

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Fifth Legislature

State of Maine

Daily Edition

First Regular Session
December 1, 2010 to June 29, 2011

Pages 1 - 1494

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

In Senate Chamber
Friday
December 17, 2010

Senate called to order by President Kevin L. Raye of Washington County.

Prayer by Senator Rodney L. Whittemore of Somerset County.

SENATOR WHITTEMORE: Good morning Mr. President, fellow Senators, ladies and gentlemen. I invite you to pray with me. Dear Lord, we have come together today as legislators who will be making decisions that will affect the people of our state. Lord, as individuals we ask for Your guidance, that we shall do Your will as we move forward in this legislative process. Bless us all with the moral judgment necessary to do what is right for all the citizens of our state. Lord, we thank You for all Your blessings, especially Jesus, and all the freedoms that we so often take for granted. Now more than ever, Lord, we need Your blessings and guidance to help the Senate body work together and make the right decisions for the people that we represent. For this we pray. Amen.

Pledge of Allegiance led by Senator Lois A. Snowe-Mello of Androscoggin County.

Reading of the Journal of Wednesday, December 1, 2010.

Doctor of the day, Dr. Jo Linder, MD of Falmouth and Dr. Joel Kase, DO of Lewiston.

Out of order and under suspension of the Rules, on motion by Senator **COURTNEY** of York, the following Joint Order:
S.P. 12

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Wednesday, January 5, 2011, at 9:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 6

STATE OF MAINE
125TH MAINE LEGISLATURE
OFFICE OF THE PRESIDENT

December 1, 2010

The Honorable Joseph G. Carleton, Jr.
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary Carleton:

Pursuant to my authority under Joint Rule 354, I have made the following appointments to the Joint Select Committee on Joint Rules:

- Senator Jonathan T.E. Courtney of York
- Senator Debra D. Plowman of Penobscot
- Senator David R. Hastings, III of Oxford
- Senator Philip L. Bartlett, II of Cumberland
- Senator Stanley J. Gerzofsky of Cumberland

If you have any questions, please do not hesitate to contact me.

Sincerely,

S/Kevin L. Raye
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 7

STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE PRESIDENT

November 29, 2010

Honorable Joy O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under Title 5, MRSA, Chapter 383, §13056-D, I am pleased to appoint the following people to the Communities for Maine's Future Review Panel:

- Greg Paxton of Yarmouth
- Gail Chase of Unity

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 8

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE PRESIDENT**

November 29, 2010

Honorable Joy O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under Title 10, MRSA, Chapter 1-A, §11, I am pleased to appoint the following to the Citizen Trade Policy Commission:

Stephen Cole of Damariscotta

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 9

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE PRESIDENT**

November 29, 2010

Honorable Joy O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under Title 5, MRSA, Chapter 371-A, §7030, I am pleased to appoint the following people to the Permanent Commission on the Status of Women:

Kimm Collins of Falmouth
Sarah Bigney of Portland

Megan Williams of Waterville
Jenna Vendil of Portland (one year term)
Odelle Bowman of Lewiston (one year term)

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 10

**STATE OF MAINE
124TH LEGISLATURE
OFFICE OF THE PRESIDENT**

November 30, 2010

Honorable Joy O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under Title 5, MRSA, Chapter 163, §2003, I am pleased to appoint Aimee Dubois of Standish to serve on the Maine Library of Geographic Information Board, serving as a representative of a statewide association of municipalities selected from nominations made by the associations governing body.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 5

**STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
35 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0035**

November 30, 2010

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

Dear President Mitchell:

Pursuant to the Charitable Solicitations Act (9 MRSA §5010), the Annual Report on 2009 fundraising activity of charitable organizations licensed in the State of Maine is enclosed for your review. The Act requires charitable organizations, professional solicitors, professional fundraising counsel and commercial co-venturers to file Annual Fundraising Activity Reports (AFARs) by September 30th each year. The enclosed report covers the reporting period which began January 1, 2009 and concluded December 31, 2009.

