

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
Wednesday
January 5, 2011

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

Prayer by Reverend Roger Cousineau, Senior Pastor East Auburn Baptist Church.

REVEREND COUSINEAU: Thank you and good morning. Shall we pray. Heavenly Father, thank You for the privilege of life and to spend it in such a way to make a difference in the lives of others. Thank You for this gifted group of men and women that are gathered in this place. Thank You for the office that brings authority and privilege and trust. Thank You for You, sovereign and heavenly Father, bringing them together with all the diversity and contrast of perspective, that they may fairly represent the state and groups and individuals within it. Before them is a new year, a day, a new chapter. I pray You bless them as they have challenges with grace and courage and discernment. We invoke You, Heavenly Father, to attend this place with wisdom far beyond what they possess within their own beings and experience. Thank You for being with us. Guide them and direct them. May each of us learn from the past, have a clear view of the present, and have a vision for the future. Help us to set aside personal interests and to look to that which is greater for the state of Maine. Help them. We commend them to Your guidance and Your care and Your blessing. Thank You for this beautiful state. Thank You for the opportunity that is before them in this new year. Thank You and we pray that You would preserve our liberties and our freedoms. I pray, God, that You would take each of them, bless them, guide them, keep them, and cause Your face to shine upon them. I pray this in the name of the Father, the Son, and the Holy Spirit. Amen.

Pledge of Allegiance led by Senator Roger L. Sherman of Aroostook County.

Reading of the Journal of Friday, December 17, 2010.

Doctor of the day, Chris Pezzullo, DO of Cape Elizabeth.

Out of order and under suspension of the Rules, on motion by Senator **COURTNEY** of York, the following Joint Order:
S.P. 14

Ordered, the House concurring, that the returns of votes for the Governor, given in the several cities, towns and plantations of the State for the political years 2011, 2012, 2013 and 2014, be referred to a Joint Select Committee of seven on the part of the Senate, with such as the House may join.

READ and PASSED.

Ordered sent down forthwith for concurrence.

Out of order and under suspension of the Rules, on motion by Senator **COURTNEY** of York, the following Senate Order:
S.O. 11

Ordered, that a message be sent to the House of Representatives proposing a Convention of the two branches of the Legislature be held at 11:30 this morning at the Augusta Civic Center for the purpose of administering to the Honorable Paul Richard LePage, Governor-elect, the oaths required by the Constitution to qualify him to enter upon the discharge of his official duties and to receive such communication as he may be pleased to make.

READ and PASSED.

The Chair appointed the Senator from York, Senator **COURTNEY** to deliver the message to the House of Representatives. The Senator was escorted to the House of Representatives.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Subsequently, the Senator from York, Senator **COURTNEY** reported that he had delivered the message with which he was charged.

COMMUNICATIONS

The Following Communication: S.C. 16

STATE OF MAINE
125TH LEGISLATURE
OFFICE OF THE PRESIDENT

December 22, 2010

The 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 Rule 371, I am pleased to appoint the following people to the Government Oversight Committee, the committee having oversight responsibility for the Office of Program Evaluation and Government Accountability:

Senator Roger J. Katz of Kennebec, Chair
Senator A. David Trahan of Lincoln
Senator Earle L. McCormick of Kennebec
Senator Elizabeth M. Schneider of Penobscot
Senator Lawrence Bliss of Cumberland
Senator Nancy B. Sullivan of York

If you have any questions regarding these appointments, please contact my office.

Sincerely,

S/Kevin L. Raye
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 17

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

December 22, 2010

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

Dear Secretary Carleton:

Pursuant to my authority under Senate Rule 201.3, I have made the following appointments to various Joint Standing Committees.

