

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
Thursday
March 31, 2011

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

Prayer by Reverend Sharon G.W. Jones, Winthrop United Methodist Church in Winthrop.

REVEREND JONES: Let's take a moment to take a deep breath and to allow your spirit to be fully present here with your body. Let us be in prayer.

Whether we call You Almighty God, Creator of the Universe, Redeemer of the World, or by another name, we come before You this day united by our desire to be in prayer and acknowledge You, the one who is greater than we. You have placed us in this state rich with rivers, forests, mountains, clean air, and creatures great and small. May we learn more ways to care for and conserve these resources, even as we maintain the protective laws that we have. You sat before our ancestors an opportunity to build a realm of justice, peace, and freedom, yet we acknowledge that they, others through the years, and we, ourselves, have not always practiced justice. We marvel that in spite of this You continue to care for us and call us to be better people. We ask You to help the Senators gathered here to recognize the unique honor they have been granted to serve all people of this state, rich and poor, able bodied and other abled, employers and employees. Give to each Senator some sense of the experience of the weaker members of our society and help them to consider how various bills will impact their lives. Remind each of us that we are people of privilege, especially when we consider Your people living in developing countries. Keep us all humble as we tackle some very volatile issues. Holy One, You know the complicated issues that will come before this Senate. Remind us that they cannot be solved with easy fixes. May we discover the vast well of creativity that exists when we work together to resolve the difficult problems of these times. Help us bring our best skills and ideas together as we work as a team and recognize the advantages of coming together and sharing efforts to resolve problems. May a spirit of cooperation and respect flow in and through this Chamber. This is my prayer on behalf of this assembly. Amen.

Pledge of Allegiance led by Senator Elizabeth M. Schneider of Penobscot County.

Reading of the Journal of Wednesday, March 30, 2011.

Doctor of the day, Lisa Ryan, DO of Naples.

Off Record Remarks

The Chair noted the absence of the Senator from Kennebec, Senator **MARTIN** and further excused the same Senators from today's Roll Call votes.

The President requested the Sergeant-At-Arms escort the Senator from Cumberland, Senator **BLISS** 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 **LAWRENCE S. BLISS** of Cumberland County.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **COURTNEY** of York, the following Joint Order:
S.P. 422

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, April 5, 2011, at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Modernize and Reduce the Cost of Driver Education"

H.P. 178 L.D. 201

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A"** (H-12) (4 members)

In House, March 24, 2011, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-12).

In Senate, March 29, 2011, on motion by Senator **COLLINS** of York, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

House Papers

Bill "An Act Regarding the Publication of Information Related to Persons Convicted of Operating under the Influence of Alcohol or Drugs"

H.P. 1002 L.D. 1363

Presented by Representative **CEBRA** of Naples.
Cosponsored by Senator **COLLINS** of York and Representatives: **CHASE** of Wells, **CURTIS** of Madison, **HANLEY** of Gardiner, **McKANE** of Newcastle, **PLUMMER** of Windham, **SARTY** of Denmark, **WILLETTE** of Mapleton, **WILLETTE** of Presque Isle.

Comes 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.

Bill "An Act To Ensure Accurate Valuation of a Community Benefits Package for Communities That Host Wind Energy Developments"

H.P. 1001 L.D. 1362

Presented by Representative **DUNPHY** of Embden.
Cosponsored by Senator **WHITTEMORE** of Somerset and Representatives: **BLACK** of Wilton, **CRAFTS** of Lisbon, **DAMON** of Bangor, **FOSTER** of Augusta, **PARKER** of Veazie, **RICHARDSON** of Warren, **RIOUX** of Winterport, **WINTLE** of Garland.

Bill "An Act To Update the Maine Wind Energy Act To Include Low-emission Energy" (EMERGENCY)

H.P. 1005 L.D. 1366

Presented by Representative **GIFFORD** of Lincoln.
Cosponsored by Representative: **CRAY** of Palmyra.

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.

