

# 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  
March 30, 2011

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

Prayer by Pastor Kevin O'Brien, Augusta First Church of the Nazarene in Augusta.

**PASTOR O'BRIEN:** Let us pray. O Mighty God, our Father and Creator, we thank You for these women and men serving in our State Senate. This morning we pray that You would fill them with wisdom and encouragement and a renewed passion today with strength and joy to continue to carry out their very difficult work. Give our Senators and their staff every spiritual blessing and benediction. May they enjoy common unity today with a vision and peace in the midst of their many challenges as well as the support and respect of those they represent and humbly serve. We appreciate these excellent leaders and pray for them this day. We pray for all the people in their districts and for those throughout our state. May Maine and all of her citizens and friends prosper, be just, be compassionate, and in that be blessed. Giving thanks and praise to God from whom all blessings and love flow we pray. Amen.

Pledge of Allegiance led by Senator Brian D. Langley of Hancock County.

Reading of the Journal of Tuesday, March 29, 2011.

Doctor of the day, Jeffrey Lockhart, MD of York.

Off Record Remarks

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

Ordered, that a message be sent to the House of Representatives proposing a Convention of the two branches of the Legislature be held at 11:00 this morning, in the Hall of the House for the purpose of extending to the Honorable John Fitzsimmons, President of the Maine Community College System, the Honorable Richard L. Pattenauade, Chancellor of the University of

Maine System and the Honorable Dr. William J. Brennan, President of the Maine Maritime Academy an invitation to attend and to make such communication as please them.

**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.

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

The President requested the Sergeant-At-Arms escort the Senator from Androscoggin, Senator **MASON** to the rostrum where he assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **GARRETT P. MASON** of Androscoggin County.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Establish an Integrated Statewide System To Manage and Enforce Electronic Warrants"  
H.P. 961 L.D. 1315

Presented by Representative **PLUMMER** of Windham. Cosponsored by Senator **MASON** of Androscoggin and Senator: **GERZOFISKY** of Cumberland, Representatives: **BRYANT** of Windham, **HASKELL** of Portland, **LAJOIE** of Lewiston, **MORISSETTE** of Winslow, **PEOPLES** of Westbrook, **SANDERSON** of Chelsea, **WILLETTE** of Mapleton.

Bill "An Act Concerning Sex Offender Registry Information"  
H.P. 963 L.D. 1317

Presented by Representative **PLUMMER** of Windham. Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Bill "An Act To Repeal the Law Regarding DNA Collection"  
H.P. 964 L.D. 1318

Presented by Representative **PLUMMER** of Windham. Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Bill "An Act Relating to Locations where Concealed Weapons May Be Carried"

H.P. 988 L.D. 1347

Presented by Representative CEBRA of Naples.  
Cosponsored by Representative WATERHOUSE of Bridgton, Senator TRAHAN of Lincoln and Representatives: CLARK of Millinocket, CRAFTS of Lisbon, DAVIS of Sangerville, HANLEY of Gardiner, MARTIN of Eagle Lake, McKANE of Newcastle, PLUMMER of Windham, 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.

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Bill "An Act To Expand Magnet Schools in Maine"

H.P. 962 L.D. 1316

Presented by Representative LOVEJOY of Portland.

Bill "An Act To Extend the Probationary Period for Teachers"  
H.P. 968 L.D. 1322

Presented by Representative NELSON of Falmouth.  
Cosponsored by Senator ALFOND of Cumberland and Senator: KATZ of Kennebec, Representatives: CASAVANT of Biddeford, CHAPMAN of Brooksville, LONGSTAFF of Waterville, LOVEJOY of Portland, MAKER of Calais, RICHARDSON of Carmel, WAGNER of Lewiston.

Bill "An Act To Allow School Administrative Units To Seek Less Expensive Health Insurance Alternatives"  
H.P. 972 L.D. 1326

Presented by Representative SARTY of Denmark.  
Cosponsored by Representative McKANE of Newcastle, Senator WHITTEMORE of Somerset and Senator: COURTNEY of York, Representatives: CHASE of Wells, COTTA of China, CURTIS of Madison, JOHNSON of Greenville, KESCHL of Belgrade, SANDERSON of Chelsea, WEAVER of York.

Bill "An Act To Align Maine Special Education Statutes with Federal Requirements"  
H.P. 986 L.D. 1345

Presented by Representative JOHNSON of Greenville.  
Cosponsored by Senator DIAMOND of Cumberland and Senators: RECTOR of Knox, SULLIVAN of York, THOMAS of Somerset, Representatives: CHASE of Wells, EDGECOMB of Caribou, KESCHL of Belgrade, PETERSON of Rumford, STRANG BURGESS of Cumberland.  
Submitted by the Department of Education pursuant to Joint Rule 204.

