

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

In Senate Chamber  
Tuesday  
May 12, 2009

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

Prayer by Senator Elizabeth M. Schneider of Penobscot County.

**SENATOR SCHNEIDER:** Good morning. Last week was a difficult week for me, as I'm sure some of you have difficult weeks, and Friday was especially challenging. As I drove home, it was about 8ish at night by the time I got in my car and left Augusta to travel back to Orono, there was the most spectacular moon on my trip home. I thought, 'That is a gift from God, absolutely.' You may notice on your desks there are rocks. Though you might be tempted to throw those at times, that's not what they are for. A friend had said he felt old. I was on a beach with another friend and we looked at these rocks. They were making these incredible noises with the tide and the waves as they were being rolled over and over. They were spectacular, the gurgling sound and the tide. Another gift from God. I wanted to share that with you. Of course they conjure up all sorts of metaphors and things, so I would ask you to reflect on those various metaphors. Last week we were all passionate, I think. That's why we're here, because we care so deeply about what we are doing for the people of the state of Maine. Sometimes we get so passionate that we get carried away and we do things that perhaps maybe if we were a little bit more calm we wouldn't do. Sometimes the hardest words are those words 'I'm sorry'. I'm going to say 'I'm sorry' for those times when maybe I carry my passion a bit too far, but I'm very glad to be one of your colleagues. I feel extremely blessed to be with you today.

This is by O. Eugene Pickett, this particular prayer, and I found it to be very soothing. For expanding grandeur of creation, worlds known and unknown, galaxies beyond galaxies, filling us with awe and challenging our imaginations. We give thanks this day for this fragile planet, its times and tides, its sunsets and seasons. We give thanks this day for the joy of human life, its wonders and surprises, its hopes and achievements. We give thanks this day for our human community, our common past and future hope, our oneness, transcending all separation, our capacity to work for peace and justice in the midst of hostility and oppression. We give thanks this day for high hopes and noble causes, for faith without fanaticism, for understanding our views not shared. We give thanks this day for all who have labored and suffered for a fairer world, who have lived so that others might live in dignity and freedom. We give thanks this day for human liberty and sacred rights, for opportunities to change and grow, to affirm and choose. We give thanks this day. We pray that we may live not by our fears but by our hopes, not by our words but by our deeds.

Pledge of Allegiance led by Senator Troy D. Jackson of Aroostook County.

Reading of the Journal of Thursday, May 7, 2009.

Doctor of the day, Dr. Richard Kappelmann, MD of Auburn.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act To Reduce Misuse of Woodlands by the Public"  
H.P. 370 L.D. 525  
(S "A" S-78 to C "A" H-62)

In House, April 14, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-62).**

In Senate, May 6, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-62) AS AMENDED BY SENATE AMENDMENT "A" (S-78)** thereto, in **NON-CONCURRENCE.**

Comes from the House, Bill and accompanying papers **COMMITTED** to the Committee on **INLAND FISHERIES AND WILDLIFE**, in **NON-CONCURRENCE.**

Senator **BRYANT** of Oxford moved the Senate **INSIST** and **ASK FOR A COMMITTEE OF CONFERENCE.**

Senator **RAYE** of Washington moved the Senate **RECEDE** and **CONCUR.**

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

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

**Non-Concurrent Matter**

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Allow Noninvasive Testing of Infants for the Presence of Drugs without a Parent's Consent"  
S.P. 214 L.D. 599

Majority - **Ought to Pass** (9 members)

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

In Senate, April 29, 2009, on motion by Senator **BRANNIGAN** of Cumberland, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

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

Sent down for concurrence.

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**Joint Order**

The following Joint Order:

H.P. 1030

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal and Veterans Affairs shall report out a bill concerning the central voter registration system.

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

**READ** and **PASSED**, in concurrence.

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**COMMUNICATIONS**

The Following Communication: S.P. 555

**STATE OF MAINE  
124<sup>TH</sup> MAINE LEGISLATURE**

May 8, 2009

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

Dear Senator Jackson and Representative Tuttle:

Please be advised that Governor John E. Baldacci has nominated Daniel Lawson of Monroe for appointment to the Maine Workers' Compensation board.

Pursuant to Title 39-A M.R.S.A. §151 (1), this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell  
President of the Senate

S/Hannah M. Pingree  
Speaker of the House

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

Sent down for concurrence.

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The Following Communication: S.P. 556

**STATE OF MAINE  
124<sup>TH</sup> MAINE LEGISLATURE**

May 11, 2009

Sen. Justin L. Alfond  
Senate Chair, Joint Standing Committee on Education and Cultural Affairs  
Rep. Patricia B. Sutherland  
House Chair, Joint Standing Committee on Education and Cultural Affairs  
124<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Senator Alfond and Representative Sutherland:

Please be advised that Governor John E. Baldacci has nominated the following to the State Board of Education:

Jeffrey Vermette of Windham, appointment  
Steven Pound of Little Moose Township, appointment  
Lynda Doyle of Durham, appointment  
Nancy Perkins of Cornish, appointment  
James Carignan of Harpswell, reappointment

Pursuant to Title 20-A M.R.S.A. §401 (1), these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell  
President of the Senate

S/Hannah M. Pingree  
Speaker of the House

**READ** and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent down for concurrence.

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The Following Communication: S.P. 557

**STATE OF MAINE  
124<sup>TH</sup> MAINE LEGISLATURE**

May 11, 2009

Sen. Dennis S. Damon  
Senate Chair, Joint Standing Committee on Marine Resources  
Rep. Leila J. Percy  
House Chair, Joint Standing Committee on Marine Resources  
124<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Senator Damon and Representative Percy:

Please be advised that Governor John E. Baldacci has nominated the following to the Marine Resources Advisory Council:

James Markos of Blue Hill, appointment  
Sean Mahoney of Portland, appointment  
Fiona de Koning of Bar Harbor, appointment  
Vincent Balzano of Saco, reappointment  
Tim Harper of Southwest Harbor, reappointment  
Glen Libby of Tenants Harbor, reappointment

Pursuant to Title 12 M.R.S.A. §6024 (1-A), these nominations will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell  
President of the Senate

S/Hannah M. Pingree  
Speaker of the House

**READ and REFERRED** to the Committee on **MARINE RESOURCES**.

Sent down for concurrence.