Resolve, To Ensure Patient Safety in the Use of Certain Imaging Equipment

H.P. 1000 L.D. 1361

Presented by Representative **TREAT** of Hallowell.
Cosponsored by Senator: **GOODALL** of Sagadahoc,
Representatives: **BERRY** of Bowdoinham, **BOLAND** of Sanford, **GRAHAM** of North Yarmouth, **HINCK** of Portland, **LOVEJOY** of Portland, **TUTTLE** of Sanford.

Bill "An Act To Improve the Quality and Reduce the Cost of Health Care"

H.P. 1003 L.D. 1364

Presented by Representative **FITTS** of Pittsfield.
Cosponsored by President **RAYE** of Washington and Senators: **BRANNIGAN** of Cumberland, **PLOWMAN** of Penobscot,
Representatives: **CAIN** of Orono, **CUSHING** of Hampden, **FOSTER** of Augusta, **STRANG BURGESS** of Cumberland, **WINTLE** of Garland.

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 Exempt Certain Mortgage Loan Originators from Licensing"

H.P. 996 L.D. 1357

Presented by Representative **CROCKETT** of Bethel.
Cosponsored by Representatives: **BURNS** of Whiting, **CHIPMAN** of Portland, **RICHARDSON** of Warren.

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.

Bill "An Act To Provide Prevailing Mortgages Attorney's Fees in the Foreclosure Process"

H.P. 999 L.D. 1360

Presented by Representative **CROCKETT** of Bethel.
Cosponsored by Senator **HILL** of York and Senator: **LANGLEY** of Hancock, Representatives: **BEAULIEU** of Auburn, **CHIPMAN** of Portland, **MALONEY** of Augusta, **PRIEST** of Brunswick, **TREAT** of Hallowell, **WATERHOUSE** of Bridgton.

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

On motion by Senator **WHITTEMORE** of Somerset, **REFERRED** to the Committee on **JUDICIARY**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act To Enhance Local Control of Noise Ordinances"
H.P. 998 L.D. 1359

Presented by Representative CROCKETT of Bethel.
Cosponsored by Representative: LONG of Sherman.

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 Amend the Requirements Concerning Restroom Facilities for Small Restaurants with Dual Liquor Licenses"
H.P. 997 L.D. 1358

Presented by Representative FITTS of Pittsfield.
Cosponsored by Senator McCORMICK of Kennebec.

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.

COMMUNICATIONS

The Following Communication: S.C. 198

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

March 29, 2011

The Honorable Kevin L. Raye
President of the Senate of Maine
125th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 125th Maine Legislature, the Joint Standing Committee on Insurance & Financial Services has had under consideration the nomination of Robert A. Harmon of Raymond, for appointment to the Dirigo Health Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Whittemore of Somerset, Brannigan of Cumberland, Snowe-Mello of Androscoggin
	Representatives	9	Richardson of Warren, Beck of Waterville, Fitzpatrick of Houlton, Goode of Bangor, McKane of Newcastle, Morissette of Winslow, Morrison of South Portland, Picchiotti of Fairfield, Treat of Hallowell
NAYS		0	
ABSENT		1	Rep. Beaudoin of Biddeford

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Robert A. Harmon of Raymond, for appointment to the Dirigo Health Board be confirmed.

Signed,

S/Rodney L. Whittemore
Senate Chair

S/Wesley E. Richardson
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tem laid before the Senate the following:
"Shall the recommendation of the Committee on **INSURANCE AND FINANCIAL SERVICES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 125th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#21)

YEAS: Senators: None

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, FARNHAM, GERZOFISKY, GOODALL, HASTINGS, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MASON, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, AND PRESIDENT PRO TEM - LAWRENCE L. BLISS

EXCUSED: Senator: MARTIN

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Robert A. Harmon** of Raymond for appointment to the Dirigo Health Board was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 197