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.

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Bill "An Act To Support Solar Energy Development in Maine"  
H.P. 969 L.D. 1323

Presented by Representative FLOOD of Winthrop.

Comes 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.

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Bill "An Act To Increase the Recycling Rate in Maine"  
H.P. 966 L.D. 1320

Presented by Representative WELSH of Rockport.  
Cosponsored by Senator SAVIELLO of Franklin and Representatives: CAIN of Orono, CHAPMAN of Brooksville, DUCHESNE of Hudson, GRAHAM of North Yarmouth, KNAPP of Gorham.

Bill "An Act To Create Consistency and Fairness in Maine's Bottle Bill"  
H.P. 970 L.D. 1324

Presented by Representative PRESCOTT of Topsham.  
Cosponsored by Senator MARTIN of Kennebec and Representatives: CUSHING of Hampden, DOW of Waldoboro, FITTS of Pittsfield, HAYES of Buckfield, PILON of Saco, TILTON of Harrington, WEAVER of York, WINTLE of Garland.

Resolve, To Create a Working Group To Study the Subdivision Laws  
H.P. 974 L.D. 1328

Presented by Representative MORISSETTE of Winslow.  
Cosponsored by Senator WHITTEMORE of Somerset and Representatives: BENNETT of Kennebunk, COTTA of China, FITTS of Pittsfield, HARVELL of Farmington, KESCHL of Belgrade, O'CONNOR of Berwick, PARRY of Arundel, SIROCKI of Scarborough.

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.

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Bill "An Act To Increase Health Care Quality through the Promotion of Health Information Exchange and the Protection of Patient Privacy"

H.P. 977 L.D. 1331

Presented by Representative FOSSEL of Alna.  
Cosponsored by Representatives: MALABY of Hancock, O'CONNOR of Berwick, SANDERSON of Chelsea, SIROCKI of Scarborough.

Comes 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.

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Resolve, To Study the Organization of the Fisheries Management Activities of the Department of Inland Fisheries and Wildlife and Make Recommendations To Improve Efficiency and Effectiveness

H.P. 973 L.D. 1327

Presented by Representative FLEMINGS of Bar Harbor.  
Cosponsored by Senator TRAHAN of Lincoln and Representatives: BERRY of Bowdoinham, BICKFORD of Auburn, BRYANT of Windham, CLARK of Millinocket.

Resolve, To Study the Condition of the Landlocked Salmon in Maine and Make Recommendations To Improve Their Health

H.P. 975 L.D. 1329

Presented by Representative FLEMINGS of Bar Harbor.  
Cosponsored by Senator TRAHAN of Lincoln and Representatives: BERRY of Bowdoinham, BICKFORD of Auburn, BRYANT of Windham, CLARK of Millinocket, SHAW of Standish.

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.

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Bill "An Act To Modify Rating Practices for Individual and Small Group Health Plans and To Encourage Value-based Purchasing of Health Care Services"

H.P. 979 L.D. 1333

Presented by Representative RICHARDSON of Warren.  
Cosponsored by Senator: WHITTEMORE of Somerset, Representatives: BLACK of Wilton, DOW of Waldoboro, FITZPATRICK of Houlton, MCKANE of Newcastle, PICCHIOTTI of Fairfield.

Bill "An Act To Implement the Requirements of the Federal Nonadmitted and Reinsurance Reform Act of 2010" (EMERGENCY)

H.P. 993 L.D. 1352

Presented by Representative RICHARDSON of Warren.  
Cosponsored by Senator: WHITTEMORE of Somerset.  
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

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.

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Bill "An Act To Amend the Maine Condominium Act"

H.P. 978 L.D. 1332

Presented by Representative MOULTON of York.  
Cosponsored by Senator COLLINS of York and Representatives: CHASE of Wells, DILL of Cape Elizabeth.

Bill "An Act To Amend the Laws Governing the Handling of Medical Examiner Cases"

H.P. 990 L.D. 1349

Presented by Representative NASS of Acton.  
Cosponsored by Senator HASTINGS of Oxford.  
Submitted by the Department of the Attorney General pursuant to Joint Rule 204.

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

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

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Bill "An Act To Standardize the Definition of 'Independent Contractor'"

H.P. 960 L.D. 1314

Presented by Representative TILTON of Harrington.  
Cosponsored by Senator THOMAS of Somerset, Senator PLOWMAN of Penobscot and Representatives: CRAY of Palmyra, FITTS of Pittsfield, GIFFORD of Lincoln, McFADDEN of Dennysville, PARRY of Arundel.