Agriculture, Conservation and Forestry
Roger L. Sherman, Chair (R-Aroostook)
Michael D. Thibodeau (R-Waldo)
Elizabeth M. Schneider (D-Penobscot)

Appropriations and Financial Affairs
Richard W. Rosen, Chair (R-Hancock)
Roger J. Katz (R-Kennebec)
Dawn Hill (D-York)

Criminal Justice & Public Safety
Garrett P. Mason, Chair (R-Androscoggin)
Rodney L. Whittemore (R-Somerset)
Stanley J. Gerzofsky (D-Cumberland)

Education and Cultural Affairs
Brian D. Langley, Chair (R-Hancock)

Garrett P. Mason (R-Androscoggin)
Justin L. Alford (D-Cumberland)

Energy Utilities and Technology
Michael D. Thibodeau, Chair (R-Waldo)
Christopher W. Rector (R-Knox)
Philip L. Bartlett II (D-Cumberland)

Environment and Natural Resources
Thomas B. Saviello, Chair (R-Franklin)
Roger L. Sherman (R-Aroostook)
Seth A. Goodall (D-Sagadahoc)

Health and Human Services
Earle L. McCormick, Chair (R-Kennebec)
Nichi S. Farnham (R-Penobscot)
Margaret M. Craven (D-Androscoggin)

Inland Fisheries and Wildlife
Thomas H. Martin Jr., Chair (R-Kennebec)
A. David Trahan (R-Lincoln)
John L. Patrick (D-Oxford)

Insurance and Financial Services
Rodney L. Whittemore, Chair (R-Somerset)
Lois A. Snowe-Mello (R-Androscoggin)
Joseph C. Brannigan (D-Cumberland)

Judiciary
David R. Hastings III, Chair (R-Oxford)
Richard Woodbury (I-Cumberland)
Lawrence Bliss (D-Cumberland)

Labor Commerce Research and Economic Development
Christopher W. Rector, Chair (R-Knox)
Thomas H. Martin Jr. (R-Kennebec)
Troy D. Jackson (D-Aroostook)

Marine Resources
Lois A. Snowe-Mello, Chair (R-Androscoggin)
Brian D. Langley (R-Hancock)
Nancy B. Sullivan (D-York)

State and Local Government
Douglas A. Thomas, Chair (R-Somerset)
Ronald F. Collins (R-York)
Nancy B. Sullivan (D-York)

Taxation
A. David Trahan, Chair (R-Lincoln)
David R. Hastings III (R-Oxford)
Richard Woodbury (I-Cumberland)

Transportation
Ronald F. Collins, Chair (R-York)
Douglas A. Thomas (R-Somerset)
G. William Diamond (D-Cumberland)

Veterans and Legal Affairs
Nichi S. Farnham (R-Penobscot)
Debra D. Plowman (R-Penobscot)
John L. Patrick (D-Oxford)

Sincerely,

S/Kevin L. Raye
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 18

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

December 22, 2010

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

Dear Secretary Carleton:

Pursuant to my authority under Senate Rule 201.6, I have made the following appointments to the Committee on Conduct and Ethics:

Senator David R. Hastings III of Oxford, Chair
Senator Roger J. Katz of Kennebec
Senator Rodney L. Whitemore of Somerset
Senator Phillip L. Bartlett II of Cumberland
Senator Dawn Hill of York

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. 19

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

December 22, 2010

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

Dear Secretary Carleton:

Pursuant to my authority under Senate Rule 201.5, I have made the following appointments to the Committee on Bills in the Second Reading:

Senator Richard W. Rosen of Hancock, Chair
Senator Thomas B. Saviello of Franklin
Senator G. William Diamond of Cumberland
Senator Elizabeth M. Schneider of Penobscot

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. 20

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

December 22, 2010

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

Dear Secretary Carleton:

Pursuant to my authority under Senate Rule 201.5, I have made the following appointments to the Committee on Engrossed Bills:

Senator Lois A. Snowe-Mello of Androscoggin, Chair
Senator Brian D. Langley of Hancock
Senator Joseph C. Brannigan of Cumberland
Senator Nancy B. Sullivan of York

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. 21

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

December 20, 2010

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

Dear Clerk Carleton:

Pursuant to my authority under Joint Rule 371, I have appointed the following members to the Government Oversight Committee:

David C. Burns, Chair (R-Whiting)
Leslie T. Fossel (R-Alna)
Joyce A. Fitzpatrick (R-Houlton)
Donald E. Pilon (D-Saco)*
Andrea M. Boland (D-Sanford)
Stephen D. Lovejoy (D-Portland)
*Ranking Democratic Member

Sincerely,

S/Robert W. Nutting
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 22

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

TO: Honorable Joseph G. Carleton, Jr.
Secretary of the Senate

FROM: S/Robert W. Nutting
Speaker of the House

DATE: December 20, 2010

RE: Committee Appointments
125th Legislature

Pursuant to my authority under House Rule 201.1(l)(a), I have made the following appointments to the various Joint Standing Committees:

Agriculture, Conservation and Forestry

Peter E. Edgecomb, Chair (R-Caribou)
Dean A. Cray (R-Palmyra)
Jeffery Allen Gifford (R-Lincoln)
Russell J. Black (R-Wilton)
Karen D. Foster (R-Augusta)
Jeffrey L. Timberlake (R-Turner)
Jeff M. McCabe (D-Skowhegan)*
Andrew R. O'Brien (D-Lincolnville)
Peter S. Kent (D-Woolwich)
James F. Dill (D-Old Town)

Appropriations and Financial Affairs

Patrick S. A. Flood, Chair (R-Winthrop)
Tom J. Winsor (R-Norway)
Kathleen D. Chase (R-Wells)
Tyler Clark (R-Easton)
Kenneth Wade Fredette (R-Newport)
Dennis L. Keschl (R-Belgrade)
Margaret R. Rotundo (D-Lewiston)*
John L. Martin (D-Eagle Lake)
David C. Webster (D-Freeport)
Sara R. Stevens (D-Bangor)

Criminal Justice and Public Safety

Gary E. Plummer, Chair (R-Windham)
David C. Burns (R-Whiting)
Ricky D. Long (R-Sherman)
Susan E. Morissette (R-Winslow)
Deborah J. Sanderson (R-Chelsea)
Anne M. Haskell (D-Portland)*
Stephen P. Hanley (D-Gardiner)
Michel A. Lajoie (D-Lewiston)
Anna D. Blodgett (D-Augusta)
Michael H. Clarke (D-Bath)

Education and Cultural Affairs

David E. Richardson, Chair (R-Carmel)
Peter E. Edgecomb (R-Caribou)
Howard E. McFadden (R-Dennysville)
Peter B. Johnson (R-Greenville)
Joyce A. Maker (R-Calais)
Michael D. McClellan (R-Raymond)
Richard V. Wagner (D-Lewiston)*
Mary Pennell Nelson (D-Falmouth)
Stephen D. Lovejoy (D-Portland)
Helen Rankin (D-Hiram)
Madonna M. Soctomah (Passamaquoddy Tribe)

Energy, Utilities and Technology

Stacey Allen Fitts, Chair (R-Pittsfield)
James M. Hamper (R-Oxford)
Dean A. Cray (R-Palmyra)
Larry C. Dunphy (R-Emden)
Aaron F. Libby (R-Waterboro)
Jon Hinck (D-Portland)*
Alexander Cornell du Houx (D-Brunswick)
Roberta B. Beavers (D-South Berwick)
Mark N. Dion (D-Portland)
Louis J. Luchini (D-Ellsworth)

Environment and Natural Resources

James M. Hamper, Chair (R-Oxford)
Bernard L. A. Ayotte (R-Caswell)
Jane S. Knapp (R-Gorham)
Ricky D. Long (R-Sherman)
James W. Parker (R-Veazie)
Robert S. Duchesne (D-Hudson)*
Melissa Walsh Innes (D-Yarmouth)
Joan W. Welsh (D-Rockport)
Denise Patricia Harlow (D-Portland)
1 Vacancy

Health and Human Services

Meredith N. Strang Burgess, Chair (R-Cumberland)
 Leslie T. Fossel (R-Alna)
 Richard S. Malaby (R-Hancock)
 Beth A. O'Connor (R-Berwick)
 Deborah J. Sanderson (R-Chelsea)
 Heather W. Sirocki (R-Scarborough)
 Mark W. Eves (D-North Berwick)*
 Matthew J. Peterson (D-Rumford)
 Linda F. Sanborn (D-Gorham)
 Peter C. Stuckey (D-Portland)

Inland Fisheries and Wildlife

Paul T. Davis, Sr., Chair (R-Sangerville)
 Ralph W. Sarty, Jr. (R-Denmark)
 Dale J. Crafts (R-Lisbon)
 Eleanor M. Espling (R-New Gloucester)
 Stacey K. Guerin (R-Glenburn)
 Stephen J. Wood (R-Sabattus)
 Herbert E. Clark (D-Millinocket)*
 Jane E. Eberle (D-South Portland)
 Sheryl J. Briggs (D-Mexico)
 Michael A. Shaw (D-Standish)