Currently, there are 2,708 Charitable Organizations, 55 Professional Solicitors, 153 Professional Fundraising Counsel and 147 Commercial Co-venturers licensed in Maine, as well as 264 Exempt Organizations. The number of licensees overall has increased by approximately 34% during the past five years (from 2,483 in 2006 to 3,327 at present).

Maine's reporting requirement is intended to facilitate the oversight process and to provide information for use by the public in making decisions about their charitable giving. If you have any questions about this report, or if additional information is needed, do not hesitate to contact me.

Sincerely,

S/Anne L. Head, Esq.
Commissioner

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

The Following Communication: S.C. 13

MAINE STATE LEGISLATURE

December 6, 2010

The Honorable Kevin L. Raye, President
Maine State Senate

The Honorable Robert W. Nutting, Speaker
Maine House of Representatives
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

Pursuant to Public Law 2009, chapter 571, Part FFF, the Legal and Veterans' Affairs Committee Review of Slot Machine Revenue is pleased to submit its final report. Copies of the full report have been distributed to committees or individuals as directed by law and copies have been placed on file with the Law and Legislative Reference Library. Others may access the full

report on-line through the website of the Office of Policy and Legal Analysis at www.maine.gov/legis/opla.

Sincerely,

S/Sen. Nancy B. Sullivan
Senate Chair

S/Rep. Pamela Jabar Trinward
House Chair

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

ORDERS

Joint Orders

On motion by Senator **COURTNEY** of York, the following Joint Order:

S.P. 13

ORDERED, the House concurring, that the Joint Rules be amended by amending Joint Rule 206, subsection 3 to read:

3. Indian Representatives. The member of the Penobscot Nation ~~and~~ the member of the Passamaquoddy Tribe ~~and~~, at the beginning of the Second Regular Session of the 125th Legislature, the member of the Houlton Band of Maliseet Indians elected to represent their people at each biennial Legislature may sponsor legislation specifically relating to Indians and Indian land claims, may offer floor amendments to this legislation, may cosponsor any other legislation and may sponsor and cosponsor expressions of legislative sentiment in the same manner as other members of the House.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 208 to read:

Rule 208. Requirements for Drafting.

A request for a bill or resolve filed with the Revisor of Statutes is considered complete when the request is properly titled and accompanied by sufficient instructions, information and data required for its preparation. When a request is not accompanied by sufficient instructions, information or data, the Revisor of Statutes is directed to give written notice of inadequate information to the legislator. Upon receipt of said written notice, the legislator has 5 business days, unless an alternative period is set jointly by the presiding officers, to file adequate information with the Revisor of Statutes, or the request for the bill or resolve will be denied. Drafts prepared by an outside source must be filed in final form by the appropriate cloture date.

When directed by the sponsor, the Revisor of Statutes shall prepare a bill or resolve in concept form. The bill or resolve shall contain only an enacting clause and a summary of the proposed legislation and shall not be fully drafted by the Revisor of

Statutes. The bill or resolve prepared in this form shall be printed and referred to a committee in the same manner as other legislation and may be reported in fully drafted form by that committee in the same manner as other legislation.

~~Notwithstanding the Maine Revised Statutes, Title 1, section 402, members of legislative leadership and committee chairs have access to the contents of a file for a bill or resolve that is prepared in concept form. This method of drafting legislation is not allowed for legislation submitted by the Governor, by agencies or departments of state government, by study commissions, or pursuant to statute. Any request for a bill or resolve submitted after cloture must state if it is a request for a concept draft. Any committee amendment must be germane to the detailed summary of the concept draft.~~

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 209, first paragraph to read:

The Revisor of Statutes has authority to change the title of a bill or resolve to ensure that the title accurately and concisely reflects the content and scope of the bill or resolve. If the primary sponsor objects to the change, the President of the Senate and the Speaker of the House shall jointly decide what the title should be and shall so notify the Revisor of Statutes.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 211 to read:

Rule 211. Signatures on Drafts of Bills, Resolves and Amendments.

