-52)** (7 members)

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

Tabled - April 14, 2009, by Senator **SIMPSON** of Androscoggin

Pending - **ACCEPTANCE OF EITHER REPORT**

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

Senator **DIAMOND** of Cumberland moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

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

Senator **DIAMOND:** Thank you, Madame President. Men and women of the Senate, this is the bill I sponsored. I still think it's a good idea. The problem is it brings with it a fiscal note of upwards of \$400,000 to \$500,000 and it is certainly something we cannot afford at this time. Albeit a good idea, I'm going to have to relinquish it and move the motion.

On motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/7/09) Assigned matter:

SENATE REPORT - from the Committee on **TAXATION**, pursuant to Joint Rule 204, on Bill "An Act To Conform the Maine Tax Laws for 2008 to the United States Internal Revenue Code" (EMERGENCY)

S.P. 35 L.D. 86

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-134)**

Tabled - May 7, 2009, by Senator **COURTNEY** of York

Pending - **ACCEPTANCE OF REPORT**

(In Senate, May 7, 2009, Report **READ** and **ACCEPTED**. On motion by Senator **COURTNEY** of York, **RECONSIDERED ACCEPTANCE OF THE REPORT**.)

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

Senator **NASS:** Thank you, Madame President. Ladies and gentlemen of the Senate, just a quick explanation of the problem. This has been sitting here for quite a while. This is the standard conformity bill that the Taxation Committee does on a routine basis. It's painful to some of us because we non-conform to a lot of things. The Taxation Committee, on a unanimous basis, picked out two that were particularly odious and came to an agreement on those and then sent the bill up here with those two things deleted. I'll tell you what those two things are. Subsequent to that, with this still on the table, the Administration put conformity, in all of its glory, into the budget, including these two things that we unanimously agreed shouldn't be in there. So they are now in the budget. I suppose L.D. 86 has no function anymore except I would just like the chance, Madame President, to explain what those two items were.

You all remember that the federal government has given us, collectively, about \$30 million for additional unemployment compensation. They also provided for an income tax exemption for the first \$2,400 of unemployment compensation. We now had the opportunity to conform to that. We did not. We took their \$30 million, we're passing out additional benefits, and we chose not to provide that benefit to the folks of Maine. The second thing that we agreed on unanimously was the Earned Income Tax Credit. In the non-conformity piece is a small piece where we do not conform with a change to federal government made to the Earned Income Tax Credit. We found that to be unacceptable but it is in the budget. Thank you, Madame President.

On motion by Senator **PERRY** of Penobscot, Bill and accompanying papers **INDEFINITELY POSTPONED**.

Sent down for concurrence.

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

SENATE REPORT - from the Committee on **JUDICIARY** on Bill "An Act To Consolidate and Modernize Maine's Courts"
S.P. 330 L.D. 882

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-154)**

Tabled - May 14, 2009, by Senator **MARRACHÉ** of Kennebec

Pending - **ACCEPTANCE OF REPORT** (Roll Call Ordered)

(In Senate, May 13, 2009, Report **READ**.)

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT**. (Roll Call Ordered)

The Chair laid before the Senate the following Tabled and Later (5/18/09) Assigned matter:

Bill "An Act To Provide Additional Time to Certain School Administrative Units To Comply with School Administrative Unit Reorganization Laws" (EMERGENCY)

H.P. 449 L.D. 635
(C "A" H-256)

Tabled - May 18, 2009, by Senator **ALFOND** of Cumberland

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

(In House, May 13, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-256)**.)

(In Senate, May 18, 2009, **READ A SECOND TIME**.)

Senator **ALFOND** of Cumberland moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

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

Senator **ALFOND:** Thank you, Madame President. Ladies and gentlemen of the Senate, as you all might or might not know, this is part of the biennial budget. Thank you.

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

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Improve Maine's Ethics Laws"

S.P. 154 L.D. 410

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-172)** (5 members)

Tabled - May 20, 2009, by Senator **SULLIVAN** of York

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

(In Senate, May 20, 2009, Reports **READ**.)

