

MAINE STATE LEGISLATURE

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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
Thursday
February 3, 2011

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

Prayer by Reverend Susan Reiser, Old South Congregational Church UCC in Hallowell.

REVEREND REISERT: Thank you. I'm so very pleased to be with you today to lead you in prayer. Let us bow our heads for a moment and pray.

Gracious, holy and merciful God, God of love, God of this whole of creation, including this beautiful place of earth called Maine, so covered in white this day, we pray to You, taking a moment to ask You to calm our restless spirits, to gather us in, that in phrase and in wonder we will live out this day in the joy of Your presence and in the hope of what You envision for us as we are created in Your image. We pray for strength and wisdom, that those assembled in this place will strive to work diligently, keeping in mind and in heart those whom they serve in this state, that they will be filled with the spirit of cooperation and of honesty and of integrity. As this assembled group of elected leaders gather here on this cold day we take a moment, O God, to be especially mindful of those who so need our help and assistance, those who sleep outside or in their car even in winter, those who can scarcely heat their homes, those who have difficulty putting food on the table for their families. We also lift up others in need: the mentally ill, the unemployed, the imprisoned, those who are alone and isolated. We pray especially for children and youth who do not experience the warmth of love and care, who do not know hope or trust in others, even in their own homes. As we have been taught through holy scripture, may these makers of law and policy look out for the wellbeing of the widow and orphan, the oppressed, the afflicted, those on the margins of society, and in their deliberations always seeking the good of all, that Your light, O God, may rise among us. May these good women and men assembled here look for new ways of listening and speaking to each other to model for all of those who live in this state, young and old and in between, a respect for the image of God that lives in each of us. As we look at the chaos and violence of this world may we never take for granted the freedoms we enjoy, nor for those who work so hard to protect us. Loving God, help us to show our gratefulness for this day; our thankfulness for those who helped get us here, in particular those who plowed and shoveled through the night. May Your grace, O God, be felt in this place, that we may all be renewed in Your service and strengthened for the challenging work that lies ahead, as our diversity reflects Your image, O God. We offer this prayer in Your many names. Amen.

Pledge of Allegiance led by Senator Thomas B. Saviello of Franklin County.

Reading of the Journal of Tuesday, February 1, 2011.

Doctor of the day, Sydney Sewall, MD of Hallowell.

Out of order and under suspension of the Rules, on motion by Senator **COURTNEY** of York, the following Joint Order:
S.P. 84

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 8, 2011, at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Improve the Water Quality of Hall Pond in Paris"
S.P. 61 L.D. 211

In Senate, January 27, 2011, on motion by Senator **SAVIELLO** of Franklin, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

Comes from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in **NON-CONCURRENCE**.

On motion by Senator **SAVIELLO** of Franklin, the Senate **RECEDED** and **CONCURRED**.

House Papers

Bill "An Act To Revise Notification Requirements for Pesticide Application"
H.P. 181 L.D. 228

Presented by Representative **EDGECOMB** of Caribou. Cosponsored by Senator **SHERMAN** of Aroostook and Representatives: **CLARK** of Easton, **GIFFORD** of Lincoln.

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

Bill "An Act To Authorize a General Fund Bond Issue To Fund Construction of a Marine Technology Incubator Facility at the Gulf of Maine Research Institute"

H.P. 216 L.D. 263

Presented by Representative RUSSELL of Portland.

Comes from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Protect Children in Public Schools by Changing Notification Requirements Regarding Sex Offenders"

H.P. 210 L.D. 257

Presented by Representative CEBRA of Naples.
Cosponsored by Representatives: BURNS of Whiting, CRAY of Palmyra, GIFFORD of Lincoln, McCLELLAN of Raymond, PLUMMER of Windham, SARTY of Denmark.

Bill "An Act Regarding Residential Chimney Lining"

H.P. 217 L.D. 264

Presented by Representative HARVELL of Farmington.
Cosponsored by Senator SAVIELLO of Franklin and Representatives: GIFFORD of Lincoln, LIBBY of Waterboro, MORISSETTE of Winslow, O'CONNOR of Berwick, PARRY of Arundel, SANDERSON of Chelsea, VOLK of Scarborough.

Bill "An Act To Enhance the Collection of Restitution for Victims of Crimes"

H.P. 224 L.D. 276

Presented by Representative FOSSEL of Alna.
Cosponsored by Senator RECTOR of Knox and Senator: TRAHAN of Lincoln, Representatives: SANDERSON of Chelsea, SARTY of Denmark.

Come from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in concurrence.

Resolve, To Change the Name of the Northern Penobscot Technical Center

H.P. 185 L.D. 232

Presented by Representative CLARK of Millinocket.
Cosponsored by Senator SAVIELLO of Franklin.