Bill "An Act To Amend the Washington County Development Authority"

H.P. 983 L.D. 1342

Presented by Representative TILTON of Harrington.  
Cosponsored by President RAYE of Washington and Representatives: BURNS of Whiting, MAKER of Calais, McFADDEN of Dennysville, PARKER of Veazie.

Bill "An Act To Enhance Access to the Workplace for Minors"  
H.P. 987 L.D. 1346

Presented by Representative BURNS of Whiting.  
Cosponsored by Senator MASON of Androscoggin and  
Representatives: BICKFORD of Auburn, DAVIS of Sangerville,  
ESPLING of New Gloucester, KNAPP of Gorham, SANDERSON  
of Chelsea, TILTON of Harrington.

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.

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RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Allow for the Appointment of County Sheriffs, Judges  
and Registers of Probate

H.P. 967 L.D. 1321

Presented by Representative STRANG BURGESS of  
Cumberland.  
Cosponsored by Senator WOODBURY of Cumberland and  
Representative: GRAHAM of North Yarmouth.

Bill "An Act To Limit Interest Assessed against Municipalities"  
H.P. 984 L.D. 1343

Presented by Representative GILLWAY of Searsport.  
Cosponsored by Senator COLLINS of York and Representatives:  
BURNS of Alfred, CHASE of Wells, GRAHAM of North Yarmouth,  
HARMON of Palermo, JOHNSON of Greenville, PARRY of  
Arundel, RIOUX of Winterport, WILLETTE of Mapleton.

Come 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.

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Bill "An Act To Amend the Tax Laws"  
H.P. 971 L.D. 1325

Presented by Representative KNIGHT of Livermore Falls.  
Submitted by the Department of Administrative and Financial  
Services pursuant to Joint Rule 204.

Bill "An Act To Provide Rent Relief to Low-income Maine  
Residents"

H.P. 982 L.D. 1341

Presented by Representative CHIPMAN of Portland.  
Cosponsored by Representatives: BERRY of Bowdoinham,  
BRYANT of Windham, CAIN of Orono, CUSHING of Hampden,  
FLEMINGS of Bar Harbor, HARMON of Palermo, KNIGHT of  
Livermore Falls.

Bill "An Act To Provide Income Tax Relief"  
H.P. 991 L.D. 1350

Presented by Representative STUCKEY of Portland.  
Cosponsored by Senator ALFOND of Cumberland and Senators:  
JACKSON of Aroostook, PATRICK of Oxford, Representatives:  
BERRY of Bowdoinham, BRYANT of Windham, FLEMINGS of  
Bar Harbor, GOODE of Bangor, McCABE of Skowhegan.

Bill "An Act To Improve and Simplify the Application for Benefits  
under the Circuitbreaker Program"  
H.P. 992 L.D. 1351

Presented by Representative STUCKEY of Portland.  
Cosponsored by Senator ALFOND of Cumberland and Senator:  
PATRICK of Oxford, Representatives: BERRY of Bowdoinham,  
BRYANT of Windham, FLEMINGS of Bar Harbor, GOODE of  
Bangor, MAZUREK of Rockland.

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

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

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Off Record Remarks

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Bill "An Act To Allow a Tax-free Employee Illness Account"  
H.P. 926 L.D. 1235

Presented by Representative COTTA of China.  
Cosponsored by Senator KATZ of Kennebec and  
Representatives: BEAULIEU of Auburn, BOLAND of Sanford,  
DILL of Old Town, HARVELL of Farmington, KESCHL of  
Belgrade, RICHARDSON of Warren, WILLETTE of Presque Isle.

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

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

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

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Off Record Remarks

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Bill "An Act To Prohibit the Unwarranted Collection of Identifying Data of Motor Vehicles"

H.P. 965 L.D. 1319

Presented by Representative SHAW of Standish.  
Cosponsored by Senators: ALFOND of Cumberland, TRAHAN of Lincoln, Representatives: CHIPMAN of Portland, FITTS of Pittsfield, PLUMMER of Windham.

Resolve, To Expand Commuter and Passenger Rail Transportation in Maine

H.P. 976 L.D. 1330

Presented by Representative CHIPMAN of Portland.  
Cosponsored by Senator CRAVEN of Androscoggin and Senator: DIAMOND of Cumberland, Representatives: CAIN of Orono, CEBRA of Naples, CUSHING of Hampden, MAZUREK of Rockland, PEOPLES of Westbrook, SHAW of Standish, WILLETTE of Mapleton.

Resolve, To Suspend Fuel Tax Rate Adjustments for the 2012-2013 Biennium (EMERGENCY)

H.P. 981 L.D. 1340

Presented by Representative CEBRA of Naples.  
Cosponsored by Senator COLLINS of York.  
Submitted by the Department of Transportation pursuant to Joint Rule 204.