Insurance and Financial Services

Wesley E. Richardson, Chair (R-Warren)
 Jonathan B. McKane (R-Newcastle)
 Joyce A. Fitzpatrick (R-Houlton)
 Susan E. Morissette (R-Winslow)
 John J. Picchiotti (R-Fairfield)
 Sharon Anglin Treat (D-Hallowell)*
 Adam A. Goode (D-Bangor)
 Henry E. M. Beck (D-Waterville)
 Terry K. Morrison (D-South Portland)
 Paulette G. Beaudoin (D-Biddeford)

Judiciary

Joan M. Nass, Chair (R-Acton)
 G. Paul Waterhouse (R-Bridgton)
 Michael G. Beaulieu (R-Auburn)
 Ralph W. Sarty, Jr. (R-Denmark)
 Bradley S. Moulton (R-York)
 Karen D. Foster (R-Augusta)
 Charles R. Priest (D-Brunswick)*
 Cynthia A. Dill (D-Cape Elizabeth)
 Maeghan Maloney (D-Augusta)
 Megan M. Rochelo (D-Biddeford)
 Wayne T. Mitchell (Penobscot Nation)

Labor, Commerce, Research and Economic Development

Kerri L. Prescott, Chair (R-Topsham)
 Dana L. Dow (R-Waldoboro)
 Melvin Newendyke (R-Litchfield)
 Amy Fern Volk (R-Scarborough)
 Frederick L. Wintle (R-Garland)
 John L. Tuttle, Jr. (D-Sanford)*
 Timothy E. Driscoll (D-Westbrook)
 Paul E. Gilbert (D-Jay)
 Robert B. Hunt (D-Buxton)
 Erin D. Herbig (D-Belfast)

Marine Resources

Windol C. Weaver, Chair (R-York)
 Dianne C. Tilton (R-Harrington)
 Jane S. Knapp (R-Gorham)
 Kimberly N. Olsen (R-Phippsburg)
 Wayne R. Parry (R-Arundel)
 W. Bruce MacDonald (D-Boothbay)*
 Charles B. Kruger (D-Thomaston)
 Devin M. Beliveau (D-Kittery)
 Ralph Chapman (D-Brooksville)
 Walter A. Kumiega III (D-Deer Isle)

State and Local Government

H. David Cotta, Chair (R-China)
 Lance Evans Harvell (R-Farmington)
 Bradley S. Moulton (R-York)
 Michael Celli (R-Brewer)
 James S. Gillway (R-Searsport)
 Andrea M. Boland (D-Sanford)*
 Bryan T. Kaenrath (D-South Portland)
 Brian D. Bolduc (D-Auburn)
 Alan M. Casavant (D-Biddeford)
 Anne P. Graham (D-North Yarmouth)

Taxation

L. Gary Knight, Chair (R-Livermore Falls)
 G. Paul Waterhouse (R-Bridgton)
 Bruce A. Bickford (R-Auburn)
 Paul Edward Bennett (R-Kennebunk)
 David R. Burns (R-Alfred)
 R. Ryan Harmon (R-Palermo)
 Seth A. Berry (D-Bowdoinham)*
 Donald E. Pilon (D-Saco)
 Mark E. Bryant (D-Windham)
 Elspeth M. Flemings (D-Bar Harbor)

Transportation

Richard M. Cebra, Chair (R-Naples)
 Kimberley C. Rosen (R-Bucksport)
 James S. Gillway (R-Searsport)
 Wayne R. Parry (R-Arundel)
 Peter B. Rioux (R-Winterport)
 Alexander Reginald Willette (R-Mapleton)
 Edward J. Mazurek (D-Rockland)*
 George Hogan (D-Old Orchard Beach)
 Ann E. Peoples (D-Westbrook)
 Charles Kenneth Theriault (D-Madawaska)

Veterans and Legal Affairs

Michael G. Beaulieu, Chair (R-Auburn)
 Jarrod S. Crockett (R-Bethel)
 Michael J. Willette (R-Presque Isle)
 Douglas K. Damon (R-Bangor)
 David D. Johnson (R-Eddington)
 Michael E. Carey (D-Lewiston)*
 Linda M. Valentino (D-Saco)
 Diane Russell (D-Portland)
 Thomas R. W. Longstaff (D-Waterville)
 Benjamin M. Chipman (U-Portland)