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

March 29, 2011

The Honorable Kevin L. Raye
President of the Senate of Maine
125th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 125th Maine Legislature, the Joint Standing Committee on Insurance & Financial Services has had under consideration the nomination of Douglas S. Carr of Yarmouth, for appointment to the Dirigo Health Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Whittemore of Somerset, Brannigan of Cumberland, Snowe-Mello of Androscoggin
	Representatives	9	Richardson of Warren, Beck of Waterville, Fitzpatrick of Houlton, Goode of Bangor, McKane of Newcastle, Morissette of Winslow, Morrison of South Portland, Picchiotti of Fairfield, Treat of Hallowell
NAYS		0	
ABSENT		1	Rep. Beaudoin of Biddeford

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Douglas S. Carr of Yarmouth, for appointment to the Dirigo Health Board be confirmed.

Signed,

S/Rodney L. Whittemore
Senate Chair

S/Wesley E. Richardson
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tem laid before the Senate the following:
"Shall the recommendation of the Committee on **INSURANCE AND FINANCIAL SERVICES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 125th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#22)

YEAS: Senators: None

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, FARNHAM, GERZOFSKY, GOODALL, HASTINGS, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MASON, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, AND PRESIDENT PRO TEM - LAWRENCE L. BLISS

EXCUSED: Senator: MARTIN

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Douglas S. Carr** of Yarmouth for appointment to the Dirigo Health Board was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

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

The Following Communication: S.C. 199

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

March 30, 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 3, MRSA, Chapter 10, §227, I am pleased to appoint the following Senators to the Maine Canadian Legislative Advisory Commission, representing members of the Maine Senate:

Senator Roger L. Sherman of Aroostook
Senator Troy D. Jackson of Aroostook

Please contact my office 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. 200

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

March 28, 2011

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

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 696 An Act To Amend the Agricultural Working Dog Laws (EMERGENCY)

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Roger L. Sherman
Senate Chair

S/Rep. Peter E. Edgecomb
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 209

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

March 30, 2011

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

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 257 An Act To Protect Children in Public Schools by Changing Notification Requirements Regarding Sex Offenders
- L.D. 377 An Act To Ensure That a Licensee Is Notified of a Driver's License Suspension
- L.D. 464 An Act To Authorize Certain Officials To Carry Automatic Knives While in the Performance of Their Duties
- L.D. 495 An Act To Allow a Person Charged with or Convicted of Violating a Protection from Abuse Order To Be Supervised by an Electronic Tracking System
- L.D. 714 An Act To Require Probation Officers To Set a Schedule for Restitution Payment
- L.D. 750 An Act To Decriminalize Possession of 6 or Fewer Marijuana Plants
- L.D. 754 An Act To Remove Criminal Penalties for Possession of up to 5 Ounces of Marijuana

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Garrett P. Mason
Senate Chair

S/Rep. Gary E. Plummer
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 201

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 28, 2011

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

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 608 An Act To Regionalize Supervision of Students
in the Unorganized Territory

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Brian D. Langley
Senate Chair

S/Rep. David E. Richardson
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 210

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 30, 2011

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

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 871 An Act To Allow a 4-day School Week

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Brian D. Langley
Senate Chair

S/Rep. David E. Richardson
House Chair

READ.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Farnham.

Senator **FARNHAM:** Thank you, Mr. President. Last night at the Bangor school committee meeting I was given some information regarding L.D. 871, which is "An Act to Allow a 4-day School Week" and found out that while our committee on Education and Cultural Affairs was discussing this item to allow the 4-day school week there was a group of 7th graders at the Cohen Middle School also having a similar discussion and their teacher had asked them to put their thoughts in the form of essays and share those with me so that it would help me make my decision. I wanted to share some student input on this item and share this with you guys. What I heard was that the ones who were for it were for it for some of the following reasons: free time, rest, and they also mentioned to save gas and to save on the cost of heat. I do have to say that the letters were very well written and the discussion and the information in them was very well thought out. There were some against the item and here are some of the reasons that they included: parents have a work week of 5-days and this would be difficult for them, there would be less learning time, less Summer vacation, there would be an effect on the teacher's and the bus driver's pay, and there would be an effect on sport schedules with one less day. Here is one that I thought really hit home and I was really impressed that the students brought this one up: some kids only get to eat when they are at school and if we had one fewer day that is one fewer day that some kids would be eating. To summarize the letters for you, that's a little indication on how thoughtful and what insight these 7th graders at the Cohen Middle School had regarding this issue. I took a little tally on the letters just to let us know their thoughts and found out there were 4 that were neither for nor against, they gave me information on both sides to consider, and there were 13 for and 28 against the idea. They were in concurrence with the