The Following Communication: S.C. 312

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

April 15, 2009

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

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Sophia L. Wilson of Dover-Foxcroft, for appointment to the Workers' Compensation Board.

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

YEAS	Senators	2	Jackson of Aroostook, Gerzofsky of Cumberland
	Representatives	8	Tuttle of Sanford, Bickford of Auburn, Blodgett of Augusta, Clark of Millinocket, Cushing of Hampden, Driscoll of Westbrook, Gilbert of Jay, Hamper of Oxford
NAYS		1	Butterfield of Bangor
ABSENT		2	Sen. Mills of Somerset, Rep. Thibodeau of Winterport

Ten members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Sophia L. Wilson of Dover-Foxcroft, for appointment to the Workers' Compensation Board be confirmed.

Signed,

S/Troy D. Jackson  
Senate Chair

S/John L. Tuttle Jr.  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

The Following Communication: S.C. 313

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

May 6, 2009

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

Dear President Mitchell and Speaker Pingree,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Rep. Cain of Orono, to report the following bill Leave to Withdraw:

L.D. 999 An Act To Streamline the Evaluation of Economic Development Programs

Sincerely,

S/Sen. Elizabeth M. Schneider Senate Chair

S/Rep. Nancy E. Smith House Chair

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

The Following Communication: S.C. 314

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

May 4, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 358 Resolve, Requiring the Department of Education To Amend Rules Relating to School Construction

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

Sincerely,

S/Sen. Justin L. Alfond  
Senate Chair

S/Rep. Patricia B. Sutherland  
House Chair

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

The Following Communication: S.C. 315

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

May 6, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 1097 An Act To Improve Alternative Organizational Structures by Requiring the Department of Education To Provide Them with Estimated Allocations

L.D. 1129 An Act To Permit Efficient School Districts To Opt Out of Consolidation (EMERGENCY)

L.D. 1141 An Act To Add a Member from Castine to the Board of Trustees of the Maine Maritime Academy

L.D. 1203 An Act To Allow Certain School Units To Reorganize without Meeting Minimum Student Population Requirements without Being Penalized (EMERGENCY)

L.D. 1336 An Act To Preserve School Choice Rights (EMERGENCY)

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

Sincerely,

S/Sen. Justin L. Alfond  
Senate Chair

S/Rep. Patricia B. Sutherland  
House Chair

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

The Following Communication: S.C. 316

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

May 5, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 603     An Act To Create Recreational Access to the Unorganized Territories

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

Sincerely,

S/Sen. Bruce S. Bryant  
Senate Chair

S/Rep. Herbert E. Clark  
House Chair

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

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The Following Communication:     S.C. 317

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

May 5, 2009

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

Dear President Mitchell and Speaker Pingree:

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

- L.D. 1118     An Act To Expand Rights for Maine Families
- L.D. 1209     An Act Regarding the Consent of Minors To Receive Substance Abuse and Mental Health Treatment
- L.D. 1216     An Act To Strengthen the Kinship Preference in Child Welfare Residential Placement

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

Sincerely,

S/Sen. Lawrence S. Bliss  
Senate Chair

S/Rep. Charles R. Priest  
House Chair

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

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The Following Communication:     S.C. 318

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

May 6, 2009

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

Dear President Mitchell and Speaker Pingree:

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

- L.D. 1188     An Act To Clarify Child Protection Proceedings
- L.D. 1192     An Act To Change the Statute of Limitations for Health Care Practitioners

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

Sincerely,

S/Sen. Lawrence S. Bliss  
Senate Chair

S/Rep. Charles R. Priest  
House Chair

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

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The Following Communication:     S.C. 319

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

May 5, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 639 An Act Regarding the Computation of Workers' Compensation Rates Based on Past Claims

L.D. 869 An Act To Require the Development of Plans To Achieve the Payment of Livable Wages by State and Local Government Employers

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

Sincerely,

S/Sen. Troy D. Jackson  
Senate Chair

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

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

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The Following Communication: S.C. 320

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

May 5, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 1032 An Act To Ensure That Maine's Electronic Waste Collection and Recycling System Is Self-funded

L.D. 1282 An Act To Protect and Enhance Maine Marine Fisheries

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

Sincerely,

S/Sen. Seth A. Goodall  
Senate Chair

S/Rep. Robert S. Duchesne  
House Chair

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

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The Following Communication: S.C. 321

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

May 6, 2009

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

Dear President Mitchell and Speaker Pingree:

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

L.D. 837 An Act To Protect Maine's Groundwater

L.D. 1267 An Act To Establish a Groundwater Withdrawal Program and To Recognize Groundwater as a Public Trust Resource

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

Sincerely,

S/Sen. Seth A. Goodall  
Senate Chair

S/Rep. Robert S. Duchesne  
House Chair

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

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The Following Communication: S.C. 322

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

May 5, 2009

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

Dear President Mitchell and Speaker Pingree:

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

- L.D. 744 An Act To Allow a Tax Credit for Tuition Paid to Private Schools
- L.D. 1217 An Act To Provide an Income Tax Credit for Property Tax Relief
- L.D. 1251 An Act To Reduce the Cost of Permitting of Business Development
- L.D. 1252 An Act To Create the Maine Fishery Infrastructure Tax Credit
- L.D. 1385 An Act To Create an Energy Conservation Measures Tax Credit