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2012 and June 30, 2013" (EMERGENCY)

H.P. 989 L.D. 1348

Presented by Representative CEBRA of Naples. (GOVERNOR'S BILL)  
Cosponsored by Senator COLLINS of York and Senator: DIAMOND of Cumberland, Representative: MAZUREK of Rockland.

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 To Amend the Process for Appeals of Liquor Licensing Decisions"

H.P. 980 L.D. 1339

Presented by Representative CHIPMAN of Portland.  
Cosponsored by Representative: CROCKETT of Bethel.

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.

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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 in the Hall of the House at 11:00 in the morning for the purpose of extending to the Honorable John Fitzsimmons, President of the Maine Community College System, the Honorable Richard L. Pattenaude, Chancellor of the University of Maine System and the Honorable Dr. William J. Brennan, President of the Maine Maritime Academy an invitation to attend and to make such communication as please them.

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Bill "An Act To Fund Commuter and Passenger Rail Transportation in Maine"

H.P. 985 L.D. 1344

Presented by Representative CHIPMAN of Portland.  
Cosponsored by Senator PATRICK of Oxford and Representatives: CROCKETT of Bethel, SHAW of Standish.

Committee on TRANSPORTATION suggested and ordered printed.

Comes from the House, REFERRED to the Committee on VETERANS AND LEGAL AFFAIRS.

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

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#### Joint Resolutions

The following Joint Resolution:

H.P. 994

#### JOINT RESOLUTION IN HONOR OF MAINE GAME WARDEN DARYL R. GORDON, WHO DIED IN THE LINE OF DUTY

WHEREAS, Maine Game Warden Daryl R. Gordon, of Eagle Lake, was tragically killed in a plane crash in a remote area near Clear Lake in Piscataquis County sometime during the night of March 24, 2011, while serving in the line of duty; and

WHEREAS, Daryl R. Gordon is the 15th member of the Maine Warden Service who died in the line of duty; and

WHEREAS, Daryl R. Gordon served with distinction with the Maine Warden Service for 25 years, spending 18 years as a district warden, and his final 7 years as a warden pilot flying out of the George E. Townsend Seaplane Base in Eagle Lake; and

WHEREAS, Daryl R. Gordon was born in Hartland, graduated from Hartland Academy and served with honor in the United States Marine Corps, serving in Vietnam and receiving the Purple Heart for wounds sustained in combat; and

WHEREAS, Daryl R. Gordon also earned numerous commendations while in the United States Marine Corps, including the Marine Corps Combat Action Ribbon, the National Defense Service Medal, the Vietnam Service Medal, the Republic of Vietnam Cross of Gallantry and the Vietnam Campaign Medal. He was honorably discharged with the rank of corporal in 1970; and

WHEREAS, Daryl R. Gordon joined the Department of Inland Fisheries and Wildlife as a game warden in 1986 at the age of 35, working out of the Calais, Lincoln, Skowhegan and Bingham districts; and

WHEREAS, Daryl R. Gordon saved many lives and people have had loved ones returned to them through his aerial searches and rescue efforts; and

WHEREAS, the sudden and shocking death of Game Warden Daryl R. Gordon has saddened not only those whose lives he touched, but the entire State of Maine; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature, now assembled in the First Regular Session, take this opportunity to honor the memory and service of Game Warden Daryl R. Gordon and to recognize his steadfast and dedicated commitment to the State of Maine and the Nation, exemplifying the core values of the Maine Warden Service: Honor, Loyalty, Compassion and Trust; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be delivered to the family of Game Warden Daryl R. Gordon and to the Maine Warden Service.

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

**READ** and **ADOPTED**, in concurrence.

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The following Joint Resolution:

H.P. 995

**JOINT RESOLUTION MEMORIALIZING THE UNITED STATES DEPARTMENT OF THE INTERIOR, UNITED STATES FISH AND WILDLIFE SERVICE TO EXPEDITE THE INCIDENTAL TAKE PERMIT FOR COYOTES**

WE, your Memorialists, the Members of the One Hundred and Twenty-fifth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the United States Department of the Interior, United States Fish and Wildlife Service as follows:

WHEREAS, the State of Maine has long been famous for its magnificent wilderness and natural beauty and its plentiful game, fish and birds and, with these natural riches, Maine is a haven for vacationers, campers, hunters, anglers, outdoor sports enthusiasts and recreationists; and

WHEREAS, Maine has a long and important tradition of deer hunting for food and sport stretching back thousands of years; and

WHEREAS, the deer population in areas of Maine has been severely threatened and diminished and one known reason is the growth in the number of coyotes, which had not been in Maine for thousands of years and returned in the 1960s and 1970s; and