Ought Not to Pass that the committee had. Thank you to the students for giving us some input on this item.

With accompanying papers, **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 202

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

March 28, 2011

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

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Energy, Utilities and Technology has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 668 An Act To Improve Regional Transmission Organization Responsiveness

L.D. 870 An Act To Examine Electric Utility Regulation and Fees To Reduce Rates

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Michael D. Thibodeau
Senate Chair

S/Rep. Stacey A. Fitts
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 211

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

March 30, 2011

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

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Energy, Utilities and Technology has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 801 An Act To Authorize the Public Utilities Commission To Require That Transmission or Distribution Lines Be Placed Underground

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Michael D. Thibodeau
Senate Chair

S/Rep. Stacey A. Fitts
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 203

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES**

March 24, 2011

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

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Environment and Natural Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 614 An Act To Expedite the Review of Certain Maine Land Use Regulation Commission and Department of Environmental Protection Applications

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Thomas B. Saviello
Senate Chair

S/Rep. James M. Hamper
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 212

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

March 30, 2011

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

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 212 An Act To Clarify and Amend Laws Pertaining to Licenses Issued by the Department of Inland Fisheries and Wildlife

L.D. 223 An Act To Require Written Permission for Recreational Access to Cropland, Pastureland and Orchards

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Thomas H. Martin, Jr.
Senate Chair

S/Rep. Paul T. Davis, Sr.
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 213

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

March 28, 2011

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

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 38 An Act To Allow Holders of Junior Hunting Licenses To Take Antlerless Deer

L.D. 211 An Act To Improve the Water Quality of Hall Pond in Paris

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Thomas H. Martin, Jr.
Senate Chair

S/Rep. Paul T. Davis, Sr.
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 204

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

March 28, 2011

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

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Insurance and Financial Services has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 125 An Act To Raise the Required Minimum Limits for Motor Vehicle Insurance
- L.D. 295 An Act To Require Insurance Companies To Disclose the Option To Purchase Higher Amounts of Coverage for Automobile Liability Insurance
- L.D. 672 An Act To Provide Reasonable Uninsured Motorist Coverage
- L.D. 794 An Act To Provide Fair Value for Insured Items

Sincerely,

S/Sen. Christopher W. Rector
Senate Chair

S/Rep. Kerri L. Prescott
House Chair

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

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Rodney L. Whittemore
Senate Chair

S/Rep. Wesley E. Richardson
House Chair

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

The Following Communication: S.C. 206

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

March 28, 2011

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

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 149 An Act To Authorize Municipalities To Impose Service Charges on Tax-exempt Property Owned by Certain Nonprofit Organizations
- L.D. 238 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
- L.D. 405 An Act To Clarify Charitable Status for Property Tax Exemption
- L.D. 436 An Act To Base the Motor Vehicle Excise Tax on the Purchase Price of a Motor Vehicle
- L.D. 462 An Act To Amend the Laws Governing Excise Tax Credits
- L.D. 706 An Act To Base the Motor Vehicle Excise Tax on Ninety Percent of the Maker's List Price

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

The Following Communication: S.C. 205

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON LABOR, COMMERCE, RESEARCH AND
ECONOMIC DEVELOPMENT**

March 28, 2011

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

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor, Commerce, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 534 An Act To Clarify Successor Liability under the Employment Security Law
- L.D. 555 An Act To Utilize a Dental Complaint Review Panel