*Ranking Democratic Member

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 23

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

December 29, 2010

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

Pursuant to my authority under House Rule 201.1 (l) (a), I have appointed Representative Joan Nass of Acton as a member of the Joint Standing Committee on Environment and Natural Resources.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

S/Robert W. Nutting
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 25

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

December 30, 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 Senate Order 4, I have made the following appointments to the Committee on Senate Rules:

Senator Jonathan T.E. Courtney of York, Chair
Senator Debra Plowman of Penobscot
Senator Roger J. Katz of Kennebec
Senator Barry J. Hobbins of York
Senator Justin L. Alfond 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. 24

**STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE**

December 29, 2010

Honorable Kevin L. Raye
President of the Senate
3 State House Station
Augusta, ME 04333

Dear President Raye:

The following is a summary of the results for Question 1 of the November 2, 2010 Referendum Election, as derived from the accompanying copies of the Governor's Proclamations and the Secretary of State's Official Tabulation of the election results.

Question 1: Citizen Initiative	
Number of Votes in Favor	284,934
Number of Votes Opposed	280,211

A recount was conducted for Question 1 on December 2-13, 2010. At the conclusion of the recount, the above-referenced vote totals were agreed to by the participants. These totals include the recount results for those municipalities that were recounted, as well as election night totals for the municipalities that were not recounted.

Sincerely,

S/Matthew Dunlap
Secretary of State

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 27

**STATE OF MAINE
JUVENILE JUSTICE ADVISORY GROUP
111 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

December 28, 2010

Dear Governor Baldacci and Members of the 125th Legislature:

The statutorily created Juvenile Justice Advisory Group (JJAG) of Maine presents to you the 2009 Annual Report. We think you will find the information quite enlightening with regard to the activities of the JJAG and its work in the criminal justice arena as it impacts Maine's most precious commodity, our youth.

Over the years, the JJAG has gone through many changes and made many improvements. You can see from our membership that we are quite diverse and look at the criminal justice system from a variety of perspectives, always seeking better solutions and methods of dealing with juvenile who become involved with the criminal justice system.

It is truly a great honor for each and every one of us to serve the state and its youth in our appointed capacities. We hope you find the information valuable and useful to you in your coming deliberations.

Sincerely,

S/Paul K. Vestal, Jr.
Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 28

**STATE OF MAINE
125TH LEGISLATURE**

January 3, 2011

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 House Paper 1262, the Joint Select Committee on HealthCare Reform Opportunities and Implementation 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 online through the website of the Office of Policy and Legal Analysis at www.maine.gov/legis/opla.

Sincerely,

S/Sen. Joseph C. Brannigan
Senate Chair

S/Rep. Sharon Anglin Treat
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 12

**STATE OF MAINE
DEPARTMENT OF CORRECTIONS
111 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0111**

December 3, 2010

Senate President Kevin L. Raye
3 State House Station
Augusta, Maine 04333

RE: Interstate Commission for Adult Offender Supervision

Dear Senate President Raye,

Enclosed please find a copy of the Annual Report of the Interstate Commission for Adult Offender Supervision.

Also enclosed is a copy of an article from the Department of Corrections internal newsletter, DOC TALK. In the article 2 employees of the Maine Department of Corrections, Denise Giles, Maine's Victims Advocate and Wayne Theriault, Maine's Commissioner to the Interstate Commission and newly elected vice chairman of the Commission, were recognized at the annual business meeting of the commission by being awarded two of the three awards given annually by the commission/ Denise received the Payton Tuthill Award for her leadership and service on behalf of victims of crimes. Wayne received the Chairman's award given annually to the Commissioner who it is deemed to have made major contributions towards furtherance of the goals and mission of the Commission.

Sincerely,

S/Wayne Theriault
Maine's Commissioner to the Interstate Commission for Adult Offender Supervision

READ and with accompanying papers ORDERED PLACED ON FILE.

At this point a message was received from the House of Representatives, borne by Representative CURTIS of Madison informing the Senate that the House concurred with the proposition for a Convention of the two branches of the Legislature to be held at 11:30 this morning at the Augusta Civic Center for the purpose of administering to the Honorable Paul Richard LePage, Governor-elect, the oaths required by the Constitution to qualify him to enter upon the discharge of his official duties and to receive such communication as he may be pleased to make.