WHEREAS, Maine's game management strategy has always been focused on preserving the healthy population of game and keeping a balance of prey and predator and a professionally structured coyote snaring program was created by statute to assist in the recovery of the deer population; and

WHEREAS, the program, which appeared to be making a contribution to the lowering of deer winter mortality, was suspended when Maine's Attorney General advised that any incidental taking by snares of Canada lynx, a species listed on the federal threatened species list, might open the State to legal liability; and

WHEREAS, to reimplement the program, Maine's Department of Inland Fisheries and Wildlife must apply to the United States Department of the Interior, United States Fish and Wildlife Service for an incidental take permit and show proof that conservation activity in Maine in protecting our deer outweighs any potential harm to the Canada lynx population, which has rebounded; and

WHEREAS, Maine is not interested in destroying one species in order to save another and it is thought that the Canada lynx population is thriving in Maine as it is in Canada, where there is a bounty on lynx, and the incidental snaring of lynx in Maine would not threaten the population of lynx in Maine or Canada; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Department of the Interior, United States Fish and Wildlife Service expedite the incidental take permit for our State and allow us to manage our wildlife properly and successfully; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Department of the Interior, United States Fish and Wildlife Service and to each Member of the Maine Congressional Delegation.

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

**READ**.

On motion by Senator **TRAHAN** of Lincoln, **TABLED** until Later in Today's Session, pending **ADOPTION**, in concurrence.

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**COMMUNICATIONS**

The Following Communication: S.C. 196



STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
COMMITTEE ON TRANSPORTATION

March 28, 2011

Honorable Kevin L. Raye, Senate President  
Honorable Robert W. Nutting, Speaker of the House  
125th Maine State Legislature  
State House  
Augusta, Maine 04333

Dear President Raye and Speaker Nutting,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Sen. Hastings III of Oxford, to report the following bill Leave to Withdraw:

L.D. 206      Resolve, Directing the Department of  
Transportation To Repair and Maintain the Red  
Iron Bridge Crossing the Saco River in the  
Town of Fryeburg

Sincerely,

S/Sen. Ronald F. Collins  
Senate Chair

S/Rep. Richard M. Cebra  
House Chair

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

Senate at Ease.

Senate called to order by President Pro Tem  
**GARRETT P. MASON** of Androscoggin County.

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

**ORDERS**

**Joint Resolution**

On motion by Senator **PLOWMAN** of Penobscot under unanimous consent on behalf of Senator **McCORMICK** of Kennebec (Cosponsored by Representative **STRANG BURGESS** of Cumberland and Senators: **ALFOND** of Cumberland, **BARTLETT** of Cumberland, **BLISS** of Cumberland, **BRANNIGAN** of Cumberland, **COLLINS** of York, **COURTNEY** of York, **CRAVEN** of Androscoggin, **DIAMOND** of Cumberland, **FARNHAM** of Penobscot, **GERZOFISKY** of Cumberland, **GOODALL** of Sagadahoc, **HASTINGS** of Oxford, **HILL** of York, **HOBBINS** of York, **JACKSON** of Aroostook, **KATZ** of Kennebec, **LANGLEY** of Hancock, **MARTIN** of Kennebec, **MASON** of Androscoggin, **PATRICK** of Oxford, **PLOWMAN** of Penobscot, President **RAYE**