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. A. David Trahan
Senate Chair

S/Rep. L. Gary Knight
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 207

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

March 28, 2011

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

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 546 An Act To Amend the Motor Vehicle Laws Concerning Driving with Animals
- L.D. 661 An Act To Require Driver Education for All New Drivers
- L.D. 734 An Act To Allow a Front-wheel-drive Vehicle To Be Equipped with Studded Tires on the Front Only

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Ronald F. Collins
Senate Chair

S/Rep. Richard M. Cebra
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 214

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

March 30, 2011

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

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 217 An Act To Require the Maine Turnpike Authority To Promote Maine Products and Businesses
- L.D. 673 An Act To Expand Fiscally Responsible Transportation through Increased ZOOM Bus Service

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Ronald F. Collins
Senate Chair

S/Rep. Richard M. Cebra
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 208

**STATE OF MAINE
DEPARTMENT OF AUDIT**

Letter of Transmittal

The Honorable Kevin L. Raye
President of the Senate

The Honorable Robert W. Nutting
Speaker of the House of Representatives

The Honorable Paul R. LePage
Governor of Maine

I am pleased to submit the Single Audit of the State of Maine for the fiscal year ended June 30, 2010. This audit was conducted in accordance with Government Auditing Standards, issued by the Comptroller General of the United States; the requirements of the

Single Audit Act Amendments of 1996; and the Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. Our audit complies with 5 MRSA, §243 and is a prerequisite for the receipt of federal financial assistance, which was \$3.8 billion during fiscal year 2010.

This document contains the following reports and schedules:

- Independent Auditor's Report
- Basic Financial Statements, Management's Discussion and Analysis, Notes to Financial Statements, and Required Supplementary Information
- Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards
- Report on Compliance with Requirements Applicable to each Major Program and on Internal Control over Compliance in Accordance with OMB Circular A-133
- Schedule of Expenditures of Federal Awards
- Schedule of Findings and Questioned Costs
- Financial Statement Findings
- Indexes to Federal Program Findings
- Federal Findings, Questioned Costs and Corrective Action Plan
- Summary Schedule of Prior Audit Findings

On behalf of the Maine Department of Audit, I thank employees throughout Maine government who have assisted us during our audit. I know that we all work to improve financial reporting and accountability for our citizens and our State.

Please contact me if you have questions or comments about the 2010 Single Audit of the State of Maine.

Respectfully submitted,

S/Neria R. Douglass, JD, CIA
State Auditor

March 29, 2011

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

Off Record Remarks

Senate at Ease.

Senate called to order by President Pro Tem **LAWRENCE S. BLISS** of Cumberland County.

Off Record Remarks

SENATE PAPERS

Bill "An Act To Restore Maine's Secondary Roads"
S.P. 421 L.D. 1367

Presented by Senator THOMAS of Somerset.
Cosponsored by Representative CEBRA of Naples and Senators: COLLINS of York, JACKSON of Aroostook, PLOWMAN of Penobscot, Representatives: RIOUX of Winterport, ROSEN of Bucksport, THERIAULT of Madawaska, WILLETTE of Mapleton.
On motion by Senator COLLINS of York, REFERRED to the Committee on **TRANSPORTATION** and ordered printed.

Sent down for concurrence.

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

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

The grand opening of the Brunswick Executive Airport. The Brunswick Executive Airport is located on the property of Maine's first airport. Established in the early 1920s, it was the first municipal landing field in the State and has been used as an airfield ever since. The opening of the Brunswick Executive Airport marks the end of an era for the Naval Air Station at Brunswick and the beginning of an exciting future of the former base aviation complex. The Brunswick Executive Airport will be home to a variety of aviation-related businesses and services with a goal of attracting more air traffic to all of Maine's airports and creating good-paying jobs. We extend our best wishes for a successful future to the Brunswick Executive Airport;
SLS 167

Sponsored by Senator GERZOFKY of Cumberland.
Cosponsored by Representatives: CORNELL du HOUX of Brunswick, KENT of Woolwich, PRIEST of Brunswick.