Bill "An Act To Establish the State Board of Education as the Appointing Authority for the Commissioner of Education"

H.P. 186 L.D. 233

Presented by Representative CLARK of Millinocket.
Cosponsored by Senator SAVIELLO of Franklin and Representative: GIFFORD of Lincoln.

Bill "An Act To Require High School Students To Register To Vote as a Requirement for Graduation"

H.P. 189 L.D. 236

Presented by Representative BOLDUC of Auburn.

Bill "An Act To Make the Consolidation of School Administrative Units Voluntary and To Eliminate the Penalties for Units That Choose Not To Consolidate"

H.P. 221 L.D. 268

Presented by Representative MacDONALD of Boothbay.
Cosponsored by Senator TRAHAN of Lincoln and Representative: McKANE of Newcastle.

Bill "An Act To Change the Notice Period for Terminating Teachers' Contracts"

H.P. 223 L.D. 275

Presented by Representative HARVELL of Farmington. (BY REQUEST)

Come from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Promote Energy Independence and Renewable Energy Production" (EMERGENCY)

H.P. 194 L.D. 241

Presented by Representative CLARK of Easton.
Cosponsored by Senator SHERMAN of Aroostook and Senator: JACKSON of Aroostook, Representatives: AYOTTE of Caswell, EDGECOMB of Caribou, FITZPATRICK of Houlton, LONG of Sherman, MARTIN of Eagle Lake, THERIAULT of Madawaska, WILLETTE of Mapleton.

Come from the House, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed, in concurrence.

Bill "An Act To Ensure Emergency Communications for Persons with Disabilities"

H.P. 196 L.D. 243

Presented by Representative WEBSTER of Freeport.
Cosponsored by Senator THIBODEAU of Waldo and Senators: BARTLETT of Cumberland, GERZOFKY of Cumberland, Representatives: BEAVERS of South Berwick, DION of Portland, DUNPHY of Embden, FITTS of Pittsfield, HINCK of Portland, LUCHINI of Ellsworth.

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**.

REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed, in concurrence.

Bill "An Act To Allow the Removal of Gravel Bars in the Sandy River"

H.P. 193 L.D. 240

Presented by Representative BLACK of Wilton.
Cosponsored by Senator SAVIELLO of Franklin and Representatives: CRAFTS of Lisbon, CURTIS of Madison, DAVIS of Sangerville, DUNPHY of Embden, HARVELL of Farmington, LONG of Sherman, TIMBERLAKE of Turner, WOOD of Sabattus.

Bill "An Act To Amend the Laws Governing Waste Processing"
H.P. 198 L.D. 245

Presented by Representative CELLI of Brewer.
Cosponsored by Representative: BEAULIEU of Auburn.

Bill "An Act To Amend the Laws Governing Aquatic Nuisance Species"

H.P. 205 L.D. 252

Presented by Representative EBERLE of South Portland.
Cosponsored by Senator KATZ of Kennebec and Representatives: BERRY of Bowdoinham, CLARKE of Bath, GRAHAM of North Yarmouth, KESCHL of Belgrade, LONGSTAFF of Waterville, Speaker NUTTING of Oakland, PETERSON of Rumford, WEAVER of York.

Bill "An Act To Amend the Law Regarding Repairing a Structure in a Coastal Sand Dune System"

H.P. 209 L.D. 256

Presented by Representative CHASE of Wells.
Cosponsored by Senator SHERMAN of Aroostook and Senators: COLLINS of York, HILL of York, Representatives: AYOTTE of Caswell, MOULTON of York, NASS of Acton.

Bill "An Act To Eliminate Combined Sewer Overflows in Maine Waters" (EMERGENCY)

H.P. 214 L.D. 261

Presented by Representative OLSEN of Phippsburg.
Cosponsored by Senator SAVIELLO of Franklin and Senator: SULLIVAN of York, Representatives: DUNPHY of Embden, FITTS of Pittsfield, MacDONALD of Boothbay, O'CONNOR of Berwick, SIROCKI of Scarborough, WEAVER of York.

Bill "An Act To Expand Eligibility of Certain Municipal Landfills To Participate in the State's Remediation and Closure Program"
H.P. 215 L.D. 262

Presented by Representative JOHNSON of Greenville.
Cosponsored by Senator THOMAS of Somerset and Representative: DAVIS of Sangerville.

Come from the House, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed, in concurrence.

Bill "An Act To Prevent the Spread of Milfoil in the Songo River" (EMERGENCY)

H.P. 195 L.D. 242

Presented by Representative WATERHOUSE of Bridgton.
Cosponsored by Senator SHERMAN of Aroostook and Senator: SAVIELLO of Franklin, Representative: DUCHESNE of Hudson.