The Revisor of Statutes shall notify the primary sponsor of a bill or resolve that when the bill or resolve is ready in final form for signature. The primary sponsor is responsible for obtaining signatures from cosponsors. The primary sponsor shall sign the bill or notify the Revisor of Statutes of any changes that are necessary within deadlines established by the presiding officers. The primary sponsor shall present the signed cosponsor sheet to the Revisor of Statutes. If the primary sponsor does not contact the Office of the Revisor of Statutes within this period, the bill is void.

If changes are requested, the Revisor of Statutes shall notify the primary sponsor when changes have been made and the bill is available for signature; the primary sponsor and cosponsors shall sign the bill within the established deadlines. ~~Further changes must be proposed~~ The sponsor shall propose any further changes to the committee of reference. If the primary sponsor does not sign the bill within this period, the bill is void. If cosponsors do not sign the bill within either period, their names must be removed from the bill.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 301, last paragraph to read:

There are ~~47~~ established 16 joint standing committees, which must be appointed at the commencement of the first regular session and which exercise jurisdiction in the following areas:

Agriculture, conservation and forestry

Appropriations and financial affairs

~~Business, research and economic development~~

Criminal justice and public safety

Education and cultural affairs

Energy, utilities and technology

Environment and natural resources

Health and human services

Inland fisheries and wildlife

Insurance and financial services

Judiciary

Labor, commerce, research and economic development

~~Legal and veterans affairs~~

Marine resources

~~Natural resources~~

State and local government

Taxation

Transportation

~~Utilities and energy~~

Veterans, elections and gaming

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 303 to read:

Rule 303. Committee Clerks.

The hiring of all committee clerks must be mutually agreeable to both the Senate and House chairs. If not agreeable to both, the President of the Senate and the Speaker of the House shall decide. Committee clerks serve at the pleasure of the President of the Senate and the Speaker of the House. The salary of each committee clerk is established by the President of the Senate and the Speaker of the House, and the employment of the committee clerks terminates no later than the end of the session. The Office of Fiscal and Program Review shall provide clerical support to the Joint Standing Committee on Appropriations and Financial Affairs.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 304, first paragraph to read:

At the beginning of each legislative biennium, ~~all committees shall adopt the presiding officers shall establish~~ procedures that govern public hearings, work sessions and confirmation hearings. ~~Copies Once established, copies~~ of the procedures must be sent to the ~~presiding officers committees~~, the Secretary of the Senate, the Clerk of the House and the Executive Director of the Legislative Council ~~upon adoption and~~. A committee by majority vote may make exceptions to the rules and notify the presiding officers of exceptions to the rules. Final committee rules must be posted and made available upon request at all public hearings and work sessions.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 305, first paragraph to read:

At the beginning of the regular session, ~~each committee shall recommend to the presiding officers specific days for its the~~ presiding officers shall jointly establish authorized meeting days for committees to hold their public hearings and work sessions, taking into consideration the availability of assigned staff and hearing rooms. Upon approval of the schedule by the presiding officers, the chairs shall try to schedule all committee work on these days. Committees may meet only on authorized meeting days unless the presiding officers authorize an exception in writing. Each committee shall distribute a detailed list of hearings and work sessions that have been scheduled for the following week to all committee members. This schedule must also be posted outside the committee room. Notice of a committee's public hearings and work sessions must be posted each day ~~on the board provided for that purpose on the third floor of the State House in the State House and the Cross Building.~~ A committee may not hold a hearing or conduct a work session for which notice has not been posted.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 311 to read:

Rule 311. Errors and Inconsistencies Legislation.