of Washington, **RECTOR** of Knox, **ROSEN** of Hancock, **SAVIELLO** of Franklin, **SCHNEIDER** of Penobscot, **SHERMAN** of Aroostook, **SNOWE-MELLO** of Androscoggin, **SULLIVAN** of York, **THIBODEAU** of Waldo, **THOMAS** of Somerset, **TRAHAN** of Lincoln, **WHITTEMORE** of Somerset, **WOODBURY** of Cumberland, Representatives: **AYOTTE** of Caswell, **BEAUDOIN** of Biddeford, **BEAULIEU** of Auburn, **BEAVERS** of South Berwick, **BECK** of Waterville, **BELIVEAU** of Kittery, **BENNETT** of Kennebec, **BERRY** of Bowdoinham, **BICKFORD** of Auburn, **BLACK** of Wilton, **BLODGETT** of Augusta, **BOLAND** of Sanford, **BOLDUC** of Auburn, **BRIGGS** of Mexico, **BRYANT** of Windham, **BURNS** of Whiting, **BURNS** of Alfred, **CAIN** of Orono, **CAREY** of Lewiston, **CASAVANT** of Biddeford, **CEBRA** of Naples, **CELLI** of Brewer, **CHAPMAN** of Brooksville, **CHASE** of Wells, **CHIPMAN** of Portland, **CLARK** of Millinocket, **CLARK** of Easton, **CLARKE** of Bath, **CORNELL du HOUX** of Brunswick, **COTTA** of China, **CRAFTS** of Lisbon, **CRAY** of Palmyra, **CROCKETT** of Bethel, **CURTIS** of Madison, **CUSHING** of Hampden, **DAMON** of Bangor, **DAVIS** of Sangerville, **DILL** of Cape Elizabeth, **DILL** of Old Town, **DION** of Portland, **DOW** of Waldoboro, **DRISCOLL** of Westbrook, **DUCHESNE** of Hudson, **DUNPHY** of Embden, **EBERLE** of South Portland, **EDGEComb** of Caribou, **ESPLING** of New Gloucester, **EVES** of North Berwick, **FITTS** of Pittsfield, **FITZPATRICK** of Houlton, **FLEMINGS** of Bar Harbor, **FLOOD** of Winthrop, **FOSSSEL** of Alna, **FOSTER** of Augusta, **FREDETTE** of Newport, **GIFFORD** of Lincoln, **GILBERT** of Jay, **GILLWAY** of Searsport, **GOODE** of Bangor, **GRAHAM** of North Yarmouth, **GUERIN** of Glenburn, **HAMPER** of Oxford, **HANLEY** of Gardiner, **HARLOW** of Portland, **HARMON** of Palermo, **HARVELL** of Farmington, **HASKELL** of Portland, **HAYES** of Buckfield, **HERBIG** of Belfast, **HINCK** of Portland, **HOGAN** of Old Orchard Beach, **HUNT** of Buxton, **INNES** of Yarmouth, **JOHNSON** of Eddington, **JOHNSON** of Greenville, **KAENRATH** of South Portland, **KENT** of Woolwich, **KESCHL** of Belgrade, **KNAPP** of Gorham, **KNIGHT** of Livermore Falls, **KRUGER** of Thomaston, **KUMIEGA** of Deer Isle, **LAJOIE** of Lewiston, **LIBBY** of Waterboro, **LONG** of Sherman, **LONGSTAFF** of Waterville, **LOVEJOY** of Portland, **LUCHINI** of Ellsworth, **MacDONALD** of Boothbay, **MAKER** of Calais, **MALABY** of Hancock, **MALONEY** of Augusta, **MARTIN** of Eagle Lake, **MAZUREK** of Rockland, **McCABE** of Skowhegan, **McCLELLAN** of Raymond, **McFADDEN** of Dennysville, **McKANE** of Newcasttle, **MITCHELL** of the Penobscot Nation, **MORISSETTE** of Winslow, **MORRISON** of South Portland, **MOULTON** of York, **NASS** of Acton, **NELSON** of Falmouth, **NEWENDYKE** of Litchfield, Speaker **NUTTING** of Oakland, **O'BRIEN** of Lincolnville, **O'CONNOR** of Berwick, **OLSEN** of Phippsburg, **PARKER** of Veazie, **PARRY** of Arundel, **PEOPLES** of Westbrook, **PETERSON** of Rumford, **PICCHIOTTI** of Fairfield, **PILON** of Saco, **PLUMMER** of Windham, **PRESCOTT** of Topsham, **PRIEST** of Brunswick, **RANKIN** of Hiram, **RICHARDSON** of Carmel, **RICHARDSON** of Warren, **RIOUX** of Winterport, **ROCHELO** of Biddeford, **ROSEN** of Bucksport, **ROTUNDO** of Lewiston, **RUSSELL** of Portland, **SANBORN** of Gorham, **SANDERSON** of Chelsea, **SARTY** of Denmark, **SHAW** of Standish, **SIROCKI** of Scarborough, **SOCTOMAH** of the Passamaquoddy Tribe, **STEVENS** of Bangor, **STUCKEY** of Portland, **THERIAULT** of Madawaska, **TILTON** of Harrington, **TIMBERLAKE** of Turner, **TREAT** of Hallowell, **TURNER** of Burlington, **TUTTLE** of Sanford, **VALENTINO** of Saco, **VOLK** of Scarborough, **WAGNER** of Lewiston, **WATERHOUSE** of Bridgton, **WEAVER** of York, **WEBSTER** of Freeport, **WELSH** of Rockport, **WILLETTE** of Mapleton, **WILLETTE** of Presque Isle, **WINSOR** of Norway,

WINTLE of Garland, WOOD of Sabattus), the following Joint Resolution:

S.P. 420

**JOINT RESOLUTION RECOGNIZING  
OCCUPATIONAL THERAPY  
AND THE MAINE OCCUPATIONAL  
THERAPY ASSOCIATION**

WHEREAS, occupational therapists and occupational therapy assistants have supported the rehabilitation, development, health and wellness of Maine citizens; and