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

On motion by Senator SAVIELLO of Franklin, **TABLED** until Later in Today's Session, pending **REFERENCE**.

Bill "An Act To Provide for a Temporary License To Operate Certain Eating and Lodging Establishments"

H.P. 201 L.D. 248

Presented by Representative MALABY of Hancock.
Cosponsored by Senator LANGLEY of Hancock and Representatives: FOSSEL of Alna, MAKER of Calais, O'CONNOR of Berwick, PICCHIOTTI of Fairfield, RIOUX of Winterport, SANDERSON of Chelsea, STRANG BURGESS of Cumberland, TILTON of Harrington.

Bill "An Act Relating to Access to Vital Records"

H.P. 211 L.D. 258

Presented by Representative SANDERSON of Chelsea.
Cosponsored by Senator HOBBS of York and Representatives: HARVELL of Farmington, MORISSETTE of Winslow.

Bill "An Act To Strengthen the Laws on Methicillin-resistant Staphylococcus Aureus and To Improve Health Care"
H.P. 220 L.D. 267

Presented by Representative GOODE of Bangor.
Cosponsored by Senator CRAVEN of Androscoggin and Senator: BARTLETT of Cumberland, Representatives: EVES of North Berwick, GRAHAM of North Yarmouth, PARKER of Veazie, PETERSON of Rumford, RICHARDSON of Warren, STUCKEY of Portland.

Come from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

Bill "An Act To Establish the Wilderness Rescue Fund"
H.P. 204 L.D. 251

Presented by Representative TUTTLE of Sanford.
Cosponsored by Senator: PATRICK of Oxford, Representatives: CLARK of Millinocket, DAVIS of Sangerville, O'BRIEN of Lincolnville, PETERSON of Rumford.

Bill "An Act To Amend the Standards by Which Game Wardens May Stop All-terrain Vehicles Operating on Private Property"
H.P. 207 L.D. 254

Presented by Representative SARTY of Denmark.
Cosponsored by Senator DIAMOND of Cumberland and Representatives: BRIGGS of Mexico, CEBRA of Naples, CLARK of Millinocket, COTTA of China, McKANE of Newcastle, SANDERSON of Chelsea, SHAW of Standish, WOOD of Sabattus.

Come from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

Bill "An Act To Make Public the Names of Members of Limited Liability Companies"
H.P. 190 L.D. 237

Presented by Representative CLARK of Millinocket.
Cosponsored by Senator: THOMAS of Somerset.

Bill "An Act To Amend the Gift Card Laws"
H.P. 200 L.D. 247

Presented by Representative PRESCOTT of Topsham.
Cosponsored by Senator RECTOR of Knox and Representatives: COTTA of China, DAVIS of Sangerville, HAMPER of Oxford, KNIGHT of Livermore Falls, KRUGER of Thomaston, PILON of Saco, SHAW of Standish, WEAVER of York.

Come from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

REFERRED to the Committee on **JUDICIARY** and ordered printed, in concurrence.

Bill "An Act To Allow Independent Practice Dental Hygienists To Work within Their Scope of Practice" (EMERGENCY)
H.P. 183 L.D. 230

Presented by Representative SIROCKI of Scarborough.
Cosponsored by Representatives: ESPLING of New Gloucester, O'CONNOR of Berwick, OLSEN of Phippsburg, SANBORN of Gorham, SANDERSON of Chelsea, STUCKEY of Portland, WINTLE of Garland.

Bill "An Act To Expand Access to Oral Health Care"
H.P. 219 L.D. 266

Presented by Representative STUCKEY of Portland.
Cosponsored by Representatives: GILBERT of Jay, SANBORN of Gorham, SIROCKI of Scarborough.

Bill "An Act To Implement a Maine Unemployment Insurance Work-sharing Program"
H.P. 222 L.D. 269

Presented by Representative RUSSELL of Portland.

Come from the House, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

Resolve, Directing the Department of Marine Resources To Extend the Carrier Vessel Size Limit in the Menhaden Pilot Program
H.P. 197 L.D. 244

Presented by Representative PARRY of Arundel.
Cosponsored by Senator SULLIVAN of York and Representatives: CRAY of Palmyra, GIFFORD of Lincoln, HARVELL of Farmington, LIBBY of Waterboro, VALENTINO of Saco.

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

REFERRED to the Committee on **MARINE RESOURCES** and ordered printed, in concurrence.

Bill "An Act To Amend the Law Governing Municipal Disbursement Warrants"

H.P. 226 L.D. 278

Presented by Representative WILLETTE of Mapleton.
Cosponsored by Senator SHERMAN of Aroostook and Senator: JACKSON of Aroostook.