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

Sincerely,

S/Sen. Joseph C. Perry  
Senate Chair

S/Rep. Thomas R. Watson  
House Chair

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

The Following Communication: S.C. 323

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

April 30, 2009

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

Dear President Mitchell and Speaker Pingree:

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

- L.D. 334 An Act To Clarify the So-called Dig Safe Law

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

Sincerely,

S/Sen. Barry J. Hobbins  
Senate Chair

S/Rep. Jon Hinck  
House Chair

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

The Following Communication: S.C. 324

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

May 6, 2009

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

Dear President Mitchell and Speaker Pingree:

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

- L.D. 597 An Act To Amend the Laws Governing Public Safety Answering Points

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

Sincerely,

S/Sen. Barry J. Hobbins  
Senate Chair

S/Rep. Jon Hinck  
House Chair

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

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**SENATE PAPERS**

Bill "An Act Relating to Biomass Gasification"  
S.P. 554 L.D. 1479

Presented by Senator GOODALL of Sagadahoc. (GOVERNOR'S BILL)

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

Sent down for concurrence.

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

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Exempt Snowmobiles Operated at Demonstration Events from the Requirement of a Maine Registration"  
H.P. 452 L.D. 638

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-234).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-234).**

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

**READ ONCE.**

Committee Amendment "A" (H-234) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Require a Moose Permit Lottery for Residents Who Have Never Had a Moose Permit"

H.P. 560 L.D. 824

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-235).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-235).**

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

**READ ONCE.**

Committee Amendment "A" (H-235) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **NATURAL RESOURCES** on Bill "An Act To Institute Voluntary Emissions Standards for Outdoor Wood Boilers"

H.P. 810 L.D. 1171

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-228).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-228).**

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

**READ ONCE.**

Committee Amendment "A" (H-228) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Establish the Maine Broadband Commission" (EMERGENCY)

H.P. 700 L.D. 1012

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-229).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-229).**

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

**READ ONCE.**

Committee Amendment "A" (H-229) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Facilitate the Marketing of Power Produced by Small Generators"  
H.P. 769 L.D. 1114

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-226).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-226).**

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

**READ ONCE.**

Committee Amendment "A" (H-226) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Provide Grants to Public Educational and Municipal Entities for Feasibility Studies of Renewable Energy Projects"  
H.P. 949 L.D. 1348

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-227).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-227).**

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

**READ ONCE.**

Committee Amendment "A" (H-227) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Implement Certain Recommendations of the Report of the Governor's Task Force on Expanding Access to Oral Health Care for Maine People

H.P. 438 L.D. 624

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-206).**

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  
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:

Senators:  
BRANNIGAN of Cumberland  
MARRACHÉ of Kennebec

Representative:  
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 Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-206).**

Reports **READ.**

On motion by Senator **MARRACHÉ** of Kennebec, Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**, in **NON-CONCURRENCE.**

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Ensure Adequate Insurance Coverage for Family Child Care Providers"

H.P. 614 L.D. 896

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-214)**.

Signed:

Senators:

- BOWMAN of York
- ALFOND of Cumberland
- McCORMICK of Kennebec

Representatives:

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

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

Signed:

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-214)**.

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-214) **READ** and **ADOPTED**, in concurrence.

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

---

**Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Regarding Grassroots Lobbying"  
H.P. 246 L.D. 310

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-208)**.

Signed:

Senators:

- SULLIVAN of York
- GOODALL of Sagadahoc

Representatives:

- CORNELL du HOUX of Brunswick
- VALENTINO of Saco
- TRINWARD of Waterville
- TUTTLE of Sanford
- CAREY of Lewiston
- RUSSELL of Portland

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

Signed:

Senator:

- PLOWMAN of Penobscot

Representatives:

- BEAULIEU of Auburn
- PINKHAM of Lexington Township
- FITTS of Pittsfield
- NASS of Acton

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-208)**.

Reports **READ**.

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

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

On motion by Senator **GOODALL** of Sagadahoc, **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. (Roll Call Ordered)

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**Divided Report**

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Allow Lobster License Exemptions to Persons with Certain Medical Criteria"

H.P. 697 L.D. 1009

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-217)**.

Signed:

Senators:

DAMON of Hancock  
SULLIVAN of York

Representatives:

MacDONALD of Boothbay  
PRESCOTT of Topsham  
PENDLETON of Scarborough  
WEAVER of York  
PERCY of Phippsburg  
EATON of Sullivan  
TILTON of Harrington  
ADAMS of Portland

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

Signed:

Senator:

RECTOR of Knox

Representatives:

McKANE of Newcastle  
KRUGER of Thomaston

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-217)**.

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (H-217) **READ** and **ADOPTED**, in concurrence.

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

---

**Divided Report**

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Make Certain Changes to the Laws Regarding E-9-1-1 Surcharge Collection from Prepaid Wireless and Voice over Internet Protocol Providers"

H.P. 540 L.D. 789

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

Signed:

Senators:

HOBBINS of York  
BOWMAN of York

Representatives:

BLANCHARD of Old Town  
DOSTIE of Sabattus  
FLAHERTY of Scarborough  
HINCK of Portland  
FLETCHER of Winslow  
FITTS of Pittsfield  
WAGNER of Lyman  
VAN WIE of New Gloucester

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-202)**.

Signed:

Senator:

SHERMAN of Aroostook

Representatives:

THIBODEAU of Winterport  
ADAMS of Portland

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

Reports **READ**.

Senator **HOBBINS** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **RAYE** of Washington, **TABLED** until Later in Today's Session, pending the motion by Senator **HOBBINS** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

---

**Senate**

**Ought to Pass**

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Eliminate the Repeal Date on Nonhospital Expenditures in the Capital Investment Fund" (EMERGENCY)

S.P. 80 L.D. 239

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

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

**READ ONCE**.

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

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Clarify the Law Regarding the Passing of School Buses by Bicyclists"

S.P. 422 L.D. 1131

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

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

**READ ONCE**.

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

---

**Ought to Pass As Amended**

Senator SCHNEIDER for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Promote Cost-effective and Broad-based Vision Care for Maine Citizens by Clarifying the Scope of Prescription Authority by an Optometrist"

S.P. 258 L.D. 683

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-147)**.

