

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

In Senate Chamber
Friday
March 26, 2010

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

Prayer by Reverend Karen Munson, Readfield United Methodist
Church.

REVEREND MUNSON: Thank you. Good morning. It's obvious that you've all been hard at work already this morning and that a number of you still are. I serve as a United Methodist in a tradition that deeply values our bodies and all of you serve communities who are very in touch with this physical nature here in the state of Maine. I'm going to ask you to indulge me for a moment, as you have already been hard at work. There is wisdom that can be found in moments of foolishness. I want you to take your arms and just stretch them for a minute and feel that place in between them that is bound to tighten up at some point today. Just become aware of it going into it so that when you feel it tighten up you can stretch those arms and let them relax again. As long as you are at it go ahead and reach it out to your fingers. Some of you have already been writing and typing and grasping and shaking this morning. Why don't you just say thank you to your fingers and to your hands today. They are going to work so very hard, aren't they? As long as we are at it, we might as well travel down and be aware. You are all standing at the moment. Take a deep breath. Do you feel that center of you? Let it be open and relaxed. Let the place that you breathe take a good deep breath. Would you do that for me? Just remember how to do it here at the start of the day. You might as well have another. Every once in a while during the day just stop and sit upright and take that deep breath. That's really good stuff. That's a gift from your Creator. Be aware of how you are going to be sitting today. I know I sound kind of like a Yoga instructor, don't I? You know, when you are twisting around talking or just leaning, be aware of this gift that is your body and how well it's going to serve you today. Say thank you to your feet before you sit down again because they will be working hard for you today. Let us be in a moment of grateful prayer.

Today is the day that the Lord has made. Yesterday is behind us. Tomorrow has not yet come. Today, here, this day is this gift. In this day guide us to set aside what we no longer need from yesterday. In this day help us glimpse what will be possible tomorrow. In this day grant us the will to do what we can today. Surround these servants with images of the particular faces of those they represent. Hold their hearts and minds open to those they do not see but who are deeply affected, both by the results they intend and by those results that will ripple out as surely as the ripples on our melting lakes and ponds. Lord, today hone each member's contribution to this day's work, even as You hold each of them open to new insights and options. As this collection gathers, this body of individual gifted, oddly unique leaders, comes together today may they seek to fit their work together as

a living puzzle with each piece finding the place created by the outlines around it, the opportunities, and the limitations. In doing this day's work, may they honor those who have gone before, call others in their communities to service, and inspire a new generation. In Your Holy presence we pray. Amen.

Reading of the Journal of Thursday, March 25, 2010.

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

Off Record Remarks

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow the Electronic Registration of Big Game Animals" (EMERGENCY)
S.P. 656 L.D. 1723
(C "A" S-421)

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-421)** (2 members)

In Senate, March 25, 2010, on motion by Senator **BRYANT** of Oxford, 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-421)**.

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

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

Joint Resolutions

The following Joint Resolution:

H.P. 1312

**JOINT RESOLUTION RECOGNIZING
MAINE'S CREDIT UNIONS**

WHEREAS, Maine's credit unions are member-owned and member-governed financial cooperatives dedicated and committed to serving the needs of their members and communities. The not-for-profit structure of credit unions provides each member with an equal voice and representation in the operations of the credit union. Serving members in all 16 Maine counties and in every community, Maine's credit unions operate with the primary purpose of benefiting the more than 600,000 Maine consumers who use credit unions; and

WHEREAS, the economic benefit that Maine's credit unions provide to Maine consumers is approximately \$73,000,000 annually, as a result of lower and fewer fees on products and services, lower interest rates on loans and higher interest rates on savings; and

WHEREAS, Maine is once again ranked as the nation's 5th strongest credit union state based on the percentage of population that uses a credit union, a position Maine has held for 9 consecutive years. With more than 600,000 members, credit unions serve nearly one in every 2 Maine residents; and

WHEREAS, the 2,050 full-time and part-time employees of Maine's credit unions and the more than 1,000 unpaid volunteers who serve on credit union boards and committees demonstrate the core credit union values, philosophy and mission of people helping people by contributing to the communities they serve; and

WHEREAS, Maine's credit unions and their members have raised \$3,500,000 to help end hunger in Maine since 1990. One hundred percent of all money that is raised through the Maine Credit Unions' Campaign for Ending Hunger stays in Maine and goes directly to assist thousands of Maine families and individuals who otherwise would go hungry. In addition to contributing thousands of dollars to food pantries in communities across the State, Maine's credit unions also help to provide funds for statewide initiatives to help end hunger, such as being the primary source of funding for the State's only Food Mobile. In partnership with Good Shepherd Food Bank, the Food Mobile has delivered over 1,000,000 pounds of food to food pantries in every Maine county since it began in 2005; and

WHEREAS, the credit union philosophy of people helping people was extended beyond Maine's borders when, in response to the recent 7.0 earthquake that struck Haiti, Maine's credit unions started a special fund-raising campaign, "Maine People Helping People Across The Earth - A Fund For Haiti," to help the millions of people affected by the tragic event; and

WHEREAS, in 2009, Maine's credit unions contributed more than \$1,000,000 to causes including ending hunger and to a number of organizations such as American Red Cross and Special Olympics. Maine's credit unions contributed more than 25,000 hours volunteering for organizations and activities in communities throughout the State, making a significant and positive impact not only on the organizations that received this assistance, but also on the people who were served by and benefited from the services and resources provided; and

WHEREAS, since 1921, Maine's credit unions have been enhancing the lives of thousands of Maine people, who have been helped to financial success and stability. Throughout Maine, credit unions continue to play a vital economic and socially responsible role in the lives of individuals and remain a local, significant and stable presence in the communities they serve; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature, now assembled in the Second Regular Session, take this opportunity to recognize the Maine Credit Union League and Maine's credit unions for their positive contributions and the significant role they have played in the lives of Maine citizens and their communities for more than 89 years. Their service and dedication to this State is a tribute to many of those values and principles that we all hold dear; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Credit Union League and its 66 member credit unions.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 740

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

March 25, 2010

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of Wade D. Kelly of Allagash, for appointment to the Inland Fisheries and Wildlife Advisory Council.

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

YEAS Senators 3 Bryant of Oxford, Jackson of Aroostook, Trahan of Lincoln

Representatives 7 Clark of Millinocket, Briggs of Mexico, Crafts of Lisbon, Davis of Sangerville, Eberle of South Portland, McLeod of Lee, Shaw of Standish

Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 3 Bryant of Oxford, Jackson of Aroostook, Trahan of Lincoln

NAYS 0

Representatives 7 Clark of Millinocket, Briggs of Mexico, Crafts of Lisbon, Davis of Sangerville, Eberle of South Portland, McLeod of Lee, Shaw of Standish

ABSENT 3 Rep. Sarty of Denmark, Rep. Saviello of Wilton, Rep. Wheeler of Kittery

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Wade D. Kelly of Allagash, for appointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

NAYS 0

ABSENT 3 Rep. Sarty of Denmark, Rep. Saviello of Wilton, Rep. Wheeler of Kittery

Signed,

S/Bruce S. Bryant
Senate Chair

S/Herbert E. Clark
House Chair

READ and ORDERED PLACED ON FILE.

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

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Michael J. Witte of New Harbor, for reappointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed,

S/Bruce S. Bryant
Senate Chair

S/Herbert E. Clark
House Chair

READ and ORDERED PLACED ON FILE.

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

Off Record Remarks

The Following Communication: S.C. 742

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

March 25, 2010

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of Michael J. Witte of New Harbor, for reappointment to the Inland Fisheries and Wildlife Advisory Council.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the

The Following Communication: S.C. 741

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

March 25, 2010

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of Alan L. Greenleaf of Old Town, for appointment to the Inland Fisheries and Wildlife Advisory Council.

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

YEAS	Senators	3	Bryant of Oxford, Jackson of Aroostook, Trahan of Lincoln
	Representatives	7	Clark of Millinocket, Briggs of Mexico, Crafts of Lisbon, Davis of Sangerville, Eberle of South Portland, McLeod of Lee, Shaw of Standish
NAYS		0	
ABSENT		3	Rep. Sarty of Denmark, Rep. Saviello of Wilton, Rep. Wheeler of Kittery

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Alan L. Greenleaf of Old Town, for appointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed,

S/Bruce S. Bryant
Senate Chair

S/Herbert E. Clark
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 736

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

March 25, 2010

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of

Honorable Paul F. Jacques of Waterville, for reappointment to the Maine Indian Tribal-State Commission.