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

Bill "An Act To Permit Tuition Subsidies by Municipalities"

H.P. 203 L.D. 250

Presented by Representative VOLK of Scarborough.
Cosponsored by Senator MASON of Androscoggin and Representatives: CEBRA of Naples, DUNPHY of Embden, ESPLING of New Gloucester, HANLEY of Gardiner, MAKER of Calais, MALABY of Hancock, McCLELLAN of Raymond.

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

On motion by Senator THOMAS of Somerset, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act To Protect Homeowners Concerning Property Liens"

H.P. 182 L.D. 229

Presented by Representative CASAVANT of Biddeford.
Cosponsored by Senator SULLIVAN of York and Representatives: BEAUDOIN of Biddeford, EBERLE of South Portland, KAENRATH of South Portland.

Bill "An Act To Provide a Sales Tax Exemption to Commercial Horticulturists"

H.P. 187 L.D. 234

Presented by Representative HARVELL of Farmington.
Cosponsored by Senator SAVIELLO of Franklin and Representatives: BLACK of Wilton, BURNS of Whiting.

Bill "An Act To Limit the Vehicle Excise Tax Exemption Provided to Benevolent and Charitable Institutions and To Repeal the Exemption Provided to Literary and Scientific Institutions"

H.P. 191 L.D. 238

Presented by Representative CELLI of Brewer.
Cosponsored by Representative: BEAULIEU of Auburn.

Bill "An Act To Provide a Sales Tax Exemption on Fuel Used for Heating a Business" (EMERGENCY)

H.P. 192 L.D. 239

Presented by Representative JOHNSON of Greenville.
Cosponsored by Senator THOMAS of Somerset and Representatives: DAVIS of Sangerville, GILLWAY of Searsport, HARMON of Palermo, MAKER of Calais, SARTY of Denmark.

Bill "An Act To Provide an Income Tax Deduction for Amounts Received as Loan Forgiveness under the Maine Dental Education Loan Program"

H.P. 208 L.D. 255

Presented by Representative CHASE of Wells.
Cosponsored by Representative KNIGHT of Livermore Falls, Senator PLOWMAN of Penobscot and Representatives: BERRY of Bowdoinham, BURNS of Alfred, FLEMINGS of Bar Harbor, HARMON of Palermo, PILON of Saco.

Bill "An Act To Extend the Historic Preservation Tax Credit"

H.P. 213 L.D. 260

Presented by Representative HERBIG of Belfast.
Cosponsored by Senator DIAMOND of Cumberland and Representatives: BERRY of Bowdoinham, BRYANT of Windham, CAIN of Orono, FLEMINGS of Bar Harbor, FREDETTE of Newport, GILLWAY of Searsport, KNIGHT of Livermore Falls, ROCHELO of Biddeford.

Come from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** and ordered printed, in concurrence.

Bill "An Act To Include Antique Motorcycles on the List of Vehicles That Are Exempt from Inspection" (EMERGENCY)

H.P. 188 L.D. 235

Presented by Representative GILBERT of Jay.
Cosponsored by Senator THOMAS of Somerset and Senators: COLLINS of York, DIAMOND of Cumberland, Representatives: BRYANT of Windham, CEBRA of Naples, MAZUREK of Rockland, PEOPLES of Westbrook, ROSEN of Bucksport, THERIAULT of Madawaska.

Bill "An Act To Require the Daytime Use of Headlights on Motor Vehicles"

H.P. 199 L.D. 246

Presented by Representative KNAPP of Gorham. (BY REQUEST)
Cosponsored by Representatives: BEAVERS of South Berwick, BOLDUC of Auburn, PEOPLES of Westbrook, ROSEN of Bucksport.

Bill "An Act To Allow Trained Local Law Enforcement Officers To Enforce Federal Motor Carrier Regulations"
H.P. 202 L.D. 249

Presented by Representative SHAW of Standish.
Cosponsored by Senator BARTLETT of Cumberland and Senators: DIAMOND of Cumberland, RECTOR of Knox, Representatives: BRIGGS of Mexico, CEBRA of Naples, HARVELL of Farmington, HASKELL of Portland, PILON of Saco, PRESCOTT of Topsham.

Bill "An Act To Limit the Duration of a Legal Alien's Driver's License"
H.P. 212 L.D. 259

Presented by Representative CEBRA of Naples.
Cosponsored by Representatives: CRAY of Palmyra, GIFFORD of Lincoln, McCLELLAN of Raymond, PARRY of Arundel, PLUMMER of Windham, WILLETTE of Mapleton.