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

**READ ONCE**.

Committee Amendment "A" (S-147) **READ** and **ADOPTED**.

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

---

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Recognize Maine Youth Camps"

S.P. 182 L.D. 479

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-148)**.

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

**READ ONCE**.

Committee Amendment "A" (S-148) **READ** and **ADOPTED**.

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

---

Senator BRANNIGAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide Transparency Concerning Operating Expenses for Hospitals"

S.P. 273 L.D. 724

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-149)**.

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

**READ ONCE**.

Committee Amendment "A" (S-149) **READ** and **ADOPTED**.

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

---

Senator PERRY for the Committee on **TAXATION** on Bill "An Act To Encourage Clean Fuel Vehicle Economic and Infrastructure Development by Extending the Tax Credit" (EMERGENCY)

S.P. 307 L.D. 799

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-143)**.

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

**READ ONCE**.

Committee Amendment "A" (S-143) **READ** and **ADOPTED**.

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

---

Senator PERRY for the Committee on **TAXATION** on Bill "An Act To Capitalize the Municipal Investment Trust Fund with Municipal Revenue-sharing Resources"

S.P. 316 L.D. 808

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-144)**.

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

**READ ONCE**.

Committee Amendment "A" (S-144) **READ** and **ADOPTED**.

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

---

Senator PERRY for the Committee on **TAXATION** on Resolve, To Establish a Study Commission To Review Tax Increment Financing in the Unorganized Territory (EMERGENCY)

S.P. 426 L.D. 1154

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-146)**.

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

**READ ONCE.**

Committee Amendment "A" (S-146) **READ** and **ADOPTED**.

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

Senator PERRY for the Committee on **TAXATION** on Bill "An Act To Exempt from the Sales Tax Meals Provided at Retirement Facilities"

S.P. 481 L.D. 1335

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-150).**

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

**READ ONCE.**

Committee Amendment "A" (S-150) **READ** and **ADOPTED**.  
**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Expand the Moose Hunting Season"  
S.P. 351 L.D. 929

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-140).**

Signed:

Senators:

- BRYANT of Oxford
- JACKSON of Aroostook
- TRAHAN of Lincoln

Representatives:

- CLARK of Millinocket
- BRIGGS of Mexico
- DAVIS of Sangerville
- WHEELER of Kittery
- CRAFTS of Lisbon
- SAVIELLO of Wilton
- SHAW of Standish
- McLEOD of Lee

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

Signed:

Representative:

- EBERLE of South Portland

Reports **READ**.

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

**READ ONCE.**

Committee Amendment "A" (S-140) **READ** and **ADOPTED**.

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

**Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Amend the Maine Clean Election Act as It Relates to Independent Expenditures"

S.P. 222 L.D. 607

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

Signed:

Senators:

- SULLIVAN of York
- GOODALL of Sagadahoc

Representatives:

- CORNELL du HOUX of Brunswick
- VALENTINO of Saco
- TRINWARD of Waterville
- TUTTLE of Sanford
- CAREY of Lewiston
- RUSSELL of Portland

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

Signed:

Senator:

- PLOWMAN of Penobscot

Representatives:

- BEAULIEU of Auburn
- PINKHAM of Lexington Township
- FITTS of Pittsfield
- NASS of Acton

Reports **READ**.

Senator **GOODALL** of Sagadahoc moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

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

The Majority of the Committee on **TAXATION** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a Supermajority Approval of the Legislature for Tax Increases

S.P. 344 L.D. 922

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Amend the Tax Exemption Regarding Leased Property"  
S.P. 205 L.D. 545

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-142)**.

Signed:

Senators:  
PERRY of Penobscot  
BLISS of Cumberland  
NASS of York

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

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

Signed:

Representative:  
LANGLEY of Ellsworth

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (S-142) **READ** and **ADOPTED**.

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

---

**Divided Report**

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

Signed:

Senators:  
PERRY of Penobscot  
BLISS of Cumberland

Representatives:  
WATSON of Bath  
BRYANT of Windham  
FLEMINGS of Bar Harbor  
CROCKETT of Augusta  
PILON of Saco  
VALENTINO of Saco  
SIROIS of Turner

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-145)**.

Signed:

Senator:  
NASS of York

Representatives:  
LANGLEY of Ellsworth  
CHASE of Wells  
KNIGHT of Livermore Falls

Reports **READ**.

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

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

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

Senator **NASS:** Thank you, Madame President. Men and women of the Senate, as much as we might like to believe that we can really accomplish changes to our tax system, at least for the folks in my district, it's become an issue of believability or trustworthiness, I guess. One of the ways I think we can accomplish that is to provide some kind of guarantee that we're not going to simply shuffle the deck and then come back in another session and raise rates further. We have struggled with this issue in my whole time here and we've not been able to resolve it. The other side often points out, and I suppose if I was on the other side I might believe this too, that they are not willing to give things up to a majority vote, especially as to things that are as important as tax rates and those things that effect most of our

citizens. The reality though is that we've already done that in a number of cases. If you look through the Constitution of the State of Maine you will see that in 13 different places we had to do things by a super majority of two-thirds vote. It's not an unusual circumstance that we would do that. In fact, if you look through the Constitution carefully you will find some really oddball things that we never really use any more. There is a mining kind of tax that increases the rate and I think it provides for a two-thirds vote. That's not something that we encounter very often here because we don't do much mining any more. It's there and it's not something we should shy away from. It provide for our citizens a degree of confidence, I guess, that we're not going to just shuffle the deck and come back here and use the next crisis, the next problem, to raise rates. That's why this thing keeps coming up. I don't think we're successfully going to accomplish shuffling the deck or tax reform, whatever you want to call it, until we can provide this degree of confidence. It's just too controversial. Thank you, Madame President. When you get to the vote, obviously, I'm going to be encouraging people to vote for the Ought to Pass.

