

# 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

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

In Senate Chamber  
Tuesday  
January 11, 2011

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

Prayer by Steven Spaulding, Department Chaplain for the American Legion.

**MR. SPAULDING:** Almighty God, we look to Thee for the guidance You gave the founding fathers of our blessed country as we open another working session of the Senate. Their genius in forming this republic of ours has made it possible to govern well in spite of our varied grounds and political affiliations. Watch over us as we continue to grow in understanding, purifying our motives and purposes as we make our mark in the world so that it may be a mark of excellence, not only another ugly scar upon the face of the good earth. Let us reason together on the issues of peace and freedom in our world and arrive at decisions as Americans, all by a majority rule, and during our deliberations let us never forget those who gave that last whole measure of devotion, that the government of the people, by the people, and for the people shall not perish from this earth. Amen.

Pledge of Allegiance by Brian Danforth, Department Commander for the Sons of the American Legion.

Reading of the Journal of Thursday, January 6, 2011.

**COMMUNICATIONS**

The Following Communication: S.P. 28

STATE OF MAINE  
125TH LEGISLATURE  
OFFICE OF THE GOVERNOR

January 6, 2011

The Honorable Kevin Raye  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear President Raye,

This is to inform you that I am today nominating William H. Beardsley of Ellsworth for appointment as Commissioner of the Department of Conservation.

Pursuant to Title 12, MRSA §5011, this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

Sent down for concurrence.

The Following Communication: S.P. 29

STATE OF MAINE  
125TH LEGISLATURE  
OFFICE OF THE GOVERNOR

January 6, 2011

The Honorable Kevin Raye  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear President Raye,

This is to inform you that I am today nominating H. Sawin Millett Jr. of Waterford for appointment as Commissioner of the Department of Administrative and Financial Services.

Pursuant to Title 5, MRSA §281, this nomination will require review by the Joint Standing Committee on Appropriations and Financial Services.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

Sent down for concurrence.

The Following Communication: S.P. 30

STATE OF MAINE  
125TH LEGISLATURE  
OFFICE OF THE GOVERNOR

January 6, 2011

The Honorable Kevin Raye  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear President Raye,

This is to inform you that I am today nominating John Morris of West Gardiner for appointment as Commissioner of the Department of Public Safety.

Pursuant to Title 25, MRSA §2901, this nomination will require review by the Joint Standing Committee on Criminal Justice and Public Safety.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

Sent down for concurrence.

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The Following Communication: S.P. 31

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

January 10, 2011

The Honorable Kevin Raye  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear President Raye,

This is to inform you that I am today nominating Darryl N. Brown of Livermore Falls for appointment as Commissioner of the Department of Environmental Protection.

Pursuant to Title 38, MRSA §341-A, this nomination will require review by the Joint Standing Committee on Environment and Natural Resources.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

Sent down for concurrence.

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The Following Communication: S.P. 32

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

January 10, 2011

The Honorable Kevin Raye  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear President Raye,

This is to inform you that I am today nominating Philip A. Congdon of Round Pond for appointment as Commissioner of the Department of Economic and Community Development.

Pursuant to Title 5, MRSA §13057, this nomination will require review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

Sent down for concurrence.

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The Following Communication: S.P. 33

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

January 10, 2011

The Honorable Kevin Raye  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear President Raye,

This is to inform you that I am today nominating Norman H. Olsen of Cherryfield for appointment as Commissioner of the Department of Marine Resources.

Pursuant to Title 12, MRSA §6022, this nomination will require review by the Joint Standing Committee on Marine Resources.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

Sent down for concurrence.

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**SENATE PAPERS**

Bill "An Act To Authorize a General Fund Bond Issue To Repair the Mountain Division Rail Line"

S.P. 36 L.D. 63

Presented by Senator DIAMOND of Cumberland.  
Cosponsored by Representative PLUMMER of Windham and Senator: HASTINGS of Oxford, Representatives: BRYANT of Windham, CHIPMAN of Portland, HUNT of Buxton, PEOPLES of Westbrook, RANKIN of Hiram, SARTY of Denmark, SHAW of Standish.

On motion by Senator ROSEN of Hancock, REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ordered printed.

Sent down for concurrence.

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Bill "An Act Implementing a Fisheries Permit Banking Program"

S.P. 34 L.D. 61

Presented by Senator RECTOR of Knox.  
Cosponsored by Representative KRUGER of Thomaston and Senators: COLLINS of York, HOBBS of York, TRAHAN of Lincoln, Representatives: MacDONALD of Boothbay, McKANE of Newcastle, RICHARDSON of Warren, STRANG BURGESS of Cumberland, TILTON of Harrington.  
Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

On motion by Senator SNOWE-MELLO of Androscoggin, REFERRED to the Committee on MARINE RESOURCES and ordered printed.

Sent down for concurrence.

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Bill "An Act Relating to the State Bid Process"

S.P. 35 L.D. 62

Presented by Senator THOMAS of Somerset.  
Cosponsored by Representative LONG of Sherman and Senators: FARNHAM of Penobscot, KATZ of Kennebec, LANGLEY of Hancock, MASON of Androscoggin, THIBODEAU of Waldo, Representatives: DUNPHY of Embden, FOSSEL of Alna, HAMPER of Oxford.

On motion by Senator THOMAS of Somerset, REFERRED to the Committee on STATE AND LOCAL GOVERNMENT and ordered printed.

Sent down for concurrence.

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Bill "An Act To Make a Violation of the Laws Governing Seat Belts a Secondary Offense"

S.P. 37 L.D. 64

Presented by Senator COLLINS of York.  
Cosponsored by Representative CEBRA of Naples and Senators: HASTINGS of Oxford, JACKSON of Aroostook, SNOWE-MELLO of Androscoggin, THOMAS of Somerset, Representatives: BENNETT of Kennebunk, SARTY of Denmark.

On motion by Senator COLLINS of York, REFERRED to the Committee on TRANSPORTATION 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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Senator THIBODEAU of Waldo was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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Senator RECTOR of Knox was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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

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Off Record Remarks

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On motion by Senator COURTNEY of York, ADJOURNED to Wednesday, January 12, 2011, at 10:00 in the morning.