Bill "An Act Relating to Motor Vehicle Dealer Licensing Requirements"
H.P. 218 L.D. 265

Presented by Representative BEAULIEU of Auburn.
Cosponsored by Senator THOMAS of Somerset and Senator: PLOWMAN of Penobscot, Representatives: BICKFORD of Auburn, BOLDUC of Auburn, CELLI of Brewer, HAMPER of Oxford, LAJOIE of Lewiston, WEAVER of York.

Come from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

Bill "An Act Relating to the Establishment of Casinos"
H.P. 153 L.D. 227

Presented by Representative VALENTINO of Saco.
Cosponsored by Representative HOGAN of Old Orchard Beach and Senator: BARTLETT of Cumberland, Representatives: DION of Portland, LONGSTAFF of Waterville, MAZUREK of Rockland, PILON of Saco, RUSSELL of Portland.

Bill "An Act To Ensure the Integrity of Laws Governing Clean Elections by Amending Provisions Regarding Equipment Repurchase"
H.P. 184 L.D. 231

Presented by Representative WILLETTE of Mapleton.
Cosponsored by Senator MASON of Androscoggin and Representatives: AYOTTE of Caswell, CLARK of Easton, CRAFTS of Lisbon, EDGECOMB of Caribou, HARMON of Palermo, HARVELL of Farmington, LONG of Sherman, TIMBERLAKE of Turner.

Bill "An Act To Make Disputed Ballots in State Elections Public"
H.P. 225 L.D. 277

Presented by Representative FOSSEL of Alna.
Cosponsored by Senator RECTOR of Knox and Senator: TRAHAN of Lincoln, Representatives: DAVIS of Sangerville, DOW of Waldoboro, McKANE of Newcastle.

Come from the House, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 53

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

January 19, 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 Paul H. Sighinolfi of Brewer for appointment as the Executive Director of the Maine Worker's Compensation Board.

Pursuant to 39-A MRSA, §151, 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.

The Following Communication: S.C. 54

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

February 1, 2011

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

Dear Secretary Carleton,

Pursuant to my authority under Title 2, MRSA, Chapter 5, §104, I am pleased to appoint the following Senators to the Advisory Council on Health Systems Development:

Senator Earle L. McCormick of Kennebec
Senator Joseph C. Brannigan of Cumberland

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.

The Following Communication: S.C. 55

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

February 1, 2011

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 to the Government Oversight Committee, the committee having oversight responsibility for the Office of Program Evaluation and Government Accountability:

Senator Margaret M. Craven of Androscoggin

Senator Craven will be replacing Senator Schneider of Penobscot on the Government Oversight Committee.

If you have any questions regarding this appointment, please contact my office.

Sincerely,

S/Kevin L. Raye
President of the Senate

READ and ORDERED PLACED ON FILE.

Resolve, Reauthorizing the Balance of the 2005 Maine Biomedical Research Fund and Marine Infrastructure and Technology Fund Bond Issues (EMERGENCY)
S.P. 86 L.D. 280

Presented by Senator RECTOR of Knox.
Cosponsored by Representative PRESCOTT of Topsham and Senators: FARNHAM of Penobscot, GERZOFSKY of Cumberland, KATZ of Kennebec, LANGLEY of Hancock, McCORMICK of Kennebec, ROSEN of Hancock, SCHNEIDER of Penobscot, Representative: WELSH of Rockport.

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

Sent down for concurrence.

Bill "An Act To Create a 5-year Statute of Limitations for Environmental Violations"
S.P. 87 L.D. 281

Presented by Senator SNOWE-MELLO of Androscoggin.
Cosponsored by Senators: COLLINS of York, HASTINGS of Oxford, MASON of Androscoggin, McCORMICK of Kennebec, SAVIELLO of Franklin, Representatives: FITTS of Pittsfield, WINSOR of Norway.

Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested and ordered printed.

On motion by Senator SAVIELLO of Franklin, REFERRED to the Committee on **JUDICIARY**.

Sent down for concurrence.

Bill "An Act To Increase the Availability of Lead Testing for Children"
S.P. 89 L.D. 300

Presented by Senator CRAVEN of Androscoggin.
Cosponsored by Representative ROTUNDO of Lewiston and Senator: McCORMICK of Kennebec, Representatives: EVES of North Berwick, FOSSEL of Alna, MALABY of Hancock, PETERSON of Rumford, SANBORN of Gorham, STRANG BURGESS of Cumberland, STUCKEY of Portland.

On motion by Senator McCORMICK of Kennebec, REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

SENATE PAPERS

Bill "An Act To Amend Indemnification Notification Laws"
S.P. 85 L.D. 279

Presented by Senator SNOWE-MELLO of Androscoggin.

On motion by Senator WHITTEMORE of Somerset, REFERRED to the Committee on INSURANCE AND FINANCIAL SERVICES and ordered printed.