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

---

**SECOND READERS**

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

**House**

Bill "An Act To Clarify the Duties of Municipal Treasurers, Clerks and Tax Collectors"

H.P. 267 L.D. 331

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

---

**House As Amended**

Bill "An Act To Establish the Permanent Commission on the Status of Women"

H.P. 190 L.D. 236  
(C "A" H-215)

Bill "An Act To Allow Limited Information Sharing in Domestic Violence Cases"

H.P. 260 L.D. 324  
(C "A" H-213)

Bill "An Act To Amend Certain Laws Related to the Department of Agriculture, Food and Rural Resources, Division of Quality Assurance and Regulation"

H.P. 308 L.D. 420  
(C "A" H-224)

Bill "An Act To Amend the Intestate Succession and Wills Laws Concerning Wrongful Death"

H.P. 316 L.D. 428  
(C "A" H-212)

Bill "An Act To Promote Forest Certification and Long-term Forest Management"

H.P. 385 L.D. 540  
(C "A" H-209)

Bill "An Act To Provide the Office of Chief Medical Examiner Access to Controlled Substances Prescription Monitoring Program Data for the Purpose of Conducting Cause of Death Investigations"

H.P. 437 L.D. 623  
(C "A" H-203)

Bill "An Act To Authorize the Social Work Education Loan Repayment Program"

H.P. 494 L.D. 711  
(C "A" H-218)

Bill "An Act To Protect Recreational Trails on Private Land by Exempting Certain Information on Recreational Trails from the Definition of "Public Records"

H.P. 562 L.D. 826  
(C "A" H-211)

Bill "An Act To Rename the Division of Deafness within the Department of Labor"

H.P. 599 L.D. 868  
(H "A" H-238)

Bill "An Act To Amend the Laws Governing Axle Weights"

H.P. 605 L.D. 874  
(C "A" H-223)

Bill "An Act To Add a Member to the Advisory Council on Health Systems Development"

H.P. 738 L.D. 1071  
(C "A" H-204)

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

---

Bill "An Act Concerning Advanced Directives To Give Effect to a Person's End-of-life Health Care Decisions"

H.P. 714 L.D. 1039  
(C "A" H-210)

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

---

Resolve, To Encourage Access to Higher Education for Certain Child Care Providers

H.P. 736 L.D. 1069  
(C "A" H-221)

**READ A SECOND TIME.**

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

---

**Senate As Amended**

Bill "An Act To Allow a Court To Award Attorney's Fees in Successful Freedom of Access Appeals"

S.P. 254 L.D. 679  
(C "A" S-135)

Bill "An Act To Amend the Laws Governing Campaign Finance Reports and the Maine Clean Election Act"

S.P. 380 L.D. 1016  
(C "A" S-136)

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

Sent down for concurrence.

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

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**ENACTORS**

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

**Emergency Measure**

An Act Authorizing Statewide Mutual Aid among First Responder Agencies

H.P. 583 L.D. 847  
(C "A" H-157)

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 **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 Encourage Cooperation among School Administrative Units

H.P. 724 L.D. 1049  
(C "A" H-166)

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 **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 the Maximum Fee for Processing an Environmental License Application

H.P. 778 L.D. 1134  
(C "A" H-155)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with 1 Senator 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 Resolve**

Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services, Office of MaineCare Services, Division of Policy and Performance

H.P. 342 L.D. 480

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 Portions of Chapter 10: Definitions and Terms, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control

H.P. 350 L.D. 495  
(C "A" H-151)

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, Pertaining to Vacation Leave Earned by Seasonal Employees of the Baxter State Park Authority

H.P. 548 L.D. 812  
(C "A" H-154)

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, To Expand Access to Renewable Energy Programs

H.P. 581 L.D. 845  
(C "A" H-158)

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

---

**Emergency Resolve**

Resolve, To Establish the Task Force on Kinship Families

H.P. 770 L.D. 1115  
(C "A" H-147)

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

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**Acts**

An Act To Amend the Landlord and Tenant Laws as They Pertain to Interest Paid on Mobile Home Park Tenant Security Deposits

H.P. 24 L.D. 29  
(C "A" H-160)

An Act To Conserve Energy in Residential Leasehold Tenancies

H.P. 352 L.D. 497  
(C "A" H-161)

An Act Authorizing Colleges and Universities To Regulate Public Safety on Their Campuses

H.P. 365 L.D. 520

An Act To Amend the Employment Practices Law Regarding Substance Abuse Testing

S.P. 209 L.D. 549  
(H "A" H-179 to C "A" S-75)

An Act To Expand the Membership of the Maine Elder Death Analysis Review Team

H.P. 410 L.D. 572

An Act To Change the Definition of "Domestic Partner" in the Laws Governing Custody of Remains

H.P. 499 L.D. 716

An Act To Amend the Forcible Entry and Detainer Laws

H.P. 571 L.D. 835  
(C "A" H-162)

An Act Relating to Disability Plates and Placards

H.P. 655 L.D. 952  
(C "A" H-141)

An Act To Implement the Recommendations of the Governor's Interagency Transportation Coordinating Committee

H.P. 669 L.D. 967

An Act To Amend the Laws Governing Notification after a Security Breach Involving Personal Information

H.P. 672 L.D. 970  
(C "A" H-145)

An Act To Provide for Insurance Coverage of Telemedicine Services

H.P. 740 L.D. 1073  
(C "A" H-146)

An Act To Amend the Marine Resources Suspension Laws

H.P. 836 L.D. 1211  
(C "A" H-142)