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

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

Senator **PLOWMAN:** Thank you, Madame President. Men and women of the Senate, in the last couple of sessions the LVA Committee has been asked to look at ethics, transparency, and accountability. As part of a working group, people have been invited to address the Ethics Commission on different issues that have arisen. In talking with some of the members and attending some of the meetings, it came to my attention that there has been a practice developed by some legislators to approach lobbyists during the session to ask for donations to the organizations they are employed by. I worked diligently with the Commission to come up with some language to prohibit that kind of undue influence. The language you will see as part of the Minority Ought to Pass Report is to get at that. You may say that we don't have a problem, but when a lobbyist feels that the pressure is being put on them to donate to a non-profit during session, and they don't think they have the ability to say no, and there's nothing that actually says that the legislator can't do it, it seems to me we have a problem that needs to be addressed. There is a member of the 124th Legislature who draws a nice salary from a non-profit. A recent article actually indicated that assets in his organization grew from \$170,000 to \$1 million, and membership jumped from 884 to 1,608. This person was very pleased with the success of his organization. I imagine so was the board of directors and I'm sure there is a great incentive program for someone who is that successful. The fact that mining a lobbyist during session is considered okay because we haven't prohibited it doesn't mean that it passes the straight face test.

A lot of talk which arose in committee was talking about whether you'd still be able to raise money for the Maine Lung Association if you were riding in the bicycle trek, or whether you would still be able to raise money for the Heart Association. That's not what this gets at. This says that if you are compensated by your employer to raise money you may not approach a registered lobbyist and request or accept monies. Someone else from your organization will have to do that. I think that's a good idea. I really do because if we're going to pass the straight face test of accountability and we prohibit any kind of donation from a lobbyist while we're sitting here voting on their issues, while we control the outcome of the bills in committee, then there is no way we should be asking anyone for funds for any purpose, no matter how well intentioned, if it's connected to the way you make your money, the way you support yourself, the way you earn a bonus, or the way you get recognition at your place of employment. I would urge you to reject the pending motion and go ahead and pass a worthy ethics revision because the people of the state of Maine expect us to come here and do the right thing without asking for a pound of flesh from the people who have to come before us. I appreciate your vote.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#124)

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

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

ABSENT: Senator: NUTTING

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **SULLIVAN** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

Bill "An Act Regarding Asbestos Abatement Work"
S.P. 518 L.D. 1434

Tabled - May 29, 2009, by Senator **SMITH** of Piscataquis

Pending - motion by Senator **GOODALL** of Sagadahoc to **ADOPT SENATE AMENDMENT "A" (S-272) TO COMMITTEE AMENDMENT "A" (S-159)**

(In Senate, May 20, 2009, on motion by Senator **GOODALL** of Sagadahoc, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (S-159) **READ**.)

(In Senate, May 29, 2009, on motion by Senator **GOODALL** of Sagadahoc, Senate Amendment "A" (S-272) to Committee Amendment "A" (S-159) **READ**.)

On motion by Senator **GOODALL** of Sagadahoc, Senate Amendment "A" (S-272) to Committee Amendment "A" (S-159) **ADOPTED**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#125)

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

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

ABSENT: Senator: NUTTING

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, Committee Amendment "A" (S-159) as Amended by Senate Amendment "A" (S-272) thereto, **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (5/26/09) Assigned matter:

HOUSE REPORTS -from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Laws Concerning Licensure Qualifications of Independent Practice Dental Hygienists"
H.P. 309 L.D. 421

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-326)** (10 members)

Report "B" - **Ought Not to Pass** (2 members)

Report "C" - **Ought to Pass as Amended by Committee Amendment "B" (H-327)** (1 member)

Tabled - May 26, 2009, by Senator **SCHNEIDER** of Penobscot

Pending - **ACCEPTANCE OF ANY REPORT**

(In House, May 21, 2009, Report "A", **OUGHT TO PASS AS AMENDED COMMITTEE AMENDMENT "A" READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-326).**)

(In Senate, May 26, 2009, Reports **READ**.)