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

YEAS	Senators	3	Bliss of Cumberland, Hastings of Oxford, Hobbins of York
	Representatives	9	Priest of Brunswick, Beaulieu of Auburn, Bryant of Windham, Crockett of Bethel, Dill of Cape Elizabeth, Hill of York, Kruger of Thomaston, Nass of Acton, Stevens of Bangor
NAYS		0	
ABSENT		1	Rep. Cleary of Houlton

NAYS

ABSENT

Rep. Mitchell of Penobscot Nation does not support the Committee's recommendation.

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Paul F. Jacques of Waterville, for reappointment to the Maine Indian Tribal-State Commission be confirmed.

Signed,

S/Lawrence S. Bliss
Senate Chair

S/Charles R. Priest
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 737

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

March 25, 2010

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

Dear Madame President:

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

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

YEAS	Senators	3	Bliss of Cumberland, Hastings of Oxford, Hobbins of York
	Representatives	9	Priest of Brunswick, Beaulieu of Auburn, Bryant of Windham, Cleary of Houlton, Crockett of Bethel, Dill of Cape Elizabeth, Kruger of Thomaston, Nass of Acton, Stevens of Bangor
NAYS		0	
ABSENT		1	Rep. Hill of York

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

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Dr. H. Roy Partridge of Scarborough, for appointment to the Maine Indian Tribal-State Commission be confirmed.

Signed,

S/Lawrence S. Bliss
Senate Chair

S/Charles R. Priest
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 738

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

March 25, 2010

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

Dear Madame President:

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

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

YEAS	Senators	3	Bliss of Cumberland, Hastings of Oxford, Hobbins of York
	Representatives	9	Priest of Brunswick, Beaulieu of Auburn, Bryant of Windham, Crockett of Bethel, Dill of Cape Elizabeth, Hill of York, Kruger of Thomaston, Nass of Acton, Stevens of Bangor
NAYS		0	
ABSENT		1	Rep. Cleary of Houlton

NAYS 0

ABSENT 1 Rep. Cleary of Houlton

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

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Cushman D. Anthony of North Yarmouth, for appointment to the Maine Indian Tribal-State Commission be confirmed.

Signed,

S/Lawrence S. Bliss
Senate Chair

S/Charles R. Priest
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 739

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

March 25, 2010

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

Dear Madame President:

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

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

YEAS	Senators	3	Bliss of Cumberland, Hastings of Oxford, Hobbins of York
	Representatives	9	Priest of Brunswick, Beaulieu of Auburn, Bryant of Windham, Crockett of Bethel, Dill of Cape Elizabeth, Hill of York, Kruger of Thomaston, Nass of Acton, Stevens of Bangor

NAYS 0

ABSENT 1 Rep. Cleary of Houlton

Rep. Mitchell of Penobscot Nation was absent.

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Paul G. Thibeault of East Machias, for appointment to the Maine Indian Tribal-State Commission be confirmed.

Signed,

S/Lawrence S. Bliss
Senate Chair

S/Charles R. Priest
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 735

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

March 24, 2010

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Marine Resources has had under consideration the nomination of Sean Mahoney of Falmouth, for appointment to the Marine Resources Advisory Council.

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

YEAS	Senators	3	Damon of Hancock, Rector of Knox, Sullivan of York
	Representatives	9	Percy of Phippsburg, Eaton of Sullivan, Kruger of Thomaston, MacDonald of Boothbay, McKane of Newcastle, Pendleton of Scarborough, Prescott of Topsham, Tilton of Harrington, Weaver of York

NAYS 0

ABSENT 1 Rep. Adams of Portland

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Sean Mahoney of Falmouth, for appointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Dennis S. Damon
Senate Chair

S/Leila J. Percy
House Chair

READ and ORDERED PLACED ON FILE.

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

ORDERS

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Align the Duties of School Boards Concerning Student Safety with the Requirements of the Federal Gun-Free Schools Act and To Prohibit the Discharge of Firearms within 500 Feet of Public and Private School Properties"
H.P. 1206 L.D. 1705

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-769)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-769)**.

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

READ ONCE.

Committee Amendment "A" (H-769) **READ** and **ADOPTED**, in concurrence.

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 License Home Building and Improvement Contractors"
H.P. 215 L.D. 272

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

Signed:

Senators:
SCHNEIDER of Penobscot
SULLIVAN of York
RECTOR of Knox

Representatives:
AUSTIN of Gray
PRESCOTT of Topsham
GILES of Belfast
COHEN of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-760)**.

Signed:

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

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-760)**.

Reports **READ**.

Senator **SCHNEIDER** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Exempt Certain Necessary School Auxiliary Buildings for New Heating Systems from Referendum Requirements" (EMERGENCY)
H.P. 1300 L.D. 1820

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
WAGNER of Lewiston
LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram
RICHARDSON of Carmel
JOHNSON of Greenville

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

Signed:

Representatives:

CASAVANT of Biddeford
McFADDEN of Dennysville

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.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Make Maine's Laws Consistent with the Federal Family Smoking Prevention and Tobacco Control Act" H.P. 1086 L.D. 1542

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-776)**.

Signed:

Senators:

BRANNIGAN of Cumberland
MARRACHÉ of Kennebec
MILLS of Somerset

Representatives:

PERRY of Calais
PETERSON of Rumford
JONES of Mount Vernon
SANBORN of Gorham
STRANG BURGESS of Cumberland
STUCKEY of Portland
EVES of North Berwick

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

Signed:

Representatives:

JOY of Crystal
CAMPBELL of Newfield
LEWIN of Eliot

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended** Report.)

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-776)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-776) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Create the Children's Wireless Protection Act"

H.P. 1207 L.D. 1706

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

Signed:

Senator:

MILLS of Somerset

Representatives:

PERRY of Calais
PETERSON of Rumford
JONES of Mount Vernon
SANBORN of Gorham
JOY of Crystal
CAMPBELL of Newfield
LEWIN of Eliot

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-741)**.

Signed:

Senators:

BRANNIGAN of Cumberland
MARRACHÉ of Kennebec

Representatives:

STRANG BURGESS of Cumberland
STUCKEY of Portland
EVES of North Berwick

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought To Pass as Amended** Report.)

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

Reports **READ**.

Senator **BRANNIGAN** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-741)** Report, in **NON-CONCURRENCE**.

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

Senator **BRANNIGAN:** Thank you, Madame President. Men and women of the Senate, this is the cell phone bill that you might have heard something about. Wireless protection for children. The reason that the Minority has put this out is that it has changed dramatically. Originally the bill called for labels, rather graphic labels, to be put on cell phones with the children's normal brain, if there is such a thing as a child's normal brain, and the children's brains having had this type of experience with cell phones. We felt the testimony was very passionate. There were people here from all over the country. We heard from people all over the country. We even had a scientist from Germany. It's a national/international discussion that is going on. What we felt, and under direction from our Dr. Mills, was that there just was not enough science yet or enough evidence yet to do something as dramatic as to put labels on the cell phone itself. The bill wanted labels on the cell phones. It wanted labels on the packaging. We thought it was serious enough to present what we were talking about to the other Body and the Senate. I don't know whether you noticed, or was able to read, a piece that was passed out a day or two ago, but the print is so fine you can hardly read it. This comes out of one of the instruction books. This was for the i-Phone 3G. All of these phones now have these kinds of warnings within their packaging, but very insignificant, although quite a paragraph here. I'll just read a little bit of it. 'This i-Phone's SAR measurement may exceed the FCC exposure guidelines for body-worn operation if positioned less than 15 mm', about 5/8 of an inch, 'from the body.' Later it says if you really want to be careful you'll have it further from the body. In other words, if you want to have your phone out like this you are probably pretty safe. Of course you can't hear anything. You notice I carry mine in my pocket. At my age you don't hear about breast cancer. This is an issue from people who have had relatives with tumors who truly believe that they were exacerbated or caused by the cell phone that they held for many years. These are people who probably got on to these pretty early. The worry is that if there is some radiation that is going to hurt it's going to hurt young people who now have been using cell phones for quite some time. We did joke a little bit about the fact that more texting is going on now and maybe the bigger worry is tendonitis in the thumbs. We'll worry about that later. I leave the science up to our doctor in other Body who is also on the report with me. We just wanted to bring it out. Wanted to talk about it. The other Body has taken care of things, but we don't talk about what happens in the other Body. I hope you will vote as you see fit and remember this kind of warning and remember cigarettes. There were warnings by some people years ago, terribly and hard fought, by the manufacturers. The manufacturers are fighting this warning too. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Marraché.