WHEREAS, the Maine Occupational Therapy Association, which supports more than 1,100 occupational therapy practitioners in the State of Maine, is committed to fostering the continued competence of occupational therapy practitioners and furthering the practice of occupational therapy through research and study, while providing evidence-based health and wellness services that are vital to the provision of health care in Maine, including:

1. Direct service to Maine people regardless of age and social status who have experienced injury, disease and disability and who need skill habilitation and rehabilitation to improve effective occupational performance in daily tasks, including life skills, education and employment;
2. Evaluation and intervention services to Maine people who experience physical, developmental, cognitive, psychosocial and sensory deficits as a result of injury, disease or disability as means to support engagement in everyday life activities that affect the health, well-being and quality of life of Maine citizens;
3. Inpatient, outpatient, early intervention and school-based, mental health and developmental disabilities, assistive technology and eldercare services for Maine citizens needing skill-based interventions and services that create functional independence and increase quality of life across their life spans;
4. Consultation services for prevention of workplace injuries such as ergonomics education and training, workplace station modifications and body mechanics education and techniques; and
5. Wellness and prevention services to promote independence and health, including stress reduction and coping skills training, obesity education and reduction techniques, assistive technology training and service, cardiac disease education strategy development and home modification for aging in place, and independent living skill-based services; and

WHEREAS, the Maine Occupational Therapy Association supports all occupational therapy practitioners in Maine in providing highly skilled services for Maine citizens in achieving health, wellness and independence in all occupational endeavors; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the First Regular Session, on behalf of the people we represent, pause to acknowledge and send our appreciation to the Maine Occupational Therapy Association and all occupational therapy

practitioners in Maine who help all citizens of Maine in their occupational pursuits by providing vital services as new challenges are faced in this period of health care and economic reform; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Health and Human Services and the Maine Occupational Therapy Association.

**READ and ADOPTED.**

Sent down for concurrence.

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Off Record Remarks

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**SENATE PAPERS**

Bill "An Act To Amend the Laws Concerning the School Revolving Renovation Fund"

S.P. 419 L.D. 1356

Presented by Senator **LANGLEY** of Hancock.  
Cosponsored by Senator: **ALFOND** of Cumberland,  
Representatives: **JOHNSON** of Greenville, **LOVEJOY** of Portland,  
**RICHARDSON** of Carmel.  
Submitted by the Department of Education pursuant to Joint Rule 204.

On motion by Senator **LANGLEY** of Hancock, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

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Bill "An Act To Require a Person To Carry Liability Insurance on a Snowmobile"

S.P. 417 L.D. 1354

Presented by Senator **BARTLETT** of Cumberland.

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

Sent down for concurrence.

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Bill "An Act To Amend the Discovery Rule Laws"

S.P. 416 L.D. 1353

Presented by Senator **BARTLETT** of Cumberland.

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

Sent down for concurrence.

Bill "An Act To Encourage Transparency in Certain Organizations Involved in Political Campaigns"

S.P. 418 L.D. 1355

Presented by Senator BARTLETT of Cumberland.  
Cosponsored by Senators: BRANNIGAN of Cumberland, HILL of York, PATRICK of Oxford.

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 As Amended**

The Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY on Bill "An Act To Allow a Person with One Arm To Possess Certain Kinds of Prohibited Knives"

H.P. 108 L.D. 126

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-40).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-40).

Report READ and ACCEPTED, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-40) READ and ADOPTED, in concurrence.

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

The Committee on VETERANS AND LEGAL AFFAIRS on Bill "An Act To Improve Party Status Requirements"

H.P. 125 L.D. 142

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-41).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-41).

Report READ.

On motion by Senator COURTNEY of York, TABLED until Later in Today's Session, pending ACCEPTANCE OF THE REPORT, in concurrence.

The Committee on VETERANS AND LEGAL AFFAIRS on Bill "An Act To Ensure the Integrity of Laws Governing Clean Elections by Amending Provisions Regarding Equipment Repurchase"

H.P. 184 L.D. 231

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-39).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-39).

Report READ and ACCEPTED, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-39) READ and ADOPTED, in concurrence.

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

**Divided Report**

The Majority of the Committee on ENERGY, UTILITIES AND TECHNOLOGY on Bill "An Act To Require Oral Disclosure of the Cost of Certain Public Telephone Calls"

H.P. 41 L.D. 48

Reported that the same Ought Not to Pass.

Signed:

Senators:  
THIBODEAU of Waldo  
RECTOR of Knox

Representatives:  
FITTS of Pittsfield  
CRAY of Palmyra  
DUNPHY of Embden  
HAMPER of Oxford  
LIBBY of Waterboro

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-38)**.