READ.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Gerzofsky.

Senator GERZOFKY: Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise today to speak on the sentiment about the Brunswick Naval Air Station. It is the first transfer of the federal property, the Naval Base in Brunswick, to be given back to the people of Maine. It's a historic moment. These runways, some of the best in the country, are being given back to civilian use, back to the people of Maine. This is the oldest airport in the state of Maine. I've been told stories about Amelia Earhart flying out of Brunswick many, many years ago, long before my time. They were wonderful stories. With the collaboration of this Body and the other Body, working together with the Redevelopment Authority in Brunswick, we've had great success at getting the tools we need to create the private sector jobs that we need in this state. We've created over 600 and this is the first transfer of property to come our way. It is a historic moment in the state of Maine because it is going to allow us to help lead not only my community, my region, but also my state out of the economic times that we've seen with loss of 5,000 jobs that have gone to Jacksonville, Florida. I want to say today how proud I am that Saturday we will have our grand opening. You are all more than welcome to come down and participate with the federal delegation and the state delegation. Thank you very much, Mr. President, for allowing me this moment.

PASSED.

Sent down for concurrence.

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Portions of Chapter 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

H.P. 330 L.D. 412

Reported that the same **Ought to Pass.**

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Concerning Models for Teacher and Principal Evaluations"

H.P. 317 L.D. 391

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-52).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-52).**

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

READ ONCE.

Committee Amendment "A" (H-52) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Include Independent Practice Dental Hygienists in MaineCare"

H.P. 58 L.D. 70

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-49).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-49).**

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

READ ONCE.

Committee Amendment "A" (H-49) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Chapter 13: Municipal Service Fee, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 87 L.D. 105

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-50).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-50).**

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

READ ONCE.

Committee Amendment "A" (H-50) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Require Prompt MaineCare Decisions on Care for Children with Life-threatening Conditions"

H.P. 336 L.D. 443

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-51).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-51).**

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

READ ONCE.

Committee Amendment "A" (H-51) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Modify Child Support Enforcement Procedures"

H.P. 179 L.D. 202

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-45).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-45).**

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

READ ONCE.

Committee Amendment "A" (H-45) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Require Licensed Veterinarians To Honor Prescriptions from Other Licensed Veterinarians"

H.P. 154 L.D. 177

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-46).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-46).**

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

READ ONCE.

Committee Amendment "A" (H-46) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Extend the Dental Care Access Credit for Dentists Who Practice in Underserved Areas of the State" (EMERGENCY)

H.P. 141 L.D. 164

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-35).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-35) AS AMENDED BY HOUSE AMENDMENT "A" (H-44)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-35) **READ.**

House Amendment "A" (H-44) to Committee Amendment "A" (H-35) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-35) as Amended by House Amendment "A" (H-44) thereto, **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator **HASTINGS** for the Committee on **JUDICIARY** on Bill "An Act To Clarify Joint Tenancy Reinstatement"

S.P. 18 L.D. 3

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-22)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-22) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator FARNHAM for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Relating to Maine Farm Wineries"

S.P. 71 L.D. 220

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-23)**.

Report **READ**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Exempt from Income Tax the Income of Nonresidents Working in Maine Pursuant to an Interlocal Agreement"

S.P. 137 L.D. 433

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-20)**.

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BICKFORD of Auburn
BURNS of Alfred
HARMON of Palermo
WATERHOUSE of Bridgton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-21)**.

Signed:

Representatives:

BERRY of Bowdoinham
BRYANT of Windham
FLEMINGS of Bar Harbor
PILON of Saco

Reports **READ**.

Senator **TRAHAN** of Lincoln moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-20)** Report.

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **TRAHAN** of Lincoln to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-20)** Report.