Sent down for concurrence.

Bill "An Act Relating to Abandoned Vehicles"
S.P. 90 L.D. 301

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Representative THERIAULT of Madawaska and Representatives: MAZUREK of Rockland, PARRY of Arundel, ROSEN of Bucksport.

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

Sent down for concurrence.

Bill "An Act Regarding the Southern Maine Veterans Memorial Cemetery"
S.P. 88 L.D. 299

Presented by Senator COURTNEY of York.
Cosponsored by Representative TUTTLE of Sanford and Senator: PLOWMAN of Penobscot, Representatives: BOLAND of Sanford, CHASE of Wells, NASS of Acton, PILON of Saco, VALENTINO of Saco.

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.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on EDUCATION AND CULTURAL AFFAIRS on Bill "An Act To Change the Annual Meeting Date and Fiscal Year of Mount Desert Island Regional School District" (EMERGENCY)
H.P. 11 L.D. 19

Reported that the same Ought to Pass.

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

Report READ and ACCEPTED, in concurrence.

Under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

Ordered sent forthwith to the Engrossing Division.

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Amend the Retirement Benefit Provisions for State Employees Working under Special Plans Who Remain Employed beyond the Minimum Years Necessary To Qualify for Retirement Benefits"

H.P. 242 L.D. 298

Presented by Representative SARTY of Denmark.
Cosponsored by Senator COURTNEY of York and Senator: President RAYE of Washington, Representatives: COTTA of China, CURTIS of Madison, CUSHING of Hampden, DAVIS of Sangerville, HAYES of Buckfield, JOHNSON of Greenville, MCKANE of Newcastle.

Comes from the House, REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ordered printed.

REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ordered printed, in concurrence.

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Limit Charges for Fingerprinting Performed for Certain Criminal History Background Checks"

H.P. 243 L.D. 282

Presented by Representative PRESCOTT of Topsham. Cosponsored by Senator GERZOFKY of Cumberland and Representatives: CEBRA of Naples, EDGECOMB of Caribou, GIFFORD of Lincoln, HAMPER of Oxford, KNIGHT of Livermore Falls, McKANE of Newcastle, MORISSETTE of Winslow, SANDERSON of Chelsea.

Bill "An Act To Find Cost Savings and Efficiencies in the Fingerprinting System for Criminal History Background Checks"

H.P. 240 L.D. 296

Presented by Representative PRESCOTT of Topsham. Cosponsored by Senator GERZOFKY of Cumberland and Representatives: CEBRA of Naples, GIFFORD of Lincoln, HAMPER of Oxford, KNIGHT of Livermore Falls, McKANE of Newcastle, MORISSETTE of Winslow, PLUMMER of Windham, SANDERSON of Chelsea.

Come from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Resolve, Directing the Office of Program Evaluation and Government Accountability To Make Recommendations To Find Efficiencies in Per-pupil Costs Associated with Interscholastic Activities

H.P. 248 L.D. 306

Presented by Representative BECK of Waterville. Cosponsored by Senator SAVIELLO of Franklin and Representatives: LUCHINI of Ellsworth, MALONEY of Augusta, MAZUREK of Rockland, NELSON of Falmouth, PRESCOTT of Topsham, RANKIN of Hiram.

Comes from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Allow Oak Grove Cemetery To Operate a Crematorium on a Parcel of Land Less than 20 Acres" (EMERGENCY)

H.P. 230 L.D. 286

Presented by Representative HANLEY of Gardiner. Cosponsored by Senator McCORMICK of Kennebec.

Bill "An Act To Improve Hospital Transparency"

H.P. 245 L.D. 303

Presented by Representative GOODE of Bangor. Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: DAMON of Bangor, HINCK of Portland, LOVEJOY of Portland, PARKER of Veazie, SANBORN of Gorham, STEVENS of Bangor, STUCKEY of Portland.

Come from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Prohibit Water-ski Courses on Small Ponds" H.P. 228 L.D. 284

Presented by Representative CRAFTS of Lisbon. Cosponsored by Senator MASON of Androscoggin and Representatives: BLACK of Wilton, CRAY of Palmyra, DAVIS of Sangerville, FREDETTE of Newport, SARTY of Denmark, TIMBERLAKE of Turner, WILLETTE of Mapleton, WOOD of Sabattus.

Bill "An Act To Amend the Laws Governing Municipal Recreational Vehicle Registration Agent Fees" H.P. 233 L.D. 289

Presented by Representative CASAVANT of Biddeford. Cosponsored by Senator SULLIVAN of York and Representatives: BEAUDOIN of Biddeford, DION of Portland, GOODE of Bangor, HASKELL of Portland, ROCHELO of Biddeford.