~~— Prior to reporting out any~~ The Revisor of Statutes shall prepare any necessary omnibus bill concerning errors and inconsistencies in the Laws of Maine, the Joint Standing Committee on Judiciary and the bill must be referred to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The committee shall, after giving notice and an opportunity to be heard, hear proposed amendments and determine which direct the Revisor of Statutes to prepare those amendments should that must be included in the bill reported out. A floor amendment may not be entertained in either chamber unless the amendment is printed and distributed at least 24 hours prior to introduction.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 312 to read:

Rule 312. Fiscal Notes.

Every bill or resolve that affects state revenues, appropriations or allocations or that requires a local unit of government to expand or modify that unit's activities so as to necessitate additional expenditures from local revenues and that has a committee recommendation other than "Leave to Withdraw," "Ought Not to Pass" or "Referral to Another Committee" must include a fiscal note prepared by the Office of Fiscal and Program Review. For a bill or resolve not yet reported out and upon request of a majority of the committee, the Office of Fiscal and Program Review shall, after notice by the committee to the sponsor of the bill or resolve, meet with the committee at a work session to present its analysis and provide copies of the written public materials relied upon by the office to prepare that fiscal note. ~~The committee clerk shall provide the sponsor of the bill or resolve with prior notification of the work session.~~ The committee clerk shall provide the Office of Fiscal and Program Review with a copy of all testimony and other materials received by the committee on a bill or resolve whenever the committee recommendation is other than "Leave to Withdraw," unanimous "Ought Not to Pass" or unanimous "Referral to Another Committee." The fiscal note must accompany the committee report before it is reported out of committee. Any amendment introduced that would affect the fiscal impact of the original bill must also include a fiscal note. The Office of Fiscal and Program Review has the sole responsibility for preparing all fiscal notes.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 314, subsection 1 to read:

1. Budget Recommendations. Budget recommendations made by the Governor on areas within the jurisdiction of a policy committee must be initially heard jointly by the Joint Standing Committee on Appropriations and Financial Affairs and the policy committee, or a subcommittee of the policy committee, having jurisdiction over the subject matter presented.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 314, subsection 4 to read:

4. Policy Committee Recommendations. Each policy committee shall provide the Joint Standing Committee on Appropriations and Financial Affairs with the policy committee's recommendations regarding the relevant part of the Governor's budget. These recommendations must be delivered within a time period set by the chairs of the Joint Standing Committee on Appropriations and Financial Affairs after consultation with the chairs of the policy committee taking into consideration previously scheduled public hearings of the policy committee. The chairs of the Joint Standing Committee on Appropriations and Financial Affairs shall notify the presiding officers of the dates established for reporting policy committees' recommendations. The recommendations must be made within the budgetary constraints

set by the Joint Standing Committee on Appropriations and Financial Affairs and presented in a format specified by the chairs of the Joint Standing Committee on Appropriations and Financial Affairs.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 314, subsection 5 to read:

5. Additional Funds. Following To the extent practicable, at the time of submission of the policy committee's biennial budget recommendations within established budget constraints, each policy committee may recommend additional funds for program priorities that exceed the original budgeting constraints and if recommendations for additional funds are made, the committee shall explain those recommendations.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 314, subsection 7 to read:

7. List of Priorities. Within 5 business days after reporting out all bills involving receiving a list from the Office of Fiscal and Program Review of all bills reported out of a committee that involve appropriations or revenues, the policy committee shall submit to the Joint Standing Committee on Appropriations and Financial Affairs a list indicating these committees' that committee's priorities for final passage of these bills. The list must be accompanied by a form signed by all committee members indicating how they voted on the priority recommendations.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 316 to read:

Rule 316. Penobscot Nation , Passamaquoddy Tribe and Houlton Band of Maliseet Indians.