An Act To Modify the Regional Economic Development Revolving Loan Program

H.P. 973 L.D. 1394

**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 Include Independent Practice Dental Hygienists in MaineCare

H.P. 187 L.D. 233  
(C "A" H-129)

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

---

An Act To Include Commercial Silvicultural Crop Production in the Sales Tax Exemption for Certain Products Used in Commercial Agricultural Crop Production Activities

H.P. 338 L.D. 450  
(C "A" H-74)

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

---

An Act To Prohibit Smoking in Outdoor Eating Areas  
H.P. 556 L.D. 820  
(C "A" H-132)

On motion by Senator **BRYANT** of Oxford, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

---

**Resolves**

Resolve, To Establish a Working Group of Stakeholders To Review the Current and Future Needs of Blind and Visually Impaired Individuals and To Establish Long-term Solutions To Fund Those Needs

H.P. 402 L.D. 564  
(C "A" H-122)

Resolve, To Establish a Working Group To Increase Protection for Victims of Domestic Violence

H.P. 405 L.D. 567  
(C "A" H-172)

Resolve, Directing the Department of Inland Fisheries and Wildlife To Conduct a Study To Enhance Maine's Recreational Fishing Economy

H.P. 469 L.D. 655  
(C "A" H-148)

Resolve, To Direct the Department of Inland Fisheries and Wildlife To Conduct an Evaluation of Its Sport Fishing Program

H.P. 482 L.D. 699  
(C "A" H-149)

Resolve, Directing the Department of Transportation To Study Ways To Reduce Energy Use and Promote Efficiency along Major Transportation Corridors

H.P. 582 L.D. 846

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

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

**PAPERS FROM THE HOUSE**

**Joint Order**

An Expression of Legislative Sentiment recognizing:

David Plowman, of Hampden, owner of PDQ Door Company, Inc., who has been named Hampden Business Association's 2009 Business Person of the Year. The award honors a Hampden business person who has made a significant contribution to his or her community and to the region. Mr. Plowman and his wife Debra started PDQ Door Company in 1994

in Bangor and moved to Hampden 4 years later; they now have 5 locations throughout the State. Mr. Plowman was a member of the Hampden town council and is currently a member of the Penobscot County Conservation Association, the Hampden Rifle and Pistol Club and the National Rifle Association. Mr. Plowman and PDQ Door Company, Inc. continue to support community organizations with both man hours and financial contributions. We extend our appreciation to Mr. Plowman for his commitment to the citizens of the State and congratulate him on his receiving this award;

HLS 322

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

**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 rise to recognize my constituent. He wishes he was only my constituent because under the 'gift' rules he wouldn't be able to give me as much as I seem to like. My husband, David, has been recognized this month as the Hampden Businessman of the Year. In 1994, on my birthday, we opened up our own business with four people. It was quite an undertaking. We stopped having to worry about our return on savings and return on our retirement. We started worrying about if we could pay the mortgage and still run a business. Fifteen years later we have five locations and almost 40 employees. Now we worry about helping them pay their mortgages. David's vision in 1994 scared me half to death, I have to tell you. I wanted to run it out of our house, in our garage. I wanted to play it safe. I wanted to maintain the status quo. I know Dave and when he sets his mind to something, whether it's a golf game, Scrabble, or running a business, his vision and his drive and his work ethic were there as the back up to make me say, 'Let's do it.' I'm very glad that we did it. It has become his life outside of home, but always home first. I want to thank him for all that he's done for our family and for the families who work for us. Thank you.

**PASSED**, in concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber David Plowman, daughter Kate Plowman, daughter-in-law Erica Plowman, and grandson Corbin. Would you please stand and accept the greetings of the Maine Senate.

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Senate at Ease.

Senate called to order by the President.

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

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

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

After Recess

Senate called to order by the President.

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## ORDERS OF THE DAY

### Unfinished Business

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

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

Resolve, Regarding Legislative Approval of the Public Utilities Commission's Plan for the Use of American Recovery and Reinvestment Act of 2009 Funds (EMERGENCY)  
H.P. 1029 L.D. 1478

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

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

(In House, May 7, 2009, **PASSED TO BE ENGROSSED**.)

(In Senate, May 7, 2009, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence. On motion by Senator **BARTLETT** of Cumberland, **RECONSIDERED**.)

On motion by Senator **PERRY** of Penobscot, Senate Amendment "A" (S-141) **READ** and **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-141)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act Allowing Workers' Compensation Benefits for Firefighters Who Contract Cancer"

S.P. 235 L.D. 621

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-100)** (8 members)

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

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

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-100)**

(In Senate, May 7, 2009, on motion by Senator **JACKSON** of Aroostook, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (S-100) **READ**. Motion by Senator **MILLS** of Somerset to **ADOPT** Senate Amendment "A" (S-104) to Committee Amendment "A" (S-100), **FAILED**.)

On motion by Senator **BARTLETT** of Cumberland, Senate Amendment "B" (S-151) to Committee Amendment "A" (S-100) **READ**.

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

Senator **BARTLETT:** Thank you, Madame President. This amendment was offered after the debate on this last week and conversations I had with the Senator from Washington, Senator Raye. There was concern that as the bill was written there were two different places with 'or' clauses that could have allowed the presumption potentially to apply to folks who had not actually engaged in firefighting. We have made an amendment striking a few words to make it clear that you must have actually gone to fight fires for this presumption to apply. We think it is an improvement on the bill and it does go to show that debate does actually change some minds along the way.

On further motion by same Senator, Senate Amendment "B" (S-151) to Committee Amendment "A" (S-100) **ADOPTED**.