LEGISLATIVE RECORD - SENATE, WEDNESDAY, JANUARY 5, 2011

The Following Communication: S.C. 26

**STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE**

January 5, 2011

To the President of the Senate in the One Hundred and Twenty-fifth Legislature:

I, MATTHEW DUNLAP, Secretary of State, in accordance with the Constitution and laws of the State of Maine, having tabulated the returns of the votes cast for Governor at the General Election held on the second day of November in the year two thousand and ten;

REPORT AS FOLLOWS; that Paul R. LePage, having received a plurality of the votes cast, appears to have been elected Governor of the State of Maine:

General Election – November 2, 2010
Governor

ELIOT R. CUTLER
CAPE ELIZABETH
INDEPENDENT

Androscoggin	13,316
Aroostook	7,478
Cumberland	53,036
Franklin	4,495
Hancock	11,258
Kennebec	17,146
Knox	7,327
Lincoln	6,598
Oxford	8,416
Penobscot	24,150
Piscataquis	2,809
Sagadahoc	6,796
Somerset	6,814
Waldo	6,684
Washington	4,846
York	27,031
State UOCAVA	70
Total	208,270

PAUL R. LEPAGE
WATERVILLE
REPUBLICAN

Androscoggin	18,007
Aroostook	11,353
Cumberland	38,984
Franklin	5,877
Hancock	9,056
Kennebec	23,567
Knox	6,830
Lincoln	7,196
Oxford	10,281
Penobscot	25,721

Piscataquis	3,724
Sagadahoc	6,495
Somerset	9,994
Waldo	7,088
Washington	5,586
York	28,103
State UOCAVA	203

Total 218,065

ELIZABETH LIBBY MITCHELL
VASSALBORO
DEMOCRAT

Androscoggin	6,838
Aroostook	5,307
Cumberland	27,097
Franklin	2,571
Hancock	4,445
Kennebec	11,406
Knox	3,970
Lincoln	3,304
Oxford	4,659
Penobscot	8,253
Piscataquis	837
Sagadahoc	3,330
Somerset	2,703
Waldo	3,053
Washington	1,858
York	19,456
State UOCAVA	300

Total 109,387

SHAWN H. MOODY
GORHAM
INDEPENDENT

Androscoggin	1,566
Aroostook	2,030
Cumberland	8,423
Franklin	520
Hancock	774
Kennebec	1,482
Knox	442
Lincoln	516
Oxford	1,437
Penobscot	1,856
Piscataquis	235
Sagadahoc	647
Somerset	699
Waldo	614
Washington	475
York	7,026
State UOCAVA	14

Total 28,756

KEVIN L. SCOTT
ANDOVER
INDEPENDENT

Androscoggin	511
Aroostook	581
Cumberland	684
Franklin	183
Hancock	182
Kennebec	463
Knox	124
Lincoln	121
Oxford	805
Penobscot	515
Piscataquis	80
Sagadahoc	140
Somerset	243
Waldo	143
Washington	178
York	701
State UOCAVA	10

Total 5,664

OTHERS

Androscoggin	1,638
Aroostook	3
Cumberland	197
Franklin	58
Hancock	8
Kennebec	157
Knox	8
Lincoln	20
Oxford	402
Penobscot	12
Piscataquis	1
Sagadahoc	40
Somerset	15
Waldo	7
Washington	3
York	53
State UOCAVA	2

Total 2,624

I, MATTHEW DUNLAP, Secretary of State, hereby certify that the foregoing report is a true tabulation of the votes cast for Governor at the General Election, as reported to me on the returns from the cities, towns and plantations of the State.

S/Matthew Dunlap
Secretary of State

READ and with accompanying papers **REFERRED** to the Committee on **GUBERNATORIAL VOTE**.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

SENATE PAPERS

Bill "An Act To Regulate the Keeping of Wolf Hybrids"
(EMERGENCY)

S.P. 26 L.D. 11

Presented by Senator TRAHAN of Lincoln.

On motion by Senator **SHERMAN** of Aroostook, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Clarify Joint Tenancy Reinstatement"

S.P. 18 L.D. 3

Presented by Senator HASTINGS of Oxford.
Cosponsored by Representative CROCKETT of Bethel and Senator: HOBBS of York, Representative: MOULTON of York.