Senator **MARRACHÉ:** Thank you, Madame President. Men and women of the Senate, I am actually on the same side as my

colleague, the Senator from Cumberland, Senator Brannigan. I am because we radically changed the bill. The bill really doesn't do half of what the sponsor had hoped for. All it does is direct there to be more information gathering and to just educate the public. It's already in their booklets. There's nothing wrong with improving the information that's out there and making it readable and easy to get to. We've been told they are updating the website. That's a great move and I think that's important. What you have on your desk as well, I passed out a two pager from the Science and Public Policy Institute. If you look on the last page it says, underlined, that there are a series of appellate court decisions, in both Federal and State courts, including a decision by the United States Supreme Court refusing to grant censure in a petition brought by the cell phone industry to bar state court actions for cell phone dangers against the industry and has directed that the states should address the issues of cell phone safety on their own. This is all this seeks to do. We haven't done anything other than to ask that there be more information and to present that to the people in the state of Maine. 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 Chair recognizes the Senator from Cumberland, Senator Bliss.

Senator **BLISS:** Thank you, Madame President. Men and women of the Senate, I don't really know what to make of this. I'm old enough, as many of you are, to remember that you used to actually have to dial that big black telephone at home and if somebody wanted to reach you, and you didn't happen to be at home, they just had to wait. If you needed to make a call, and you weren't at home, you just had to wait. Things are really different now. I do know that there is one thing that we should never be afraid of in this Body and that is asking for more research. That's really what the Minority Report does now. It did away with the stickers. It did away with the scare tactics. It did away with all of the threats and all of the dire consequences. It says to the Federal government that the State of Maine wants to know what's going on and we want them to do some more research. I don't think there is anything wrong with that. I think that's a good thing. I think that's the kind of thing that Maine should lead the way in. I urge you to support the Minority Report. Thank you, Madame President.

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

Senator **MILLS:** Thank you, Madame President. Men and women of the Senate, I rise in vigorous opposition to the pending motion. The reason is, quite bluntly, that most of the people that are promoting this dubious cause are not scientists at all. We had a parade of people that came in front of us who kept calling themselves doctors. They weren't doctors of anything that had anything of any relevance to the cell phone industry or to electronics. The kind of stuff that is being promoted as science in support of this scare deserves to be put back under the rock from which it came. There is a lot of research going on at the federal level. This sort of thing is under constant review and analysis but there is no scientific evidence at this juncture to prove, or even to suggest, that using a cell phone is going to cause brain cancer. It

just doesn't connect. There has been study after study on this and there is no support for it but there are some people out there who have allowed themselves to become completely obsessed, to a degree that I can't even begin to describe to you, that these things are the next cigarette scare, that this is solidimide over again, or something looming on the horizon and there is something evil and mysterious going on that is emanating from your cell phone every time you use it. They are groping to get government somehow involved in their cause to give it the legitimacy that it totally lacks in the scientific community. They are desperate to the point where they have handed out a flyer where they record a number of actions that have been taken by governments across the world where they have somehow convinced states or countries, as they are now trying to convince this legislature, to dignify their cause by passing any piece of paper that might give legitimacy to their arguments. Well they made the mistake of handing out a briefing book called The Campaign for Safer Cell Phones. It's got the picture of a six-year-old blond girls holding up a cell phone and looking very worried about her future. On page 8 there is a report that was made by the Human Services Committee outlining action taken by the State of Maine in the United States. Its says that in 2009 an emergency bill requiring warning labels on cell phones unanimously passed a committee of the Maine State Legislature. The proposed bill provided that a manufacturer, 'May not sell at retail in this state, or to a retailer in this state, a cellular telephone unless,' and goes on to describe a packaging and warning label system. It goes on to say that a violation of this provision is a violation of the Maine Unfair Trade Practices. It has a copy of the sticker. This is a complete fiction. We never took any such action. Indeed, when the bill was presented to us just a few weeks ago, there was anything but unanimity on the issue. They are capable, apparently, of completely fictionalizing legislative activity, to say nothing of science, and presenting it as fact. The federal government, the FCC, the CDC, and all these people that we pay large sums of money to to do scientific research have concluded that there is absolutely nothing behind this assertion about cell phones. Yes, of course it deserves to be monitored like all of the other risks that we encounter from day to day in our society. I think there is a risk somehow that maybe one of those lights up in the ceiling may fall down and bonk one of us on the head. Are we going to put a warning label up there saying 'Warning, Don't Stand Under the Light'? We can't burden our society with all sorts of false warnings. If you go to a real estate closing, and have the stack of paper in front of you that the government has compelled us all to sign off on, warning about all sorts of things that may happen to us as we go through the transaction, does anybody even look at them, let alone read them? Is it the idea that we should now ask the Center for Disease Control in Maine to embark on an educational campaign that they themselves don't believe in, but we're going to compel them to conduct the educational campaign anyways and teach false science just because we, the legislature, declare that they should? We should follow the good guidance from the other Body and reject the pending motion. Thank you, Madame President.

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **BRANNIGAN** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-741)** Report, in **NON-CONCURRENCE**. (Roll Call Ordered)

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (3/24/10) Assigned matter:

JOINT ORDER - Expression of Legislative Sentiment
Recognizing Michael A. Morrison

SLS 414

Tabled - March 24, 2010, by Senator **RAYE** of Washington

Pending - motion by Senator **PLOWMAN** of Penobscot to **PASS**

(In Senate, March 24, 2010, **READ**.)

READ.

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

Senator **PLOWMAN:** Thank you, Madame President. Men and women of the Senate, I'd like to recognize my constituent, Warden Mike Morrison of Charleston. Charleston is a little town on the other side of my district but it continues to put out all kinds of incredible people who I get to recognize. I want to share a quote that I think might have been helpful in getting this award. Sergeant Bill Chandler, who nominated Warden Morrison, said, 'During his career Mike has proven to have an uncanny ability to be in the right place at the right time.' As a parent I know very well that that is something that you really cannot underestimate, the ability to be at the right place at the right time. Much of Mike's success, he says, in catching the intentional violator is due to his uncanny ability. I guess, with his daughter and his grandson, he may be able to continue that at home too. I appreciate that you are here. I appreciate what you've done and I know that you did a lot to work on the poaching in that area and some of the work that I've done in the past has been in that area as well when I worked for the U.S. Attorney's Office. It's very difficult and can be very dangerous. We appreciate what you do. Thank you.

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

Senator **RAYE:** Thank you, Madame President. Men and women of the Senate, some of my happiest childhood memories are of time spent with my uncle and my cousins in Greenville where my uncle was a game warden. He had four children; three sons and a daughter. One of them is Michael Morrison, my cousin. In my family we are very proud of Michael and the distinguished career that he has had and the honor that he has had bestowed upon him by the Warden Service. It was so great to read the reaction of his colleagues, the other wardens, when his honor was announced. There was a murmur of approval

because this guy deserves it. It was such a pleasure for my uncle, who is now 79 years old, and who has long since retired from years as a game warden, to be there on that day to see his son honored in this fashion. I just wanted to rise to add my voice to the Senator from Penobscot, Senator Plowman's and to tell you what a pleasure it is on behalf of our entire family to have Michael recognized in this way and how glad we are to have him, Tammy, Heather, and Kaiden and their friends the Preble's with us today.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Michael Morrison of Charleston, Game Warden of the Year. Accompanied by his wife, Tammy; his daughter, Heather Whitten; and his grandson, Kaiden; and friends Dave and Virginia Preble. He's the guest of the Senator from Penobscot, Senator Plowman, and the cousin of the Senator from Washington, Senator Raye. Would he please stand and accept the congratulations of the Maine Senate.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require Insurance Companies To Cover the Cost of Prosthetics"

H.P. 15 L.D. 20

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-748).**

Signed:

Senators:

BOWMAN of York
ALFOND of Cumberland

Representatives:

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

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

Signed:

Senator:

McCORMICK of Kennebec

Representative:

RICHARDSON of Warren

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-748).**

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-748) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require Private Insurance Coverage for Certain Services for Children with Disabilities"
H.P. 313 L.D. 425

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-663).**

Signed:

Senators:

BOWMAN of York
ALFOND of Cumberland

Representatives:

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

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

Signed:

Senator:

McCORMICK of Kennebec

Representatives:

WEAVER of York
RICHARDSON of Warren

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-663)**.