On motion by Senator **SCHNEIDER** of Penobscot, Report "A" - **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-326) ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-326) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SENATE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Protect Consumers and Small Business Owners from Rising Health Care Costs"
S.P. 529 L.D. 1444

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-219)** (9 members)

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

Tabled - May 27, 2009, by Senator **BOWMAN** of York

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

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

On motion by Senator **BOWMAN** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-219) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (5/28/09) Assigned matter:

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Reimburse Debra Bilodeau for Her Expenses Incurred in Connection with Her Petition for Appointment as a Foster Parent"
H.P. 275 L.D. 368

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-347)** (8 members)

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

Tabled - May 28, 2009, by Senator **SULLIVAN** of York

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

(In House, May 27, 2009, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-347).**)

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

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you, Madame President. Men and women of the Senate, I rise today to encourage you not to support the pending motion. This is a very challenging case. This is one of those cases where we often find ourselves in a policy position, weighing the facts, acting much like a judge. This situation, as many of you know, is dealing with individuals involved in the Health and Human Services and the background of the case at hand, which often does not allow us to review all of the facts because they are confidential. Mistakes were made by the Department, mistakes that caused financial hardship on the individual as well as probably much aggravation and frustration. However, if we reimburse this individual, this would be a major policy shift. There would be no trial. Often we allow people to potentially sue the State. That is not what this is. We are reimbursing this individual for what is a mistake by the Department, however we don't have enough facts in front of us to make a good judgment, if in fact, everything that was stated to us is the truth. I am not contesting the fact that potentially the testimony was misleading; however, we only had one side of the story. I encourage you to vote against this motion because this case is better suited for the courts. It's a major policy shift with possible unintended consequences in the future. Are we going to reimburse everyone? We cannot afford that. What we do need to do is review the policies of the Department and that's where this bill should go. Thank you, Madame President.

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 ask you to support this piece. Indeed, mistakes were made, mistakes that very much affected families. This woman, who came before us, was told it would be easier not to sue the State. That it's expensive. It has to still go through our Committee. If you think of the number of people who have been allowed to sue the State they are few and far between. If you can't sue the State you cannot ask for reimbursement for the money that was spent because policies were not followed. I'm sorry, I wasn't elected to be a judge, and in my Committee capacity, you do what you can to bring justice to Maine citizens. No matter what a State agency does, you have to come through us to allow them to be able to sue the State. This woman spent a huge amount of money, was told things that were not true, and ended up in a situation where she was told, 'If we had done this a year ago I would have made a different decision.' That was from the judge, who was very nonchalant about it. There is a problem when an agency believes they are more important than respecting the rights of people and to follow policy. How many people have to be abused, and I'm not talking physical or sexual abuse, by the system. We always end up with, 'Sorry, we made mistakes, but it might cost us money.' In fact, the agency was bold enough to come and say to us in the public hearing, at the

end, 'If you find against us, it will be taking money out of the budget and we won't be able to serve other people.' I'm sorry, that's not a good enough excuse for me. I didn't come here to allow an agency to ride roughshod over our people. There is something inherently wrong with that. I'm sure the State carries insurance for when they make mistakes. It's called liability. Each and every one of us carry it. The reality is we need to send a message loud and clear that if you choose to deny people their rights under the laws we create and then we must be responsible for that. Otherwise, how many other laws do we make that some other agency decides not to follow? It's a slap in the face to our citizens. It's a slap to the face to the Legislature. Based on the budget and money can only go so far. Interestingly enough, this woman is not asking to reverse the decision made. This woman is saying, for the sake of the whole case and I certainly can share that with you, 'I'd just like the money back that I've spent and let what has happened happen.' I find the blatant disregard for the Legislature by some State agencies beyond compare. They have way too much and to tell us that it might cost some money so we need to continue to let them continue to break the law, to break what we've set up as policies for them, and there's nothing anyone can do about it afterwards. I could not go along with that and I am disappointed to have to stand here and say that. I'm not a lawyer and my good colleague is. I wasn't hired to be a lawyer. I was hired to do what is right for the people of Maine, and this is right for the people of Maine. I ask you to please consider that. Thank you.