On motion by Senator **NASS** 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 Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President. Men and women of the Senate, I rise just to point out that this bill, even as it is currently formulated, represents an example, in my opinion, of very poor drafting and very poor preparation of a piece of legislation. It includes two forms of cancer that were, according to the study that was the basis for this bill or the aggregation of studies, regarded as unconnected to firefighting exposure. The bill does not require that the firefighter actually go to a fire and be exposed to radiations, smoke, or heat. It has no minimum number of fires that the firefighter must attend to or go to. It is creating a legal presumption that flies in the face of the scientific evidence upon which the bill was based when it came forward. Therefore, I oppose the bill.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Cumberland, Senator Bartlett to Adopt Committee Amendment "A" (S-100) as Amended by Senate Amendment "B" (S-151) thereto. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

The Secretary opened the vote.

**ROLL CALL (#68)**

**ROLL CALL (#69)**

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRYANT, COURTNEY, CRAVEN, DAMON, DAVIS, DIAMOND, GERZOFISKY, GOODALL, HOBBSINS, JACKSON, MARRACHE, MCCORMICK, NUTTING, PERRY, PLOWMAN, RAYE, RECTOR, SULLIVAN, THE PRESIDENT - ELIZABETH H. MITCHELL

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

NAYS: Senators: BRANNIGAN, GOOLEY, HASTINGS, MILLS, NASS, ROSEN, SCHNEIDER, SHERMAN, SMITH, TRAHAN, WESTON

NAYS: Senators: DAMON, HASTINGS, MILLS, NASS, ROSEN, WESTON

ABSENT: Senator: SIMPSON

ABSENT: Senator: SIMPSON

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being absent, Committee Amendment "A" (S-100) as Amended by Senate Amendment "B" (S-151) thereto, **ADOPTED**.

28 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **GERZOFISKY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

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

**READ ONCE.**

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

Committee Amendment "A" (H-78) **READ**.

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Establish the Crime of Motor Vehicle Violation Resulting in Death" H.P. 329 L.D. 441

House Amendment "A" (H-185) to Committee Amendment "A" (H-78) **READ** and **ADOPTED**, in concurrence.

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-78)** (9 members)

Committee Amendment "A" (H-78) as Amended by House Amendment "A" (H-185) thereto, **ADOPTED**, in concurrence.

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

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

Tabled - May 7, 2009, by Senator **RAYE** of Washington

The Chair laid before the Senate the following Tabled and Later (4/28/09) Assigned matter:

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

HOUSE REPORT - from the Committee on **JUDICIARY** on Bill "An Act Regarding Claims for Civil Perjury" H.P. 486 L.D. 703

(In House, May 6, 2009, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-78) AS AMENDED BY HOUSE AMENDMENT "A" (H-185)** thereto.)

Report - **Ought to Pass**

Tabled - April 28, 2009, by Senator **BLISS** of Cumberland

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

(In Senate, May 7, 2009, Reports **READ**.)

(In House, April 16, 2009, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

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.

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

Report **ACCEPTED**, in concurrence.

**READ ONCE.**

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

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

**Emergency Resolve**

Resolve, To Expand Access to Renewable Energy Programs  
H.P. 581 L.D. 845  
(C "A" H-158)

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

Pending - **FINAL PASSAGE**, in concurrence.

(In Senate, May 5, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-158)**, in concurrence)

(In House, May 7, 2009, **FINALLY PASSED.**)

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

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

An Act To Include Independent Practice Dental Hygienists in MaineCare

H.P. 187 L.D. 233  
(C "A" H-129)

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

Pending - **ENACTMENT**, in concurrence.

(In Senate, May 5, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-129)**, in concurrence)

(In House, May 7, 2009, **PASSED TO BE ENACTED.**)

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

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

An Act To Include Commercial Silvicultural Crop Production in the Sales Tax Exemption for Certain Products Used in Commercial Agricultural Crop Production Activities

H.P. 338 L.D. 450  
(C "A" H-74)

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

Pending - **ENACTMENT**, in concurrence.

(In Senate, May 5, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-74)**, in concurrence)

(In House, May 7, 2009, **PASSED TO BE ENACTED.**)

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

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

An Act To Prohibit Smoking in Outdoor Eating Areas

H.P. 556 L.D. 820  
(C "A" H-132)

Tabled - May 12, 2009, by Senator **BRYANT** of Oxford

Pending - **ENACTMENT**, in concurrence.

(In Senate, May 5, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-132)**, in concurrence)

(In House, May 7, 2009, **PASSED TO BE ENACTED.**)

On motion by Senator **BRYANT** of Oxford, 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 Oxford, Senator Bryant.

Senator **BRYANT:** Thank you, Madame President. Ladies and gentlemen of the Senate, I won't stretch this debate out too long but I just would make one statement. I do believe that the state has enough things to do without going into everybody's lives and every issue that is there. I just think government has a good function, but when it goes down to this level I think it's gone too far.

**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 a unanimous report out of our committee and we believe it is an extension of what we have passed in the past that bans smoking in eating areas. As you know, many of these eating areas are almost a part of the outside.

People are getting more, given all the things we have gone through in not having to have second hand smoke, attune to being pure. You know the kind of purity I mean, pure air to breath. We feel that this is a legitimate extension of what we already have. We appreciate your support in the motion of Ought to Pass.

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

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

**THE PRESIDENT:** The Senator may pose his question.

Senator **GOOLEY:** Thank you, Madame President. I guess with this in mind, what we may be about to do, I am wondering about smoking in campgrounds, like State parks and that sort of thing. Does this include those areas also?