Reports **READ**.

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Senate

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Exempt the Town of Hermon from the School Administrative Unit Consolidation Law" (EMERGENCY)

S.P. 686 L.D. 1782

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-465)**.

Signed:

Representatives:

- RICHARDSON of Carmel
- McFADDEN of Dennysville
- JOHNSON of Greenville

Reports **READ**.

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

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

Senator **PERRY:** Thank you, Madame President. Ladies and gentlemen of the Senate, I'd like to tell you just a few things about this bill. It is a bill I sponsored having to do with school consolidation, as you can all see from the title. I represent both Bangor and Hermon here in the State Senate. School consolidation has been an issue that I wasn't that closely related to as far as the areas I represent because Bangor was already at a size and performance level, as far as efficiency, so they weren't really included in a lot of the obligations of school consolidation. Hermon, on the other hand, had been receiving students from their neighboring towns for 50 years or more and it looked like we had a natural fit for Hermon to consolidate with Levant and Carmel. As they got into it we found that Hermon was kind of isolated, not in the way some rural parts of Maine or islands here in Maine are, but kind of more economically isolated. Hermon, who neighbors Bangor, was in the Bangor labor market. The two other towns they were looking to consolidate with, the next towns over, were not in the Bangor labor market. They were in a much lower labor market. By bringing these towns together it was going to drive up costs for everyone. That is just some of the problem. They have tried to find a way to make it work. There are not a lot of available partners there. They are still committed to moving forward and making this work. It's cheaper to take the penalty than to consolidate in a fashion that does not work. I'm hoping that as we move forward we can find alternatives for them because I am realistic about what the result of this bill is likely to be. In fact, I'm not even going to request a roll call. I just wanted you to know a little bit about what's going on in Hermon. They are trying. It's just not a good fit out there for them. Thank you.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Prevent the Spread of H1N1" (EMERGENCY)

S.P. 630 L.D. 1665

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

Signed:

Senators:

- JACKSON of Aroostook
- GERZOFKY of Cumberland
- MILLS of Somerset

Representatives:

CLARK of Millinocket
THIBODEAU of Winterport
HAMPER of Oxford
TUTTLE of Sanford
CUSHING of Hampden
BICKFORD of Auburn
DRISCOLL of Westbrook

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-470)**.

Signed:

Representatives:

BLODGETT of Augusta
BUTTERFIELD of Bangor
GILBERT of Jay

Reports **READ**.

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

Sent down for concurrence.

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

SECOND READERS

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

House

Resolve, To Review and Update the Telecommunications Taxation Laws

H.P. 1306 L.D. 1823

READ A SECOND TIME.

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

House As Amended

Bill "An Act To Prevent the Spread of Invasive Plants and Protect Maine's Lakes" (EMERGENCY)

H.P. 1090 L.D. 1548
(H "A" H-757 to C "A" H-724)

Bill "An Act To Establish a Broadband Policy for Maine" (EMERGENCY)

H.P. 1174 L.D. 1646
(C "A" H-685)

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

Bill "An Act To Improve Employment Opportunities for Maine Workers in the Forest Industry"

H.P. 1094 L.D. 1552
(C "A" H-738; H "B" H-779)

READ A SECOND TIME.

Senator **COURTNEY** of York moved to **TABLE** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

On motion by Senator **JACKSON** of Aroostook, 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 (#361)

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

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

EXCUSED: Senator: ROSEN

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **COURTNEY** of York to **TABLE** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence, **FAILED**.

PASSED TO BE ENGROSSED AS AMENDED, in concurrence.

Resolve, To Review Sales of Dairy Products

H.P. 1249 L.D. 1755
(S "A" S-468 to C "A" H-716)

Bill "An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Records of Public Proceedings"

H.P. 1279 L.D. 1791
(S "A" S-476 to C "A" H-734)

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

Sent down for concurrence.

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

Senate As Amended

Bill "An Act To Create a Saltwater Recreational Fishing Registry"
S.P. 516 L.D. 1432
(S "C" S-479 to C "C" S-464)

Bill "An Act To Amend the Laws Governing County Jail Budgeting for York County"
S.P. 668 L.D. 1745
(C "A" S-461)

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

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Amend the Laws Governing the Somerset County Budget Procedure

H.P. 1061 L.D. 1512
(C "B" H-640)

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

Emergency Measure

An Act To Regulate the Transportation of Firewood

H.P. 1135 L.D. 1607
(S "A" S-442 to C "A" H-667)

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

Senator **GOOLEY:** Thank you, Madame President. I understand that this is going to pass. At least I hope it's going to. This is a very important piece of legislation for us to pass because firewood could be a real problem for us here in Maine, especially imported firewood from out-of-state. I know the good Senator from Androscoggin did speak about this legislation earlier this week, I believe it was, and mentioned about the insects that are a problem outside this state. We need to prevent them from coming into the state. I know the good Senator from Androscoggin mentioned the Hemlock Woolly Adelgid. That is one insect that is in Maine and needs to be controlled. It's not very prevalent in Maine. There are two insects that are really involved, or could be, with the importation of firewood from out-of-state. I put information in your mailboxes on these two insects. One is the Asian Longhorn Beetle and the other is the Emerald Ash Borer. Both of these insects are not found in Maine as of yet but they could come into Maine on firewood that is being imported into Maine by campers coming in during the Summer. There are two areas outside of Maine, especially where the Asian Longhorn Beetle is. One is Worcester, Massachusetts. In Worcester, Massachusetts the Asian Longhorn Beetle was found a couple of years ago. Since then they have lost over 20,000 shade trees in Worcester, Massachusetts. There is a large area, I can't remember if it's 28 square miles within Worcester that is quarantined. It's a real problem down there. Worcester, Massachusetts is not that far from Maine. It is a real primary concern and I just wanted you to be informed about these, especially these two insects. This summer, if you are looking at firewood that may be coming in from outside the state, the legislation says that is outlawed right now. Thank you.

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

Senator **JACKSON:** Thank you, Madame President. Ladies and gentlemen of the Senate, I couldn't agree more with the Senator's speech. I think that we have to be aware of all things foreign and look at it and see if it's good for this state, as with other legislation we are dealing with. On this one I couldn't agree more.

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

Senator **GOOLEY:** Thank you, Madame President. Did the good Senator from Aroostook mean bonded labor? I wasn't sure.

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

Emergency Measure

An Act Regarding Community-based Renewable Energy
H.P. 1197 L.D. 1696
(C "A" H-730)

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

Emergency Resolve

Resolve, To Clarify the Reporting of Debt Service Costs and the Allowance of Minor Capital School Improvement Projects Costs under Essential Programs and Services
H.P. 1187 L.D. 1686
(S "A" S-437 to C "A" H-660)

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 348: Poultry Slaughter and Processing with Grower/Producer Exemption, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources
H.P. 1255 L.D. 1765
(C "A" H-728)

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 2: Standards for Qualifications of Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services
H.P. 1283 L.D. 1795

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

**Pursuant to Constitution
Public Land**

Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands and the Department of Inland Fisheries and Wildlife
H.P. 1291 L.D. 1803
(C "A" H-723)

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

Acts

An Act To Strengthen the Laws against Cruelty to Animals
S.P. 605 L.D. 1598
(C "A" S-419)

An Act To Update the Laws Affecting the Department of Health and Human Services, Division of Licensing and Regulatory Services
H.P. 1189 L.D. 1688
(C "A" H-744)

An Act Containing the Recommendations of the Criminal Law Advisory Commission
H.P. 1277 L.D. 1789
(C "A" H-742)

An Act To Implement the Recommendations of the Working Group To Study Landlord and Tenant Issues
H.P. 1278 L.D. 1790
(C "A" H-719; H "A" H-743)

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

Resolve

Resolve, Regarding Commercial Electricity Customers Whose Bills Increased after a Decrease in Electricity Use
H.P. 1119 L.D. 1581
(H "A" H-739 to C "A" H-700)

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

ORDERS OF THE DAY

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

NOMINATION - of Wade D. Kelly of Allagash for appointment to the Inland Fisheries and Wildlife Advisory Council

Tabled - March 26, 2010, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 26, 2010, Communication (S.C. 740) from the Committee on **INLAND FISHERIES AND WILDLIFE, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INLAND FISHERIES AND WILDLIFE** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#362)

YEAS: Senators: None

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

EXCUSED: Senator: ROSEN

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Wade D. Kelly** of Allagash for appointment to the Inland Fisheries and Wildlife Advisory Council was **CONFIRMED**.