Bill "An Act Regarding Eligibility for the Moose Lottery"
H.P. 235 L.D. 291

Presented by Representative DAVIS of Sangerville.
Cosponsored by Senator THIBODEAU of Waldo and Senator:
COLLINS of York, Representatives: BURNS of Whiting, CRAFTS
of Lisbon, ESPLING of New Gloucester, JOHNSON of Greenville,
SARTY of Denmark, TIMBERLAKE of Turner.

Bill "An Act To Prohibit Placing the Carcass of a Dead Animal on
a Frozen Body of Water for the Purpose of Baiting Coyotes"
H.P. 236 L.D. 292

Presented by Representative STEVENS of Bangor.
Cosponsored by Representatives: EBERLE of South Portland,
EVES of North Berwick, GOODE of Bangor, KAENRATH of South
Portland, MORRISON of South Portland, O'BRIEN of Lincolnville,
ROSEN of Bucksport, STUCKEY of Portland.

Bill "An Act To Waive Snowmobile Registration Requirements for
Canadians Riding on Maine Trails"
H.P. 237 L.D. 293

Presented by Representative AYOTTE of Caswell.
Cosponsored by Senator SHERMAN of Aroostook and Senator:
JACKSON of Aroostook, Representatives: BURNS of Whiting,
CLARK of Easton, EDGECOMB of Caribou, WILLETTE of
Mapleton.

Bill "An Act To Allow Persons 70 Years of Age or Older Expanded
Crossbow Privileges"
H.P. 238 L.D. 294

Presented by Representative CRAFTS of Lisbon.
Cosponsored by Senator MASON of Androscoggin and
Representatives: BLACK of Wilton, DAVIS of Sangerville,
HARVELL of Farmington, TIMBERLAKE of Turner, WINTLE of
Garland, WOOD of Sabattus.

Bill "An Act To Allow an Angler To Gift a Freshwater Fish to a
Person Who Is Not Licensed To Fish"
H.P. 244 L.D. 302

Presented by Representative TUTTLE of Sanford.
Cosponsored by Senator JACKSON of Aroostook and
Representatives: CLARK of Millinocket, DAVIS of Sangerville,
MARTIN of Eagle Lake, PILON of Saco, SHAW of Standish,
THERIAULT of Madawaska.

Come from the House, **REFERRED** to the Committee on **INLAND
FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND
WILDLIFE** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Amend the Maine Secure and Fair Enforcement
for Mortgage Licensing Act of 2009"
H.P. 234 L.D. 290

Presented by Representative MORISSETTE of Winslow.
Cosponsored by Senator MASON of Androscoggin and
Representatives: BENNETT of Kennebunk, COTTA of China,
HARVELL of Farmington, O'CONNOR of Berwick, PARRY of
Arundel, PICCHIOTTI of Fairfield, SANDERSON of Chelsea.

Bill "An Act To Require Insurance Companies To Disclose the
Option To Purchase Higher Amounts of Coverage for Automobile
Liability Insurance"
H.P. 239 L.D. 295

Presented by Representative BOLAND of Sanford.
Cosponsored by Senator BARTLETT of Cumberland and
Senators: HASTINGS of Oxford, PATRICK of Oxford,
Representatives: BEAVERS of South Berwick, BOLDOC of
Auburn, GOODE of Bangor, HINCK of Portland, PICCHIOTTI of
Fairfield, TREAT of Hallowell.

Come from the House, **REFERRED** to the Committee on
INSURANCE AND FINANCIAL SERVICES and ordered printed.

REFERRED to the Committee on **INSURANCE AND FINANCIAL
SERVICES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Promote the Hiring of Seasonal Workers"
H.P. 246 L.D. 304

Presented by Representative McKANE of Newcastle.
Cosponsored by Senator RECTOR of Knox and Senators:
THIBODEAU of Waldo, TRAHAN of Lincoln, Representatives:
BURNS of Alfred, CEBRA of Naples, MacDONALD of Boothbay,
PRESCOTT of Topsham.

Bill "An Act To Make Voluntary Membership in a Public Employee
Labor Organization in the State"
H.P. 251 L.D. 309

Presented by Representative WINSOR of Norway.
Cosponsored by Senator SNOWE-MELLO of Androscoggin and
Senator: HASTINGS of Oxford, Representatives: CEBRA of
Naples, CURTIS of Madison, CUSHING of Hampden.

Come from the House, **REFERRED** to the Committee on
**LABOR, COMMERCE, RESEARCH AND ECONOMIC
DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Encourage Lobstering Traditions and Facilitate Retirement from Lobstering"

H.P. 249 L.D. 307

Presented by Representative VOLK of Scarborough. Cosponsored by Senator: DIAMOND of Cumberland, Representatives: BEAVERS of South Berwick, DOW of Waldoboro, FOSSEL of Alna, HARVELL of Farmington, MAKER of Calais, PARRY of Arundel.