Bill "An Act To Clarify the Method of Creating or Severing Joint Tenancy"

S.P. 25 L.D. 10

Presented by Senator HASTINGS of Oxford.
Cosponsored by Representative CROCKETT of Bethel and Senator: HOBBS of York, Representative: MOULTON of York.

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

Sent down for concurrence.

Bill "An Act To Increase the Maximum Distance from a School within Which a Sex Offender May Not Reside That May Be Set by Municipal Ordinance"

S.P. 23 L.D. 8

Presented by Senator COURTNEY of York.
Cosponsored by Representatives: LIBBY of Waterboro, PARRY of Arundel.

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

On motion by Senator **MASON** of Androscoggin, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Sent down for concurrence.

Bill "An Act To Provide a Sales Tax Exemption for Bags Provided by Redemption Centers for Returnable Containers"

S.P. 21 L.D. 6

Presented by Senator TRAHAN of Lincoln.
Cosponsored by Senator COURTNEY of York, Representative CLARK of Millinocket and Senators: LANGLEY of Hancock, THIBODEAU of Waldo, Representatives: CHIPMAN of Portland, FOSSEL of Alna, MORISSETTE of Winslow, NASS of Acton, ROSEN of Bucksport, SANDERSON of Chelsea.

Bill "An Act Concerning Taxation of Automobile Manufacturers' Rebates"

S.P. 22 L.D. 7

Presented by Senator COURTNEY of York.

Bill "An Act To Reduce Income Tax to 4.5% and Remove Low-income Families from Taxation"

S.P. 24 L.D. 9

Presented by Senator COURTNEY of York.
Cosponsored by Representatives: FREDETTE of Newport, HAMPER of Oxford, Representative CUSHING of Hampden and Senators: HASTINGS of Oxford, LANGLEY of Hancock, TRAHAN of Lincoln, Representatives: CHASE of Wells, HANLEY of Gardiner, KNIGHT of Livermore Falls, NELSON of Falmouth, VALENTINO of Saco.

On motion by Senator **TRAHAN** of Lincoln, **REFERRED** to the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

Resolve, To Establish Training Routes for School Bus Drivers
S.P. 19 L.D. 4

Presented by Senator THOMAS of Somerset.
Cosponsored by Representative CEBRA of Naples and Representatives: CRAFTS of Lisbon, CRAY of Palmyra, DAVIS of Sangerville, GIFFORD of Lincoln, HARLOW of Portland, LONG of Sherman, THERIAULT of Madawaska, WINTLE of Garland.

Resolve, Directing the Department of Transportation To Reopen the Pittsfield Rest Areas and To Plow a Scenic Overlook
S.P. 20 L.D. 5

Presented by Senator THOMAS of Somerset.
Cosponsored by Representative DAVIS of Sangerville and Senators: JACKSON of Aroostook, SHERMAN of Aroostook, Representatives: CLARK of Millinocket, EDGECOMB of Caribou, GIFFORD of Lincoln, LONG of Sherman, WILLETTE of Presque Isle, WINTLE of Garland.

On motion by Senator **COLLINS** of York, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

Sent down for concurrence.

Bill "An Act To Allow Farm Wineries To Charge for Wine Tastings"

S.P. 17 L.D. 2

Presented by Senator LANGLEY of Hancock.
Cosponsored by Senators: THIBODEAU of Waldo, TRAHAN of Lincoln, Representatives: FREDETTE of Newport, McCABE of Skowhegan.

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

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

ORDERS

Joint Order

On motion by Senator **PLOWMAN** of Penobscot, the following Joint Order:

S.P. 15

Ordered, the House concurring, that a Committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Honorable Paul Richard LePage and inform him that he has been duly elected Governor of the State of Maine for the political years 2011, 2012, 2013 and 2014.

READ and 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. 29

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

January 5, 2010

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

Dear Secretary Carleton:

In compliance with Joint Order (S.P. 14), I am pleased to appoint the following members to the Gubernatorial Vote Committee:

- Senator Earle L. McCormick of Kennebec, Chair
- Senator Lois Snowe-Mello of Androscoggin
- Senator Nichi S. Farnham of Penobscot
- Senator Rodney L. Whittemore of Somerset
- Senator G. William Diamond of Cumberland
- Senator Elizabeth M. Schneider of Penobscot
- Senator John L. Patrick of Oxford

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.