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

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

NOMINATION - of Michael J. Witte of New Harbor for reappointment to the Inland Fisheries and Wildlife Advisory Council

Tabled - March 26, 2010, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 26, 2010, Communication (S.C. 742) from the Committee on **INLAND FISHERIES AND WILDLIFE, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INLAND FISHERIES AND WILDLIFE** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#363)

YEAS: Senators: None

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

EXCUSED: Senator: ROSEN

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Michael J. Witte** of New Harbor for reappointment to the Inland Fisheries and Wildlife Advisory Council was **CONFIRMED**.

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

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

NOMINATION - of Alan L. Greenleaf of Old Town for appointment to the Inland Fisheries and Wildlife Advisory Council

Tabled - March 26, 2010, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 26, 2010, Communication (S.C. 741) from the Committee on **INLAND FISHERIES AND WILDLIFE, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INLAND FISHERIES AND WILDLIFE** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#364)

YEAS: Senators: None

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

EXCUSED: Senator: ROSEN

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Alan L. Greenleaf** of Old Town for appointment to the Inland Fisheries and Wildlife Advisory Council was **CONFIRMED**.

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

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

NOMINATION - of the Honorable Paul F. Jacques of Waterville for reappointment to the Maine Indian Tribal-State Commission

Tabled - March 26, 2010, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 26, 2010, Communication (S.C. 736) from the Committee on **JUDICIARY, READ and ORDERED PLACED ON FILE.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#365)

YEAS: Senators: None

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

EXCUSED: Senator: ROSEN

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Paul F. Jacques** of Waterville for reappointment to the Maine Indian Tribal-State Commission was **CONFIRMED**.

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

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

NOMINATION - of Dr. H. Roy Partridge of Scarborough for appointment to the Maine Indian Tribal-State Commission

Tabled - March 26, 2010, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 26, 2010, Communication (S.C. 737) from the Committee on **JUDICIARY, READ and ORDERED PLACED ON FILE.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#366)

YEAS: Senators: None

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

EXCUSED: Senator: ROSEN

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Dr. H. Roy Partridge** of Scarborough for appointment to the Maine Indian Tribal-State Commission was **CONFIRMED**.

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

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

NOMINATION - of the Honorable Cushman D. Anthony of North Yarmouth for appointment to the Maine Indian Tribal-State Commission

Tabled - March 26, 2010, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 26, 2010, Communication (S.C. 738) from the Committee on **JUDICIARY, READ** and **ORDERED PLACED ON FILE.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#367)

YEAS: Senator: SHERMAN

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

EXCUSED: Senator: ROSEN

1 Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being excused, and 1 being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Cushman D. Anthony** of North Yarmouth for appointment to the Maine Indian Tribal-State Commission was **CONFIRMED**.

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

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

NOMINATION - of Paul G. Thibeault of East Machias for appointment to the Maine Indian Tribal-State Commission

Tabled - March 26, 2010, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 26, 2010, Communication (S.C. 739) from the Committee on **JUDICIARY, READ** and **ORDERED PLACED ON FILE.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#368)

YEAS: Senators: None

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

EXCUSED: Senator: ROSEN

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Paul G. Thibeault** of East Machias for appointment to the Maine Indian Tribal-State Commission was **CONFIRMED**.

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

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

NOMINATION - of Sean Mahoney of Falmouth for appointment to the Marine Resources Advisory Council

Tabled - March 26, 2010, by Senator **BARTLETT** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 26, 2010, Communication (S.C. 735) from the Committee on **MARINE RESOURCES, READ and ORDERED PLACED ON FILE.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#369)

YEAS: Senators: None

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

EXCUSED: Senator: ROSEN

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Sean Mahoney** of Falmouth for appointment to the Marine Resources Advisory Council was **CONFIRMED**.

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

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Create the Children's Wireless Protection Act"

H.P. 1207 L.D. 1706

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-741)** (5 members)

Tabled - March 26, 2010, by Senator **BARTLETT** of Cumberland

Pending - motion by Senator **BRANNIGAN** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-741)** Report, in **NON-CONCURRENCE** (Roll Call Ordered)

(In House, March 25, 2010, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, March 26, 2010, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#370)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BRANNIGAN, BRYANT, CRAVEN, DAMON, DAVIS, GERZOFKY, JACKSON, MARRACHE, NUTTING, PERRY, SULLIVAN

NAYS: Senators: BOWMAN, COURTNEY, DIAMOND, GOODALL, GOOLEY, HASTINGS, HOBBS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, RECTOR, SCHNEIDER, SHERMAN, SIMPSON, SMITH, TRAHAN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL

EXCUSED: Senator: ROSEN

14 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BRANNIGAN** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-741)** Report, in **NON-CONCURRENCE, FAILED.**

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow the Electronic Registration of Big Game Animals" (EMERGENCY)
S.P. 656 L.D. 1723
(C "A" S-421)

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-421)** (2 members)

Tabled - March 26, 2010, by Senator **BARTLETT** of Cumberland

Pending - **FURTHER CONSIDERATION**

(In Senate, March 25, 2010, on motion by Senator **BRYANT** of Oxford, 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-421).**)

(In House, March 25, 2010, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE.**)

On motion by Senator **BRYANT** of Oxford, the Senate **ADHERED.**

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (3/22/10) Assigned matter:

Bill "An Act To Clarify Safety Requirements in Acadia National Park"

S.P. 666 L.D. 1737
(C "A" S-424)

Tabled - March 22, 2010, by Senator **RAYE** of Washington

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-424)**

(In Senate, March 22, 2010, **READ A SECOND TIME AND PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-424).** On motion by Senator **RAYE** of Washington, **RECONSIDERED.**)

On motion by Senator **RAYE** of Washington, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-424).

On further motion by same Senator, Senate Amendment "A" (S-459) to Committee Amendment "A" (S-424) **READ.**

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

Senator **RAYE:** Thank you, Madame President. This amendment is a technical correction to clarify some inoperable wording that was contained in the Committee Amendment. It makes it clear that it will be a Class E crime if there is a violation with respect to an unconcealed firearm and a Class D crime if there is a violation with respect to a concealed weapon. The previous language made it appear that somebody could be in violation of the law if it related to one of the exceptions. We just thought that should be clarified.

On motion by Senator **RAYE** of Washington, Senate Amendment "A" (S-459) to Committee Amendment "A" (S-424) **ADOPTED.**

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 (#371)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BRANNIGAN, CRAVEN, DAVIS, DIAMOND, GERZOFKY, GOODALL, GOOLEY, HASTINGS, HOBBS, MARRACHE, MCCORMICK, MILLS, NASS, NUTTING, PERRY, RAYE, RECTOR, SCHNEIDER, SHERMAN, SIMPSON, SMITH, SULLIVAN, TRAHAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: BOWMAN, BRYANT, COURTNEY, DAMON, PLOWMAN, WESTON

ABSENT: Senator: JACKSON

EXCUSED: Senator: ROSEN

27 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, Committee Amendment "A" (S-424) as Amended by Senate Amendment "A" (S-459) thereto, **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-424) AS AMENDED BY SENATE AMENDMENT "A" (S-459) thereto.

Ordered sent down forthwith for concurrence.

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

Resolve, To Review and Update the Telecommunications Taxation Laws

H.P. 1306 L.D. 1823

Tabled - March 26, 2010, by Senator **BARTLETT** of Cumberland Pending - **PASSAGE TO BE ENGROSSED**, in concurrence

(In House, March 24, 2010, **PASSED TO BE ENGROSSED**.)

(In Senate, March 26, 2010, **READ A SECOND TIME**.)

On motion by Senator **PERRY** of Penobscot, Senate Amendment "A" (S-484) **READ**.

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

Senator **PERRY:** Thank you, Madame President. Ladies and gentlemen of the Senate, just as a brief explanation. This is another amendment that just strips out a report back of a bill. It will simply be a report back. Thank you.