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

Senator **BRANNIGAN:** Thank you, Madame President. Men and women of the Senate, I also oppose the pending motion. I agree that we cannot set this precedent. Unfortunately, mistakes are made. Those of us who work with the Department of Health and Human Services know it's a huge department dealing with very important parts of people's lives. Do they make mistakes? Of course. Every time they make a mistake and someone wants to be reimbursed, can we do that? No. In a perfect world it would have been wonderful. This never would have happened to this woman or amends would be made. Amends need to be made here by the judiciary commitment and the judiciary to take care of any errors and habits that were transpired, and do transpire, in that court, and we need to look into Health and Human Services to find and try to root out any problems that have led to this kind of misappropriation and misinformation. Right now, to set this precedent would be mind boggling, so I hope you will vote against the pending motion.

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

Senator **PLOWMAN:** Thank you, Madame President. Men and women of the Senate, unfortunately the Minority Report was not to allow Ms. Bilodeau to sue. The Minority Report was a strict Ought Not to Pass. We have one option here. I'm not sure where to start, but I'll give you a little background. In the mid-1990s the State of Maine had the lowest kinship placement in the United States. We were in the low single digits. I think Vermont came in somewhere around 13% and the rest of the country was way up there. That policy was set by DHS because kinship care does not accrue a two-to-one match from the federal government.

If you place a child with a member of the family, the State pays all of the expenses for that child. If you place the child with a stranger, the federal government will give you \$2 for every \$1 you spend. It's a very interesting way to decide what's best for our children. I actually had to put in legislation to make the State recognize that the federal government controls this and that their recommendations were that kinship care would be the first avenue that you consider for a child.

Ms. Bilodeau is the aunt of the young boy. It was her brother's baby. Three months after the baby was born she learned that the baby was indeed her brother's and she contacted the DHS in order to become a kinship caregiver. DHS instead routed her through the foster care system. Why? The two-to-one match. She didn't need to but she did. She jumped through every hoop. She hired an attorney. She had a physical. She had her house examined by the Fire Marshall. She went through every step that she was asked to. Then interestingly what happened was people stopped calling her back. Fifteen people stopped calling her back. Fifteen caseworkers and supervisors stopped returning her phone calls. This went on for about a year. She was not notified of hearings. She wasn't brought along. She just happened to advocate strongly enough for herself to find out there would be a hearing, and the people who had the child for 15 months would indeed adopt the baby. I am not an attorney. I am not a judge. I don't know if she was the best person to give this child to, but that's not the question here. When the judge said, 'A year ago I could have given you this child, but now he's bonded with someone else,' that might have been an indication of what the judge was thinking, but I'm not a judge. I will tell you that when we asked for the telephone policy for DHS caseworkers to be provided to us, we were actually handed one that has been proposed and sent out for comment. Based on the comments, it will go into effect June 5, 2009. Do you think they figured out they had a problem? I think they did. In fact, we had to specifically ask what the policy was that is in effect now. That wasn't provided to us. I thought that was interesting as well.

Confidentiality will mean that when this lady sues, she won't be able to find out any more than she probably knows now because DHS will say that they are not allowed to let any of that information out. She'll run up a huge legal bill to get the same amount of information that she has now, but then again we didn't have a vote on whether she'd be able to sue. This woman was wronged by the policies and the attitude of the Department of Human Services. She will not be raising her nephew. In fact DHS felt so badly that when the next child was born, they gave the child to her immediately. It seems she was good enough for the next child. I'm not going to make the decision as to whether she properly should have been awarded. Seems like they already made that decision as well. Those are two things you can draw just from the happenings. What happened was fifteen people shirked their duty, disregarded what was in the best interest of the child, which is to pursue kinship care to the greatest possible extent until the person is found to be not the best caregiver. If you don't return the phone calls and you don't do your job and the other person does everything that they were asked to do and incurs every cost, can you actually say that she should not be reimbursed? I really don't know how you say that, because the issue wasn't whether she was properly to be awarded the caregiver status. The issue was; did DHS, in good faith, work with this woman and do their jobs? You know what? They didn't. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Sullivan to Accept the Majority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#126)

YEAS: Senators: BLISS, COURTNEY, DAVIS, GOOLEY, HASTINGS, HOBBS, JACKSON, MCCORMICK, NASS, PERRY, PLOWMAN, RAYE, RECTOR, SCHNEIDER, SHERMAN, SIMPSON, SMITH, SULLIVAN, TRAHAN

NAYS: Senators: ALFOND, BARTLETT, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFKY, GOODALL, MARRACHE, MILLS, ROSEN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL

ABSENT: Senator: NUTTING

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **SULLIVAN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-347) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (5/28/09) Assigned matter:

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

Majority - **Ought to Pass** (11 members)

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

Tabled - May 28, 2009, by Senator **RAYE** of Washington

Pending - motion by Senator **GOODALL** of Sagadahoc to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence

(In House, May 27, 2009, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

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

On motion by Senator **GOODALL** of Sagadahoc, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (5/28/09) Assigned matter:

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

S.P. 348 L.D. 926

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

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

Tabled - May 28, 2009, by Senator **GOODALL** of Sagadahoc

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

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

At the request of Senator **TRAHAN** of Lincoln, Reports **READ**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#127)

YEAS: Senators: BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFISKY, GOOLEY, HOBBS, JACKSON, MARRACHE, PERRY, SHERMAN, SIMPSON, SULLIVAN, THE PRESIDENT - ELIZABETH H. MITCHELL

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

ABSENT: Senator: NUTTING

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BRYANT** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-158) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Youth To Fish for Smelt on Worthley Pond" (EMERGENCY)
S.P. 347 L.D. 925
(C "A" S-157; S "A" S-250)

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

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

In Senate, May 28, 2009, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-157) AND SENATE AMENDMENT "A" (S-250)**.

Comes from the House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Senator **BRYANT** of Oxford moved the Senate **ADHERE**.

Senator **TRAHAN** of Lincoln moved the Senate **RECEDE** and **CONCUR**.

On motion by Senator **BRYANT** of Oxford, **TABLED** until Later in Today's Session, pending the motion by Senator **TRAHAN** of Lincoln to **RECEDE** and **CONCUR**.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Raise the Property Tax Exemption for Veterans"
H.P. 60 L.D. 71

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-424)**.

Signed:

Senators:

- PERRY of Penobscot
- BLISS of Cumberland
- NASS of York

Representatives:

- WATSON of Bath
- LANGLEY of Ellsworth
- FLEMINGS of Bar Harbor
- CHASE of Wells
- KNIGHT of Livermore Falls
- SIROIS of Turner

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

Signed:

Representatives:

- BRYANT of Windham
- CROCKETT of Augusta
- PILON of Saco
- VALENTINO of Saco

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-424)**.

Reports **READ**.

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

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

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

Senator **NASS:** Thank you, Madame President. Ladies and gentlemen of the Senate, in the order of full disclosure, this is a bill that was sponsored by Representative Nass. I have some trepidation about standing up on this, other than I have been encouraged to stand up on this. There has been concern about

the veteran's tax exemption for their property, their homes, that was up until a couple of years ago, \$5,000. I hope everyone knows that it gets discounted. If you live in a community where your property taxes are not at 100% valuation, the homestead exemption get discounted by that proportion, whatever is less than 100%. Last session the Taxation Committee and the Appropriations Committee moved that up to \$6,000. This bill originally proposed to raise it another \$1,000. I think there was a plan, hopefully, to get this up to a reasonable amount over a period of time. Don't forget we only reimburse the towns for 50%. Each \$1,000 costs the town \$300,000 to \$400,000, so maybe it's closer to \$400,000. This didn't seem possible at this time. This bill has been amended to just ramp this up at 5%. That is probably a little higher than the CPT, so over time there is hope that this will rise to a more reasonable point, however long that takes. Five percent on \$6,000 gets you up around \$6,300 and even that's going to cost us about \$100,000. That's the essence of this bill and the plan has been scaled down and modified, and I hope we can still move ahead with this. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#128)

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

NAYS: Senators: None

ABSENT: Senator: NUTTING

34 Senators having voted in the affirmative and No Senator having voted in the negative, with 1 Senator being absent, the motion by Senator **PERRY** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-424) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator 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"

S.P. 424 L.D. 1133

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-274)**.

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

READ ONCE.

Committee Amendment "A" (S-274) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Provide for 2 Veteran Service Officer Positions"
H.P. 570 L.D. 834

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-444)**.

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

Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "A" (H-444) **READ** and **ADOPTED**, in **NON-CONCURRENCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED** to Monday, June 1, 2009, at 10:00 in the morning.