The member of the Penobscot Nation and , the member of the Passamaquoddy Tribe and, at the beginning of the Second Regular Session of the 125th Legislature, the member of the Houlton Band of Maliseet Indians elected to represent their people at the biennial session of the Legislature must be granted seats on the floor of the House of Representatives; be granted, by consent of the Speaker, the privilege of speaking on pending legislation; must be appointed to sit with joint standing committees as nonvoting members during the committees' deliberations; and be granted such other rights and privileges as may from time to time be voted by the House of Representatives. In reports from committees on which a tribal member serves, the position of the member must be noted and included.

; and be it further

ORDERED, that the Joint Rules be amended by adding Joint Rule 318 to read:

Rule 318. Review of judicial proceeding priorities.

Whenever a legislative measure is proposed that contains a provision to expedite, establish or adjust the priority of judicial proceedings, the joint standing committee of the Legislature having jurisdiction over the proposal shall hold a public meeting on the proposal and determine the level of support for the proposal among members of the committee. If there is support for the proposal among a majority of the members of the committee, the committee shall request the joint standing committee of the Legislature having jurisdiction over judiciary matters to review and evaluate the proposal as it pertains to the appropriate priority and timing of judicial proceedings in all state courts. Information may be requested from the Judicial Branch. The joint standing committee of the Legislature having jurisdiction over judiciary matters shall conduct the review and report back to the committee of jurisdiction.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 354 to read:

Rule 354. Joint Select Committee on Joint Rules.

There is established the Joint Select Committee on Joint Rules. Notwithstanding Joint Rule 351, the committee consists of 5 Senators, appointed by the President of the Senate, and 5 members of the House of Representatives, appointed by the Speaker of the House. The first-named Senate member is the Senate chair; the first-named House member is the House chair.

The committee shall meet at least once annually and at other times agreed upon by the President of the Senate and the Speaker of the House to review the joint rules and recommend changes the committee determines necessary.

The committee shall invite the participation of the Secretary of the Senate, the Clerk of the House, the Executive Director of the Legislative Council, the Director of the Office of Fiscal and Program Review, the Director of the Office of Policy and Legal Analysis and the Director of the Office of the Revisor of Statutes. The Secretary of the Senate and the Clerk of the House shall provide necessary staffing services to the committee.

The Joint Select Committee on Joint Rules shall review and make recommendations concerning the Legislative Council. This review shall include, but not be limited to the structure and operations of the Legislative Council and possible creation of a Joint Committee on Legislative Management to replace the functions of the Legislative Council. This section of the Joint Rules may be approved by a majority vote following the report of the Joint Select Committee on Joint Rules. Any change to the title of the Legislative Council in the Joint Rules may also be changed by majority vote.

~~The committee shall report by October 15th, in the even-numbered years with any suggested changes to the Joint Rules.~~

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 502 to read:

Rule 502. Notice of Gubernatorial Appointments.

The procedures for legislative confirmation are established in the Maine Revised Statutes, Title 3, chapter 6. Upon receipt by the President of the Senate and the Speaker of the House and the Legislative Information Office of notification from the Governor of the name of a nominee and of the office to which that person is nominated, the ~~President of the Senate and Speaker of the House~~ Legislative Information Office shall, without delay, forward that notice and copies of accompanying materials to the chairs of the joint standing committee that is charged by law with reviewing nominations to that office, ~~to the Legislative Information Office~~ and to the 2 partisan staff assistants for nominations. The Legislative Information Office shall establish an official file for each nominee.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 505 to read:

Rule 505. Committee Vote.

Within 35 days, or 40 days for judicial officers, from the date of the Governor's notice of the nomination to the President of the Senate and the Speaker of the House, the committee shall recommend confirmation or denial by majority vote of the committee members present and voting. The vote of the committee may be taken only upon an affirmative motion to recommend confirmation of the nominee, and a tie vote of the committee is considered a recommendation of denial. A vote may not be taken sooner than 15 minutes after the close of the public hearing unless by agreement of all committee members present. The committee vote must be by the yeas and nays of those present and voting. The chairs of the committee shall send written notices of the committee's recommendation to the President of the Senate.

READ.