On motion by Senator **PERRY** of Penobscot, Senate Amendment "A" (S-484) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-484), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

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

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

Off Record Remarks

Senator **TRAHAN** of Lincoln was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator **BARTLETT** of Cumberland, **RECESSED** until 1:00 in the afternoon.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Amend the Waste Motor Oil Disposal Site Remediation Program"

H.P. 1314 L.D. 1827

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

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure Fairness in Penalties for Administrative Errors in the Long-term Care Assessment Process" (EMERGENCY)
H.P. 1056 L.D. 1507

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-782)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-782)**.

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

READ ONCE.

Committee Amendment "A" (H-782) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Allow Electronic Filing of Vital Records and Closing of Records To Guard against Fraud and Make Other Changes to the Vital Records Laws"

H.P. 1271 L.D. 1781

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-783)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-783)**.

Report **READ**.

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

Senator **RAYE:** Thank you, Madame President. I know that I have received a number of phone calls and e-mails regarding this legislation, L.D. 1781, from people who conduct genealogical research, concerned that this is putting new limits and also perhaps making documents that have been available to them unavailable to them for as long as 100 years. I wondered if I could pose a question through the Chair to anybody who may wish to answer it and address those concerns?

THE PRESIDENT: The Senator from Washington, Senator Raye poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **HASTINGS:** Thank you, Madame President. Ladies and gentlemen of the Senate, this being an issue that was at least considered by the Judiciary Committee in connection with the requirement that any proposed new exception to the Freedom of Access Law come to our committee for consideration. Our excellent analyst has done a very detailed study of this and has come to the conclusion that if anything this bill may even slightly open access to public records. I think there has been a lot of misinformation about this, so I'll tell you briefly what our analyst has come up with. Under the current law, the law requires or establishes a general restriction that limits access to individually identifiable data, elements of vital records, to those persons who can demonstrate to the department's satisfaction a direct and legitimate interest in the subject matter. That is the current law and it is not being changed. What the current law does with respect to the vital records is two things. First, the current law allows the person, and the attorney or agent for that person, who is the subject of the record access to the entire record. The bill expands that list to include spouses, domestic partners, descendants, parents, and guardians. Second, the bill provides records are public records open to everyone after 100 years. That does not exist now. As was mentioned above, the current law authorizes access to vital records to anyone with a direct or legitimate interest in the matter recorded. That has been handled by department rules which are not going to change in any way what so ever. Probably the section of the rule that has caused the most consternation is the existing rule which says that inspection may be had by those individuals conducting health, medical, and social research, including those in governmental agencies. I think the department has considered genealogical individuals making those studies as being under social research. Based on our analyst's investigation, the department has no intention whatsoever to change those rules or their application of the rule, so although I certainly love having fun with more exceptions to confidentiality, this one does not do that and I think I can speak for the committee that this is the case.

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

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

THE PRESIDENT: The Senator may pose his question.

Senator **RAYE**: Thank you, Madame President. To anybody who can answer it, I would like to know if there is anything in this legislation that could be interpreted by those who promulgate rules at the Department of Health and Human Services as creating a new requirement for people who conduct genealogical research? I know a number of such people and I am not aware, as I stand here today, that they were required to have registered or to have some kind of card to document that they are, in fact, genealogists. I'm just wondering if we could be, through this legislation, imposing a new requirement on those who conduct that research?

THE PRESIDENT: The Senator from Washington, Senator Raye poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator **BRANNIGAN**: Thank you, Madame President. Men and women of the Senate, there has been a lot of consternation among those who do this kind of work or hobby. As has just been said, not only has the wonderful analyst from Judiciary, but the more wonderful, almost more wonderful, analyst of our committee has looked at this. Everybody kept saying, the AG kept saying, everybody kept saying there is no change with what we were doing. If there had been a change, we were talking about the registration. I think that's where that comes up. She, in looking it over and reading it over and over, said, 'You know, there is a little prohibition here.' It's always been here. Nobody just really saw it before. She has fixed that and the Judiciary Committee has put their stamp of approval. That's why the analyst for the Judiciary Committee can say it's even a little better for those folks than it was. As far as I know, they don't have to be specially registered.

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

Senator **RAYE**: Thank you, Madame President. Just a point of clarification. Was that a no?

THE PRESIDENT: The Senator from Washington, Senator Raye poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator **BRANNIGAN**: Thank you, Madame President. No. Yes, that is a no.

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-783) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Regarding Authority over and Oversight of Certified Nursing Assistant Educational Programs" H.P. 1205 L.D. 1704

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-736).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-736) AS AMENDED BY HOUSE AMENDMENT "A" (H-781)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-736) **READ.**

House Amendment "A" (H-781) to Committee Amendment "A" (H-736) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-736) as Amended by House Amendment "A" (H-781) 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 Measure

An Act Regarding the Laws Governing Data Collection and Marketing Practices Directed at Minors

S.P. 649 L.D. 1677
(C "A" S-427)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Strengthen Collection of Unredeemed Beverage Container Deposits

H.P. 1263 L.D. 1774
(C "A" H-717)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 881: Fees; Chemical Use in Children's Products, a Major Substantive Rule of the Department of Environmental Protection

H.P. 1284 L.D. 1796
(C "A" H-740)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 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.

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 37: Voluntary Municipal Farm Support Program, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources

H.P. 1296 L.D. 1812

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 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:

Mandate

An Act To Avoid Unnecessary Removal of Land from the Maine Tree Growth Tax Law Program

H.P. 1163 L.D. 1635
(C "A" H-751)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Encourage the Use of Models in the Collection and Use of Student Achievement Data" (EMERGENCY)

S.P. 704 L.D. 1799

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-483)**.

Signed:

Senators:

ALFOND of Cumberland
SCHNEIDER of Penobscot
WESTON of Waldo

Representatives:

SUTHERLAND of Chapman
CASAVANT of Biddeford
WAGNER of Lewiston
LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram
RICHARDSON of Carmel
JOHNSON of Greenville

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

Signed:

Representative:

FINCH of Fairfield

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-483) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Implement the Recommendations of the Advisory Council on Health Systems Development Relating to Payment Reform"

S.P. 735 L.D. 1819

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-485)**.

Signed:

Senators:

BOWMAN of York
ALFOND of Cumberland
McCORMICK of Kennebec

Representatives:

TREAT of Hallowell
GOODE of Bangor
RICHARDSON of Warren
LEGG of Kennebunk

WEAVER of York
MORRISON of South Portland
BECK of Waterville
BEAUDOIN of Biddeford
PRIEST of Brunswick

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-486)**.

Signed:

Representative:

FOSEL of Alna

Reports **READ**.

On motion by Senator **BOWMAN** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-485)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-485) **READ** and **ADOPTED**.

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:

Acts

An Act To Improve Oversight of Pharmaceutical Purchasing
H.P. 940 L.D. 1339
(C "A" H-693)

An Act Regarding Document Fees at County Registries of Deeds
H.P. 1096 L.D. 1554
(S "A" S-449 to C "A" H-669)

An Act To Protect Health Care Consumers from Catastrophic Debt
H.P. 1148 L.D. 1620
(C "A" H-664)

An Act To Clarify the Enforcement Role of the Mixed Martial Arts Authority of Maine
H.P. 1186 L.D. 1685
(C "A" H-753)

An Act To Expand the Opportunity for Persons To Acquire Health Care Coverage under the State's "Mini-COBRA" Program
H.P. 1209 L.D. 1708
(C "A" H-747)

An Act To Improve Dental Insurance Coverage for Maine Children
S.P. 680 L.D. 1773
(C "A" S-431)

An Act To Implement the Recommendations of the Right To
Know Advisory Committee Concerning Public Records
Exceptions

H.P. 1280 L.D. 1792
(C "A" H-750)

An Act To Implement Recommendations Concerning Domestic
Violence and Parental Rights and Responsibilities
H.P. 1298 L.D. 1814

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 Increase Maine's High School Graduation Rates
S.P. 623 L.D. 1658
(C "A" S-429)

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

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

ENACTORS

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

Resolves

Resolve, To Create a Working Group To Review the Property Tax
Exemption for Veterans

H.P. 60 L.D. 71
(S "A" S-439 to C "B" H-644)

Resolve, To Promote Efficiency and To Streamline Access to the
Circuitbreaker Program Application Process

H.P. 1063 L.D. 1514
(S "A" S-440)

Resolve, Directing the Maine Human Rights Commission to
Report on Improvements

H.P. 1081 L.D. 1537
(S "A" S-457 to C "A" H-662)

Resolve, Directing the Commissioner of Professional and
Financial Regulation To Study the Complaint Resolution Process
H.P. 1136 L.D. 1608
(S "A" S-438 to C "A" H-658)

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Support the Dairy Industry"
H.P. 1316 L.D. 1829

Committee on **AGRICULTURE, CONSERVATION AND
FORESTRY** suggested and ordered printed.