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

COMMUNICATIONS

The Following Communication: S.P. 16

**STATE OF MAINE
125TH LEGISLATURE
JOINT SELECT COMMITTEE
ON GUBERNATORIAL VOTE**

January 5, 2011

The Honorable Kevin L. Raye
President of the Senate
The Honorable Robert Nutting
Speaker of the House
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

The Joint Select Committee of the One Hundred and Twenty-Fifth Legislature on returns of votes for Governor given in the several cities, towns and plantations of this State for the political years 2011, 2012, 2013 and 2014 has attended to its duty and asks leave to report that the tabulation of the return of votes cast for Governor at the General Election held on November 2, 2010 as reported by the Secretary of State Dunlap, is a true and accurate account.

Sincerely,

S/Senator Earle L. McCormick
Senate Chair

S/Representative Michael G. Beaulieu
House Chair

READ and ORDERED PLACED ON FILE.

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

COMMUNICATIONS

The Following Communication: S.C. 30

STATE OF MAINE
125TH LEGISLATURE
OFFICE OF THE PRESIDENT

January 5, 2011

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

Dear Secretary Carleton:

In compliance with Joint Order (S.P. 15), I am pleased to appoint the following members to inform the Honorable Paul R. LePage that he has been duly elected Governor of the State of Maine for the political years 2011, 2012, 2013 and 2014.

Senator Thomas H. Martin Jr. of Kennebec, Chair
Senator Roger J. Katz of Kennebec
Senator Margaret M. Craven of Androscoggin

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.

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

COMMUNICATIONS

The Following Communication: H.C. 37

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

January 5, 2011

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

Dear Secretary Carleton:

Pursuant to Joint Order S.P. 14, the Speaker appointed the following Representatives to the Joint Select Committee on the Gubernatorial Vote on the part of the House:

Representative Michael G. Beaulieu, Auburn, Chair
Representative Jarrod S. Crockett, Bethel
Representative Michael J. Willette, Presque Isle

Representative Douglas K. Damon, Bangor
Representative David D. Johnson, Eddington
Representative Michael E. Carey, Lewiston
Representative Linda M. Valentino, Saco
Representative Diane Russell, Portland
Representative Thomas R. W. Longstaff, Waterville
Representative Benjamin M. Chipman, Portland

Pursuant to Joint Order S.P. 15, the Speaker appointed the following Representatives to the Committee to wait upon the Honorable Paul Richard LePage and inform him that he has been duly elected Governor of the State of Maine for the political years 2011, 2012, 2013 and 2014, on the part of the House:

Representative H. David Cotta, China, Chair
Representative Lance Evans Harvell, Farmington
Representative Bradley S. Moulton, York
Representative Michael Celli, Brewer
Representative James S. Gillway, Searsport
Representative Andrea M. Boland, Sanford
Representative Bryan T. Kaenrath, South Portland
Representative Brian D. Bolduc, Auburn
Representative Alan M. Casavant, Biddeford
Representative Anne P. Graham, North Yarmouth

Sincerely,

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

READ and ORDERED PLACED ON FILE.

The President requested the Sergeant-At-Arms escort the Senator from Kennebec, Senator **MARTIN**, the Senator from Kennebec, Senator **KATZ**, and the Senator from Androscoggin, Senator **CRAVEN**, to deliver their message to Governor-elect LePage.

Senate at Ease.

Senate called to order by the President.

Subsequently, the Senator from Kennebec, Senator **MARTIN** reported that the committee had delivered the message with which they were charged.

The President appointed the Senator from Penobscot, Senator **PLOWMAN**, to serve as President Pro Tem for this evening's reconvening.

Off Record Remarks

Senator **HASTINGS** of Oxford 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

RECESSED until 11:30 this morning to the Augusta Civic Center. At this point, the Senate retired to the Augusta Civic Center, where a Joint Convention was formed.

After Convention

In Senate Chamber

Senate called to order by
President Pro Tem **DEBRA D. PLOWMAN**
of Penobscot County.

On motion by Senator **THOMAS** of Somerset, **ADJOURNED** to Thursday, January 6, 2011, at 10:00 in the morning.