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

Senator **COURTNEY:** Thank you Mr. President. Men and women of the Senate, this before you is the unanimous committee work, the Joint Rules. I just want to say how much I appreciate working with the Senator from Cumberland, Senator Gerzofsky, and the Senator from Cumberland, Senator Bartlett, and for the way that we worked and kept our heads together so that we came up with a better solution than either side thought was possible. I also want to thank the good Senator from Cumberland, Senator Alford for his leadership during this process, and also the Senator from York, Senator Hobbins. I also would be remiss if I didn't thank the members on our side of the aisle; the Senator from Oxford, Senator Hastings, and the Senator from Penobscot, Senator Plowman, who very patiently worked through some of the challenging pieces of this. I hope that this committee has set the framework for this legislature going forward. If we have a difficult issue we will continue to sit in the room and will continue to work together so we can come up with a better solution. Thank you Mr. President.

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

Senator **SCHNEIDER:** Thank you Mr. President. First, I also want to thank all those who worked on this issue. Clearly, I think it is better than what we originally heard from the press and others about this issue. As the former Chair of the Business, Research and Economic Development Committee I do think it's important, for the record, to state just a few very serious concerns I have with this change. I also just want to say, because I am a team player and I don't want to start off on the wrong foot, at least I am not going to request a roll call. One of the things I have noticed over the time that I have been under the dome is a diminishment of business, research and innovation issues. Unfortunately, I think this move is not going to increase the prominence of those issues and will, in fact, diminish those issues. I think it's the wrong direction for what I came back for, which is jobs and the economy, which I think should be our focus here, and how to increase research development and innovation in this state. I have very serious concerns about this change and about the other changes. Also there has not been a cost benefit analysis, which also gives me discomfort about the changes. Not understanding how this is actually going to increase efficiency, which I am very much in favor of, legislatively. If somehow I could have been shown that this will actually improve what we do here under the dome, and I am not at all convinced that these changes are going to do that because I have absolutely no data to substantiate that this will actually achieve that. I also have concerns about the process. I heard from constituents that they were completely excluded from discussing and voicing or airing their concerns about this. One of the goals, I thought, for all of us was to increase transparency and public participation. I bring these to the floor for thought and for the record because I have deep concerns that, as we move forward, the public is very engaged in what we are doing here, that we focus in on jobs, economic development, and innovation which is going to be the key to our prosperity, along with supporting education, and we are falling further and further behind on these issues. Less than .5% is spent on business, research and economic development, the DECD, and that is a huge problem for this state as we look to increase prosperity. I am going to support this if this goes under the hammer. If not then I will be in opposition to it. I do want to let you know that I am a team player and I thank those who have worked on this. I've said what I have to say and I appreciate your time, Mr. President and the Body. Thank you very much.

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

Senator **ROSEN:** Thank you Mr. President. Men and women of the Senate, I appreciate hearing from my former Committee Chair, the good Senator from Penobscot, Senator Schneider, and the concerns that she has expressed. I also agree with her that we need to be focused on jobs and the growth of the economy. I think we have an opportunity to do precisely that here. Change doesn't come easily to the legislature. Change doesn't come any more easily to our committee structure either. I think we have to think about this as understanding that the business environment is created of not just employers but of employers and employees, of labor and business owners, working collaboratively if we are going to be successful. I think this realignment of committee

structure really reflects that. I also am heartened by the fact that the research and development title remains in the title of the newly aligned committee because I think there is an understanding and a sensitivity to the fact that the future of our economy really is going to depend on our ability to innovate. That innovation is essentially coming from the research and development community, both publically and privately funded. I think we recognize that and at the same time understand that the largest issues of the success of our economy are going to require the collaborative work of business and labor and we have an opportunity to do that in one committee of jurisdiction. Thank you, Mr. President.