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

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

Ordered sent forthwith to the Engrossing Division.

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

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Public Law

The Committee on **UTILITIES AND ENERGY** on Resolve,
Regarding Emergency Communications Services (EMERGENCY)
H.P. 1315 L.D. 1828

Reported that the same **Ought to Pass**, pursuant to Public Law
2009, chapter 219, section 4.

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

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

READ ONCE.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE
DAY.**

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To License Home Building and Improvement Contractors"
H.P. 215 L.D. 272

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-760)** (6 members)

Tabled - March 26, 2010, by Senator **SCHNEIDER** of Penobscot

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

(In House, March 25, 2010, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-760)**.)

(In Senate, March 26, 2010, Reports **READ**.)

On motion by Senator **SCHNEIDER** of Penobscot, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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

HOUSE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require Private Insurance Coverage for Certain Services for Children with Disabilities"
H.P. 313 L.D. 425

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-663)** (10 members)

Minority - **Ought Not To Pass** (3 members)

Tabled - March 26, 2010, by Senator **BOWMAN** of York

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

(In House, March 25, 2010, 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-663)**.)

(In Senate, March 26, 2010, Reports **READ**.)

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

Senator **BOWMAN:** Thank you, Madame President. This bill, L.D. 425, requires individual group health insurance policies and all HMOs to provide coverage for the critical early intervention services, that is critical meaning birth to 3 is vitally important not only in this bill but in many others that you have heard before. I don't think I need to go into that criticality. This requires that after referral from a primary care provider for children birth to 3 years, if the child has a developmental disability described under the Federal IDEA, which is the Individual With Disabilities Education Act, it limits coverage to \$3,200 per year times three, or \$9,600 at the end of age 3. It shifts funding from MaineCare to insurance premiums, thereby saving state taxpayers some money. The impact on the premium is 18¢ per member per month. Let's take an example; 3 people in the family, 3 times 18 is 54¢ per family per month times 12 is about \$6.50 per family per year. Nine other states have similar laws, including most of the New England states. They are New Hampshire, Massachusetts, Connecticut, and Rhode Island. I would urge you to vote to pass L.D. 425. Thank you.

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

READ ONCE.

Committee Amendment "A" (H-663) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (3/25/10) Assigned matter:

Bill "An Act To Strengthen the Ballot Initiative Process"
S.P. 662 L.D. 1730
(C "A" S-443)

Tabled - March 25, 2010, by Senator **COURTNEY** of York

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-443)**

(In Senate, March 23, 2010, **READ A SECOND TIME**.)

On motion by Senator **SULLIVAN** of York, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-443).

On further motion by same Senator, Senate Amendment "B" (S-481) to Committee Amendment "A" (S-443) **READ**.

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

Senator **SULLIVAN:** Thank you, Madame President. Men and women of the Senate, this removes the fiscal note to the bill. It is something we thought we had done but we actually had done the exact opposite. It is only for those petitions that are questionable by the city or town clerk that's looking at it that they needed to be copied. It would avoid some of the things we've had happen before in Leeds and other places. Thank you.

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

Senator **TRAHAN:** Thank you, Madame President. This language, as currently in this amendment, was in a previous amendment that I had, so I would hope that the chamber would support it without too long of a debate and roll call even. I just wanted to say that I'm in support of the amendment.

On motion by Senator **SULLIVAN** of York, Senate Amendment "B" (S-481) to Committee Amendment "A" (S-443) **ADOPTED**.

On motion by Senator **TRAHAN** of Lincoln, Senate Amendment "C" (S-487) to Committee Amendment "A" (S-443) **READ**.

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

Senator **TRAHAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, prior to the debate that we are having today I purposed an amendment to this legislation. I hoped to improve it. You remember my testimony from the debate earlier. I just have some concerns with certain elements of the amendment. I presented that amendment to leadership on the other side of the aisle and there was some confusion on what was in that amendment. What I did was, in order to get rid of that confusion, I separated out the things that were contentious with the things that we seemed to have in agreement. That is the amendment that is before you. What this amendment would do, and I think why it is important, is that as we adopt the unique identifier for each petition I think that may be helpful to both the Secretary of State and people on both sides of these issues. Unfortunately, the way that the bill is drafted it would require a unique identifier on both the top and bottom of every page of a petition. A petition could be ten pages long and that wouldn't be unusual. It would require a signature gatherer to put a unique identifier at the top and bottom of, let's say, a ten page document twenty times. They may have 100 petitions. That would mean that they would have to do this 2,000 times. It would be very cumbersome. I don't think it's necessary. I think the unique identifier should be only on the pages that hold signatures and that is what this amendment would do. I don't believe we need a unique identifier on a number of pages of nothing but the bill itself or the explanation of the bill. There is no real reason to do that. That is one thing that it would do. The second thing that it would do is, under this current amendment you would have to have your petitions notarized before turning them in to be certified. This

would just require the registrar or the clerk, if it hasn't been done, to give it back to the people when they turn it in. That way it wouldn't put any responsibility on the clerks to do anything other than that. I believe that these two items were agreeable and were oversights, at least that was the way it was described by leadership and the chair of the committee. I'm hoping that we can support this amendment.

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

Senator **SULLIVAN:** Thank you, Madame President. It is true that originally, through some confusion and the heat of the time, these two things were agreed with but there were other things that totally were out of the issue of fraud and we did not want them. With the understanding of the sponsor of this one, I would ask this Body to accept this amendment and move on.

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

Senator **NUTTING:** Thank you, Madame President. Permission to pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **NUTTING:** Thank you, Madame President. When I read the front of S-487 it looks agreeable to me as a sponsor of the bill. However, my question is, when I read, as I just did a few seconds ago, the fiscal note on page 3 the fiscal note says that this amendment removes the requirement for the businesses that are running a paid signature gathering effort to register with the Secretary of State. That wasn't agreed to. Maybe I'm reading this wrong, but my question I'm posing is what is the real meaning of what is stated in this fiscal note section? That's very alarming to me. Thank you.

THE PRESIDENT: The Senator from Androscoggin, Senator Nutting poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN:** Thank you, Madame President. Certainly that is not my intent. If you would just table this for a few minutes I will make sure.

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **TRAHAN** of Lincoln to **ADOPT** Senate Amendment "C" (S-487) to Committee Amendment "A" (S-443).

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Support Collection and Proper Disposal of Unwanted Drugs"

H.P. 557 L.D. 821

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-625)** (8 members)

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

In House, March 17, 2010, 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-625)**.

In Senate, March 25, 2010, the Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

On motion by Senator **BRANNIGAN** of Cumberland, the Senate **ADHERED**.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

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

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

After Recess

Senate called to order by the President.

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

ENACTORS

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

Act

An Act To Improve Employment Opportunities for Maine Workers in the Forest Industry

H.P. 1094 L.D. 1552
(C "A" H-738; H "B" H-779)

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

Senator **NASS:** Thank you, Madame President. Ladies and gentlemen of the Senate, after last night's debate I just got more and more concerned about what we've done. I just can't imagine we're tying the bonded labor dispute, and it's been ongoing and I'm sympathetic and all that, to Tree Growth. I don't understand and if I can, Madame President, pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **NASS:** Thank you, Madame President. I don't understand how we can use a State tax program, which is Tree Growth, to punish an individual entity or other corporation, which is largely the landowners, for participating in a legal federal program. What are we creating here, I guess is my question, Madame President.

THE PRESIDENT: The Senator from York, Senator Nass poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Bartlett.

Senator **BARTLETT:** Thank you, Madame President. There are many federal laws in place that allow people to do all sorts of things. It doesn't require the State of Maine to give a tax incentive to support it. The purpose of the State of Maine providing tax incentives, which is a shift in resources from other taxpayers in the state of Maine to those individuals, is to promote things that we think are worthy of it, that we think have strong economic value, that may create jobs, or may have other value to the state as a whole. When the landowner is bringing in labor from another country, giving them advantages over our own people when we have 900 plus loggers looking for work, the State of Maine has no responsibility to extend tax benefits to support that effort. It doesn't help the people of Maine. We should limit our tax programs, our tax exemptions, and the resources we are putting into those to businesses that are helping support Maine people. That's what this is about. 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 PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Gooley.