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

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House As Amended

Bill "An Act To Designate the Whoopie Pie as the State Dessert"
H.P. 59 L.D. 71
(H "A" H-20 to C "A" H-8)

Bill "An Act To Allow a Person with One Arm To Possess Certain Kinds of Prohibited Knives"
H.P. 108 L.D. 126
(C "A" H-40)

Bill "An Act To Provide Seniors with Access to State Forms"
H.P. 110 L.D. 128
(C "A" H-36)

Bill "An Act To Ensure the Integrity of Laws Governing Clean Elections by Amending Provisions Regarding Equipment Repurchase"
H.P. 184 L.D. 231
(C "A" H-39)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Senate As Amended

Bill "An Act Regarding the Membership of the Midcoast Regional Redevelopment Authority Board of Trustees"
S.P. 54 L.D. 204
(C "A" S-19)

Resolve, To Prohibit Smokers from Receiving MaineCare Benefits

S.P. 67 L.D. 216
(C "A" S-17)

Bill "An Act To Revise the Laws Governing the Licensure of Public Water System Operators"

S.P. 128 L.D. 424
(C "A" S-18)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act Regarding Repeated Animal Trespass

H.P. 75 L.D. 89
(C "A" H-17)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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 Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2011

S.P. 168 L.D. 576
(C "A" S-9)

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 Pro Tem, was presented by the Secretary to the Governor for his approval.

Act

An Act To Allow Marriage and Family Therapists To Provide Related Services in Public Schools

H.P. 38 L.D. 45
(C "A" H-19)

PASSED TO BE ENACTED and having been signed by the President Pro Tem was presented by the Secretary to the Governor for his approval.

Resolves

Resolve, To Dedicate the Haystack Mountain Summit Trail to the Memory of Dustin J. Libby

H.P. 78 L.D. 92
(C "A" H-18)

Resolve, To Establish a Stakeholder Group To Review the Maine State Grant Program

S.P. 59 L.D. 209
(C "A" S-10)

FINALLY PASSED and having been signed by the President Pro Tem were presented by the Secretary to the Governor for his approval.

Off Record Remarks

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (3/29/11) Assigned matter:

Bill "An Act To Amend the Laws Governing the Address Confidentiality Program"

S.P. 407 L.D. 1310

Tabled - March 29, 2011, by Senator **THOMAS** of Somerset

Pending - **REFERENCE**

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

On motion by Senator **THOMAS** of Somerset, **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/30/11) Assigned matter:

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

Tabled - March 30, 2011, by Senator **PLOWMAN** of Penobscot

Pending - **REFERENCE**

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

(In House, March 29, 2011, **REFERRED** to the Committee on **TAXATION**.)

On motion by Senator **PLOWMAN** of Penobscot, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (3/30/11) Assigned matter:

HOUSE REPORT - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Improve Party Status Requirements"

H.P. 125 L.D. 142

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-41)**

Tabled - March 30, 2011, by Senator **COURTNEY** of York

Pending - **ACCEPTANCE OF REPORT**

(In House, March 29, 2011, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-41)**.)

(In Senate, March 30, 2011, Report **READ**.)

On motion by Senator **HOBBS** of York, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by President Pro Tem **LAWRENCE S. BLISS** of Cumberland County.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Make Additional Supplemental Appropriations and Allocations for the Fiscal Year Ending June 30, 2011" (EMERGENCY)

H.P. 1011 L.D. 1372

Presented by Representative **FLOOD** of Winthrop. (GOVERNOR'S BILL)

Cosponsored by Senator **ROSEN** of Hancock and Senator: **HILL** of York, Representative: **ROTUNDO** of Lewiston.

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.

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 Laws Governing General Assistance Programs"

H.P. 1009 L.D. 1370

Presented by Representative **CUSHING** of Hampden. Cosponsored by Senator **MASON** of Androscoggin and Representatives: **CURTIS** of Madison, **HARVELL** of Farmington, **PARKER** of Veazie, **SANDERSON** of Chelsea, **STRANG** **BURGESS** of Cumberland.