Signed:

Senator:

BARTLETT of Cumberland

Representatives:

BEAVERS of South Berwick  
CORNELL du HOUX of Brunswick  
DION of Portland  
HINCK of Portland  
LUCHINI of Ellsworth

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill and accompanying papers **COMMITTED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**.

Reports **READ**.

On motion by Senator **THIBODEAU** of Waldo, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

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Senate at Ease.

Senate called to order by President Pro Tem  
**GARRETT P. MASON** of Androscoggin County.

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**Divided Report**

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Allow the Burning of Certain Agricultural Products in Outdoor Wood Boilers"  
H.P. 377 L.D. 484

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

Signed:

Senators:

SAVIELLO of Franklin  
GOODALL of Sagadahoc  
SHERMAN of Aroostook

Representatives:

HAMPER of Oxford  
DUCHESNE of Hudson  
HARLOW of Portland  
INNES of Yarmouth  
KNAPP of Gorham  
NASS of Acton  
PARKER of Veazie  
WELSH of Rockport

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

Signed:

Representatives:

AYOTTE of Caswell  
LONG of Sherman

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

Reports **READ**.

On motion by Senator **SAVIELLO** of Franklin, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow the Use of Crossbows during the Archery Season"

H.P. 119 L.D. 137

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

Signed:

Senators:

MARTIN of Kennebec  
PATRICK of Oxford  
TRAHAN of Lincoln

Representatives:

CLARK of Millinocket  
EBERLE of South Portland  
ESPLING of New Gloucester  
GUERIN of Glenburn  
SARTY of Denmark

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-34)**.

Signed:

Representatives:

DAVIS of Sangerville  
BRIGGS of Mexico  
CRAFTS of Lisbon  
SHAW of Standish  
WOOD of Sabattus

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

Reports **READ**.

On motion by Senator **MARTIN** of Kennebec, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Provide Seniors with Access to State Forms"

H.P. 110 L.D. 128

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-36)**.

Signed:

Senators:

THOMAS of Somerset  
COLLINS of York  
SULLIVAN of York

Representatives:

COTTA of China  
BOLAND of Sanford  
BOLDUC of Auburn  
CASAVANT of Biddeford  
GILLWAY of Searsport  
GRAHAM of North Yarmouth  
HARVELL of Farmington  
KAENRATH of South Portland

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

Signed:

Representatives:

CELLI of Brewer  
MOULTON of York

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-36)**.

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (H-36) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require the Archives Advisory Board To Recommend Candidates for State Archivist"  
H.P. 446 L.D. 588

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

Signed:

Senators:

THOMAS of Somerset  
COLLINS of York  
SULLIVAN of York

Representatives:

COTTA of China  
BOLAND of Sanford  
BOLDUC of Auburn  
CASAVANT of Biddeford  
CELLI of Brewer  
GRAHAM of North Yarmouth  
KAENRATH of South Portland  
MOULTON of York  
TURNER of Burlington

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

Signed:

Representative:

HARVELL of Farmington

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

Reports **READ**.

On motion by Senator **THOMAS** of Somerset, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act Pertaining to Railroad Crossing Fees"  
H.P. 291 L.D. 365

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

Signed:

Senators:

COLLINS of York  
DIAMOND of Cumberland  
THOMAS of Somerset

Representatives:

CEBRA of Naples  
GILLWAY of Searsport  
MAZUREK of Rockland  
PARRY of Arundel  
PEOPLES of Westbrook  
RIOUX of Winterport  
ROSEN of Bucksport  
WILLETTE of Mapleton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-43)**.

Signed:

Representatives:

HOGAN of Old Orchard Beach  
THERIAULT of Madawaska

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

Reports **READ**.

On motion by Senator **COLLINS** of York, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit Certain Changes to a Direct Initiative of Legislation for a Period of Time after It Is Approved by the Voters

H.P. 83 L.D. 97

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

Signed:

Senators:

FARNHAM of Penobscot  
PATRICK of Oxford  
PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn  
CAREY of Lewiston  
CHIPMAN of Portland  
CROCKETT of Bethel  
DAMON of Bangor  
JOHNSON of Eddington  
LONGSTAFF of Waterville  
VALENTINO of Saco  
WILLETTE of Presque Isle

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-42)**.

Signed:

Representative:

RUSSELL of Portland

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

Reports **READ**.

On motion by Senator **FARNHAM** of Penobscot, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

After Convention

In Senate Chamber

Senate called to order by President Pro Tem **GARRETT P. MASON** of Androscoggin County.

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

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On motion by Senator **COURTNEY** of York, **ADJOURNED** to Thursday, March 31, 2011, at 10:00 in the morning.