Senator **GOOLEY:** Thank you, Madame President. A very short response to the previous remark about the Tree Growth Tax law. The Tree Growth Tax law is not preferential treatment. It is treatment for current use. Current use in those forests up north, that's all they are ever going to be is growing trees. It's for current use. It's not preferential treatment. Thank you.

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

Senator **NASS:** Thank you, Madame President. Again, I'd like to pose another question through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **NASS:** Thank you, Madame President. First, just a brief statement. In the beginning Tree Growth, for especially the large landowners, was not voluntary. They were forced into it. Again, understanding that and the fact that almost every year the rules of the game have changed for Tree Growth. God knows they struggled down in the Taxation Committee to satisfy the various elements of this. We continue to change the rules to the detriment of the program. It's our biggest conservation program. We keep changing the rules. Those people who are in it, and those people who were forced into it, have no way to get out except by paying a huge penalty. My question, I guess, is that there is no place for them to go without a huge financial penalty so what are we to tell these folks when they can't comply, financially, except by paying huge, significant penalties? What options do they have? Thank you.

THE PRESIDENT: The Senator from York, Senator Nass poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you, Madame President. Ladies and gentlemen of the Senate, I would say hire Maine people.

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

Senator **SULLIVAN:** Thank you, Madame President. May I pose a question?

THE PRESIDENT: The Senator may pose her question.

Senator **SULLIVAN:** Thank you, Madame President. It is my understanding, and I need to know if it is correct or not, that if these people from Canada are laid off they collect United States unemployment.

THE PRESIDENT: The Senator from York, Senator Sullivan poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you, Madame President. Ladies and gentlemen of the Senate, it is true that currently bonded labor is allowed to file for unemployment at the end of the season and receive it even though they are in Quebec or New Brunswick and the Maine Department of Labor has no ability to track if they are working or what they are doing. The Maine Department of Labor has no ability to know. It's also part of the issue that when you sign the unemployment card, the very first question on it there is that you are saying that you are available and willing to work every day of the period that you're asking for the unemployment for. I would think that one of the ways that you would be available

is if you would be allowed to be in the country, in the United States. During that time your bond has run out, so you have no legal ability to be in Maine or the United States during the period that most people draw unemployment. Mud season. Up until the State of Maine has allowed that to happen. We have another bill coming that will restrict that. Last year \$500,000 in unemployment benefits were taken out of the Unemployment Trust Fund but the employers that were employing the bonded workers had only paid in \$200,000 to the Trust Fund. The extra \$300,000 was picked up by the other Maine employers in the State of Maine. They basically paid for the unemployment of these foreign workers. Obviously next week sometime we'll take that issue up, but they can have unemployment currently and I'm sure, coming up here, many of them will be taking advantage of that.

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

Senator **SHERMAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, I don't know how many people have land in Tree Growth. I have some land in Tree Growth. The original purpose of this was to make sure that the land was not subdivided and sold, among other things. I don't have very much in it, but when I'm sitting here listening to some of this conversation I get irritated. Maybe that's for a show of hands. How many other people are in Tree Growth? There was an amnesty a few years ago about getting out of Tree Growth. They would pay big bucks to get out of it. I happened to buy some land from my brother. He was smarter than I was to get out of Tree Growth. When I first came down here I can remember going up on the 4th floor and people were hectoring about Tree Growth then. What bothered me was, because I was in Tree Growth, I kept hearing 'Our land, our land' because we had a dollar bill or two dollar bills in there, whatever it may have been. I looked into getting out last year. I sat down and figured back taxes with some inflated value. In some ways I ought to sell it for what I could. I don't want to do that. Some of it is a place where house lots could be. We keep it for a small family business. We do sell some material off it. When I hear that the State has interest, that's how State programs grow. All of a sudden they start out in one track and end up in another. They are using this now as a punishment. I wish I had a tape recorder of all those things I've heard over the last ten years. It's just another way to get at individuals, I think. In terms of the big landowners, some of those folks I've bumped into over the years. We used to have a number of lumber contractors in the Houlton area. Guys that really had a few million dollars in their checkbooks who now have been squeezed out for a number of reasons. Some of them are still in business. When talking to them about getting out of Tree Growth, in some areas if you are in the middle of a huge forest, Tree Growth doesn't amount to much. The big taxes are down on the coast with all of those \$2.5 million homes down there. You take a piece of property and put it in Tree Growth you know it's never going to be cut or used for anything. Again, we're putting a broad brush across the state. We're using Tree Growth in a way that is a punishment. It was never intended to be that. It didn't take too long to morph into that. This is another one of those sad conversations we have about people having very short memories about what the intent was of certain things when they got started. Thank you for listening.

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

Senator **MILLS:** Thank you, Madame President. Men and women of the Senate, by way of further answer to the question posed earlier, in order to qualify for unemployment benefits you have to work, I believe, in two consecutive quarters. I think it is not common for bonded labor to qualify for unemployment, although some of them obviously do. The second thing is that we had a bill in the committee where we were unanimous, as I recall, in our view that the unemployment law ought to be amended. Indeed there will be that opportunity in a bill that will be presented to the legislature next week. I think that is the appropriate place to deal with that separate issue. Certainly the Tree Growth Law shouldn't be used to remedy a problem in the unemployment law.

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

Senator **SCHNEIDER:** Thank you, Madame President. Men and women of the Senate, the way the businessman in my Senate district, who is in this business, looked at this is as a choice versus some sort of a punishment and that people would now have to make that choice about whether or not they hired bonded labor or were in Tree Growth. Thank you.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#372)

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

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

ABSENT: Senator: BLISS

EXCUSED: Senators: ROSEN, SMITH

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent and 2 Senators being excused, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Act

An Act To Create a Saltwater Recreational Fishing Registry
S.P. 516 L.D. 1432
(S "C" S-479 to C "C" S-464)

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Laws Governing the Maine Health Data Processing Center and the Maine Health Data Organization"
H.P. 1088 L.D. 1544

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-787).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-787).**

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

READ ONCE.

Committee Amendment "A" (H-787) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 Strengthen the Ballot Initiative Process"
S.P. 662 L.D. 1730

Tabled - March 26, 2010, by Senator **BARTLETT** of Cumberland

Pending - motion by Senator **TRAHAN** of Lincoln to **ADOPT** Senate Amendment "C" (S-487) to Committee Amendment "A" (S-443)

(In Senate, March 26, 2010, on motion by Senator **SULLIVAN** of York, **RULES SUSPENDED. RECONSIDERED ADOPTION** of Committee Amendment "A" (S-443). On motion by Senator **SULLIVAN** of York, Senate Amendment "B" (S-481) to Committee Amendment "A" (S-443) **READ** and **ADOPTED**. On motion by Senator **TRAHAN** of Lincoln, Senate Amendment "C" (S-487) to Committee Amendment "A" (S-443) **READ**.)

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

Senator **SULLIVAN:** Thank you, Madame President. I will simply reiterate, I would like to see us voting on, as we have done with Committee Amendment "A", Senate Amendment "B", and Senate Amendment "C". I am in agreement. The fiscal note was a mistake. I would like us to continue and allow this to go maybe even under the hammer. That would be beautiful.

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

Senator **TRAHAN:** Thank you, Madame President. Members of the Senate, I would also like to put on the record that it was not my intention and it was only a mistake. This is obviously something I support so I am hoping it does go under the hammer. I would also like to say, to the good Senator who picked it up, good pick up and certainly I'll be very careful in the future when you are involved. Thank you.

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 have seen the new fiscal note and my pulse rate has lowered quite a bit from what it was.

On motion by Senator **TRAHAN** of Lincoln, Senate Amendment "C" (S-487) to Committee Amendment "A" (S-443) **ADOPTED**.

Committee Amendment "A" (S-433) as Amended by Senate Amendments "B" (S-481) and "C" (S-487) thereto, **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-433) AS AMENDED BY SENATE AMENDMENTS "B" (S-481) AND "C" (S-487) thereto.

Sent down for concurrence.

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

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED** to Monday, March 29, 2010, at 10:00 in the morning.