On motion by Senator **COURTNEY** of York, the Joint Order was **PASSED**.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 14

**STATE OF MAINE
125TH LEGISLATURE
OFFICE OF THE PRESIDENT**

December 17, 2010

Honorable Joseph G. Carleton, Jr.
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Carleton:

Pursuant to my authority under Joint Order S.P. 9 establishing the Joint Select Committee on Regulatory Fairness and Reform, I am pleased to appoint the following Senators:

- Senator Jonathan T.E. Courtney of York, Chair
- Senator Christopher Rector of Knox
- Senator Thomas B. Saviello of Franklin
- Senator Justin Alford of Cumberland
- Senator Seth Goodall of Sagadahoc

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Kevin L. Raye
President of the Senate

READ and ORDERED PLACED ON FILE.

Off Record Remarks

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

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

COMMUNICATIONS

The Following Communication: S.C. 11

**STATE OF MAINE
125TH LEGISLATURE
CLERK'S OFFICE**

December 2, 2010

Honorable Joseph G. Carleton, Jr.
Secretary of the Senate
3 State House Station
Augusta, ME 04333-0002

Dear Secretary Carleton:

Pursuant to Joint Rule 354, the Speaker of the House has made the following appointments to the Joint Select Committee on Joint Rules:

- Representative Andre E. Cushing, III, Chair (R-Hampden)
- Representative Stacey Allen Fitts (R-Pittsfield)
- Representative Richard M. Cebra (R-Naples)
- Representative John L. Martin (D-Eagle Lake)
- Representative Teresea Hayes (D-Buckfield)

If you have any questions, please do not hesitate to contact me.

Sincerely,

S/Heather J.R. Priest
Clerk of the House

READ and ORDERED PLACED ON FILE.

Senate at Ease.

Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication: S.C. 15

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

December 17, 2010

Honorable Joseph G. Carleton, Jr.
Secretary of the Senate
3 State House Station
Augusta, Maine 04333-0003

Dear Secretary Carleton:

Pursuant to Joint Order S. P. 9, the Speaker of the House has made the following appointments to the Joint Select Committee on Regulatory Fairness and Reform:

- Representative Jonathan B. McKane of Newcastle (Chair)
- Representative Stacey Allen Fitts of Pittsfield
- Representative Dianne C. Tilton of Harrington
- Representative Dana L. Dow of Waldoboro
- Representative Michael D. McClellan of Raymond
- Representative James W. Parker of Veazie
- Representative Robert S. Duchesne of Hudson (Ranking Democratic Member)
- Representative Sharon Anglin Treat of Hallowell
- Representative Michael E. Carey of Lewiston
- Representative Linda M. Valentino of Saco

If you have any questions, please do not hesitate to contact me.

Sincerely,

S/Heather J.R. Priest
Clerk of the House

READ and ORDERED PLACED ON FILE.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

JOINT ORDER - relative to Amending the Joint Rules To Implement Recommendations of the Joint Select Committee on Joint Rules

S.P. 13

In Senate, December 17, 2010, on motion by Senator **COURTNEY** of York, **READ** and **PASSED**.

Comes from the House, **READ** and **PASSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1)**, in **NON-CONCURRENCE**.

Senator **COURTNEY** of York moved the Senate to **RECEDE** and **CONCUR**.

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

Senator **COURTNEY:** Thank you Mr. President. Men and women of the Senate, this is a minor change attached by the other Body. They had some concerns about the Legal and Veterans Affairs Committee name that we sent down. They have put their stamp of approval and the imprint from the other Body and suggested we call it Veterans and Legal Affairs. I have talked to the originator of the idea and it was always her intent that Veterans was put in the beginning so that we would put the emphasis on veterans. That was the reason for the proposal and we see this as just additive and would hope that you would all join in supporting this. Thank you.

On motion by Senator **COURTNEY** of York, the Senate **RECEDED** and **CONCURRED**.

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

Off Record Remarks

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

Off Record Remarks

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

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

Off Record Remarks

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, to Wednesday, January 5, 2011, at 9:00 in the morning.