**THE PRESIDENT:** The Senator from Franklin, Senator Gooley 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.

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

Senator **NUTTING:** Thank you, Madame President. Ladies and gentlemen of the Senate, I'll take a stab at answering the good Senator from Franklin, Senator Gooley's question. A bill I sponsored earlier that we passed and that has been signed into law effects smoking on State park beaches, State park picnic areas and State park playground areas. This bill is a little different but the State park issue has been dealt with already. 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#70)**

**YEAS:** Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, COURTNEY, CRAVEN, DAMON, DAVIS, DIAMOND, GOODALL, HOBBS, MARRACHE, MCCORMICK, MILLS, NUTTING, PERRY, RAYE, RECTOR, SCHNEIDER, SULLIVAN, TRAHAN, THE PRESIDENT - ELIZABETH H. MITCHELL

**NAYS:** Senators: BRYANT, GERZOFKY, GOOLEY, HASTINGS, JACKSON, NASS, PLOWMAN, ROSEN, SHERMAN, SMITH, WESTON

**ABSENT:** Senator: SIMPSON

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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Senate at Ease.

Senate called to order by the President.

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

**SENATE REPORTS** - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Amend the Maine Clean Election Act as It Relates to Independent Expenditures" S.P. 222 L.D. 607

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

Minority - **Ought To Pass** (5 members)

Tabled - May 12, 2009, by Senator **GOODALL** of Sagadahoc

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

(In Senate, May 12, 2009, Reports **READ.**)

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

Senator **PLOWMAN:** Thank you, Madame President. Men and women of the Senate, this bill came before the Legal and Veterans Affairs Committee. I actually sponsored it at the request of Maine Citizens For Clean Elections. As you know, any of you who run clean elections, under the current law independent expenditures can express advocacy on behalf of your campaign up to 21 days before the election without incurring matching funds. After the 21<sup>st</sup> day before the election everything changes. I call this my Dunkin Donut customer appreciation of political climate bill which basically says any reasonable person at Dunkin Donuts after Labor Day looking at a post card and you, 'Is this a candidate piece?' and they say, 'Well, yes it is, why wouldn't it be? Of course it's a campaign piece.' We push back the 21 days from 14 a short time ago. My bill proposes that we push this back to Labor Day, which is indeed when we all start campaigning and indeed when it's time for the independent expenditures to be known for what they are, expressed advocacy pieces. There has been some caution on the part of the committee that this might raise the matching funds and increase the amount of money that is needed for the Maine Clean Election Fund, but the actual opposite occurred with the last expansion to the 21 days. The amount of independent expenditures in that time period dropped and the matching funds were not necessary. If we're going to be

honest about what campaigns are all about I think that we should apply the standard that the people of the state of Maine use, which is after Labor Day everybody expects that we are in campaign mode and not the one where we have forced upon the Ethics Commission to determine whether an 'of' and a 'the' and 'elect' and all other words put in the right order mean it's an expressed advocacy or not. If we're going to talk about transparency and accountability in our Maine Clean Election Funds and the purposes of the Clean Election Fund then it's time to pass this bill. If it's time to keep the independent expenditures as your most important piece of your campaign, even though you don't know about them but you want to allow them right up until three weeks before the election, then you will probably want to vote for this report. I suggest that this is not what clean election is about and that if you want to be up front with your voters and up front in your campaigns that you are going to want to reject this report and go on to extend the time to the part that the people recognize and make your campaign match what the general public believes. Thank you.

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

Senator **SULLIVAN:** Thank you, Madame President. Shortly you will hear from others but I would ask you to support the report that is here. It is true that the Maine Ethics Commission weighed in and at the end of this they believe that there is a significant possibility that extending the rebuttable presumption period will result in additional matching funds being awarded to candidates. Also there is a feeling that if this were to be enacted it would likely lead to the Clean Election Funds running out of money. Many people are already concerned that the fund may run out of money at some point in the 2010 elections anyways and this bill simply would increase that possibility. When, after presenting this bill and hearing presentations, the Director of the Maine Ethic Commission says there is a real possibility the funds will exhaust completely we ought to consider that and I would ask you to vote Ought Not to Pass. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#71)**

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

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

ABSENT: Senator: SIMPSON

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **GOODALL** of Sagadahoc to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/16/09) Assigned matter:

JOINT RESOLUTION - on the Spending of Federal Economic Renewal Grants by the State of Maine  
H.P. 1018

Tabled - April 16, 2009, by Senator **COURTNEY** of York

Pending - **ADOPTION**, in concurrence

(In House, April 16, 2009, **READ** and **ADOPTED**.)

(In Senate, April 16, 2009, **READ**.)

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

Senator **ROSEN:** Thank you, Madame President. Men and women of the Senate, this is a Joint Resolution on the spending of the federal economic renewal grants by the State of Maine and directs how we spend the recovery money that has come into Maine through the stimulus. It's fairly specific in its directive, so I will end up probably asking a couple of questions of clarification. The sense of the proposal, for those of you that haven't taken a look at it for a while, is to essentially say that we're going to spend all the money on American produced goods and services. I know the issue was discussed with the recovery act was debated in the U.S. Congress and was ultimately rejected as certainly a well intentioned and important issue to discuss but from a practical point of view very limited. I just to bring folks up to date when we consider this, particularly looking at the last two paragraphs. It talks about resolve, how we the members of the 124<sup>th</sup> Legislature now assembled on behalf of the people will work to further the goals of the American Relief and Recovery Act of 2009 and to maximize the creation of American jobs and restore the economic growth and opportunity by spending recovery money on products and services that create jobs and help Americans be employed. I think there is universal agreement that this is a noble and worthwhile sentiment, however the next paragraph is more specific. It says that we, representing the people of the state of Maine, commit to purchasing with any Economic Recovery money provided to the State of Maine by the American taxpayers only products made and services provided in the United States pursuant to the applicable requirements of the Act. My question is, considering the broad range of services and products that are going to be purchased as a result of the Recovery money, how is it that we are going to put in place the mechanisms required to make sure that all those products and all those services are

purchased in the United States and that we exclude accessing any of those that are not?

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

**ADOPTED**, in concurrence.

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Off Record Remarks

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

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On motion by Senator **BARTLETT** of Cumberland,  
**ADJOURNED**, to Wednesday, May 13, 2009, at 10:00 in the morning.