Bill "An Act Regarding the Saltwater Recreational Fishing Registry" (EMERGENCY)

H.P. 250 L.D. 308

Presented by Representative McKANE of Newcastle. Cosponsored by Senator SNOWE-MELLO of Androscoggin and Senator: TRAHAN of Lincoln, Representatives: CHIPMAN of Portland, OLSEN of Phippsburg, PRESCOTT of Topsham, TILTON of Harrington.

Come from the House, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

REFERRED to the Committee on **MARINE RESOURCES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Provide Savings to the State by Contracting Out Certain Services"

H.P. 231 L.D. 287

Presented by Representative WINSOR of Norway.

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Allow Treasurers To Process Tax Lien Discharge and Sanitary District Sewer Lien Documents Using Facsimile Signatures"

H.P. 241 L.D. 297

Presented by Representative CASAVANT of Biddeford. Cosponsored by Senator SULLIVAN of York and Senator: FARNHAM of Penobscot, Representatives: BEAUDOIN of Biddeford, DION of Portland, GOODE of Bangor, HASKELL of Portland, ROCHELO of Biddeford.

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

REFERRED to the Committee on **TAXATION** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Require That Motor Vehicles Be Clear of Solid Precipitation When Operated on Public Ways"

H.P. 227 L.D. 283

Presented by Representative KNAPP of Gorham. Cosponsored by Representatives: BEAVERS of South Berwick, BOLDUC of Auburn, BURNS of Whiting, PEOPLES of Westbrook, ROSEN of Bucksport.

Bill "An Act To Amend the Laws Governing Municipal Motor Vehicle Registration and License Agent Fees"

H.P. 232 L.D. 288

Presented by Representative CASAVANT of Biddeford. Cosponsored by Senator SULLIVAN of York and Representatives: BEAUDOIN of Biddeford, GOODE of Bangor, HASKELL of Portland, ROCHELO of Biddeford.

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

REFERRED to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Require That the Secretary of State Certify the Qualifications of Candidates for Legislative Office"
H.P. 229 L.D. 285

Presented by Representative NASS of Acton.
Cosponsored by Senator HASTINGS of Oxford and
Representatives: BEAULIEU of Auburn, FLOOD of Winthrop,
MOULTON of York, PILON of Saco, PRESCOTT of Topsham,
RUSSELL of Portland, WATERHOUSE of Bridgton, WEAVER of
York.

Comes from the House, **REFERRED** to the Committee on
VETERANS AND LEGAL AFFAIRS and ordered printed.

REFERRED to the Committee on **VETERANS AND LEGAL
AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Maine Water Well Commission**

The **Maine Water Well Commission**, pursuant to the Maine
Revised Statutes, Title 5, section 8072 asked leave to report that
the accompanying Resolve, Regarding Legislative Review of
Portions of Chapter 232: Well Drillers and Pump Installers Rules,
a Major Substantive Rule of the Maine Water Well Commission
(EMERGENCY)

H.P. 252 L.D. 310

Be **REFERRED** to the Committee on **ENVIRONMENT AND
NATURAL RESOURCES** and ordered printed pursuant to Joint
Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED**
and the Resolve **REFERRED** to the Committee on
ENVIRONMENT AND NATURAL RESOURCES and ordered
printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **ENVIRONMENT AND
NATURAL RESOURCES** and ordered printed pursuant to Joint
Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Allow Land and Buildings To Be Assessed Differently
H.P. 247 L.D. 305

Presented by Representative CHIPMAN of Portland.
Cosponsored by Representatives: BERRY of Bowdoinham,
KNIGHT of Livermore Falls.

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

Comes from the House, **REFERRED** to the Committee on
TAXATION.

REFERRED to the Committee on **TAXATION** and ordered
printed, in concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Change the Annual Meeting Date and Fiscal Year of
Mount Desert Island Regional School District
H.P. 11 L.D. 19

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

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

PAPERS FROM THE HOUSE

House Paper

Resolve, To Establish a Single Construction Permit for
Aboveground Oil Storage Tanks in Gravel Pits and Quarries
H.P. 206 L.D. 253

Presented by Representative KNAPP of Gorham.
Cosponsored by Representatives: CRAY of Palmyra, GIFFORD
of Lincoln, McFADDEN of Dennysville, WELSH of Rockport.

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

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed, in concurrence.

Off Record Remarks

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

On motion by Senator **COURTNEY** of York, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, February 8, 2011, at 10:00 in the morning.