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.

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 a Boating Safety Course for New Boat Registrants"

H.P. 1014 L.D. 1375

Presented by Representative MacDONALD of Boothbay.
Cosponsored by Representative: TREAT of Hallowell.

Comes 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 Protect Seniors and Incapacitated or Dependent Adults from Abuse"

H.P. 1013 L.D. 1374

Presented by Representative NASS of Acton.
Cosponsored by President RAYE of Washington and Senator: FARNHAM of Penobscot, Representatives: BENNETT of Kennebunk, CHASE of Wells, FOSTER of Augusta, PARKER of Veazie, WATERHOUSE of Bridgton.

Bill "An Act To Adopt the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act"

H.P. 1016 L.D. 1377

Presented by Representative SANBORN of Gorham.
Cosponsored by Senator BRANNIGAN of Cumberland and Senator: CRAVEN of Androscoggin, Representatives: MacDONALD of Boothbay, ROTUNDO of Lewiston, STUCKEY of Portland, WEBSTER of Freeport.

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

REFERRED to the Committee on **JUDICIARY** 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 Adjust Payroll Processor License Fees"

H.P. 1007 L.D. 1368

Presented by Representative CURTIS of Madison.
Cosponsored by Senator WHITTEMORE of Somerset.

Comes 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 Paper

Resolve, To Produce Cost Savings by Requiring the State E-mail System To Be Hosted by Google

H.P. 1012 L.D. 1373

Presented by Representative WILLETTE of Mapleton.
Cosponsored by Senator MASON of Androscoggin and Representatives: CLARK of Easton, WILLETTE of Presque Isle.

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 Preserve the Integrity of the Voter Registration and Election Process"

H.P. 1015 L.D. 1376

Presented by Speaker NUTTING of Oakland.
Cosponsored by President RAYE of Washington and Senators: MARTIN of Kennebec, McCORMICK of Kennebec, SNOWE-MELLO of Androscoggin, THOMAS of Somerset, WHITTEMORE of Somerset, Representatives: CEBRA of Naples, CURTIS of Madison, CUSHING of Hampden.
Submitted by the Secretary of State pursuant to Joint Rule 204.

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:

ENACTORS

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

Emergency Measure

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

S.P. 21 L.D. 6
(C "A" S-11)

On motion by Senator **ROSEN** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

Emergency Measure

An Act To Improve the Sewer District Rate Collection Procedures

H.P. 72 L.D. 84
(C "A" H-25)

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 Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act Regarding Audits of State Agency Expenditures To Recover Overpayments and Lost Discounts

S.P. 46 L.D. 104
(C "A" S-12)

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 Pro Tem, 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:

ENACTORS

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

Acts

An Act Directing the Department of Transportation To Allow a Break in Control of Access on William L. Clarke Drive in the City of Westbrook

H.P. 40 L.D. 47
(C "A" H-21)

An Act To Protect Native Landlocked Salmon Fisheries from Invasive Fish Species

H.P. 116 L.D. 134
(C "A" H-33)

An Act Relating to Disability License Plates and Placards for People with Permanent Disabilities

H.P. 126 L.D. 143
(C "A" H-22)

An Act To Improve Response to Gas Safety Emergencies

H.P. 174 L.D. 197
(C "A" H-26)

An Act To Amend the Powers and Duties of Municipal Treasurers

H.P. 390 L.D. 497

An Act To Permit the Display of the National Emergency Service Medal on Registration Plates of Recipients

S.P. 203 L.D. 622

PASSED TO BE ENACTED and having been signed by the President Pro Tem were presented by the Secretary to the Governor for his approval.

An Act To Allow Vietnam War Era Veterans To Receive High School Diplomas

H.P. 96 L.D. 114
(C "A" H-24)

On motion by Senator **COURTNEY** of York, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence. (Roll Call Ordered)

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
(C "A" H-30)

On motion by Senator **ROSEN** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, 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:

Resolves

Resolve, Directing the Department of Education To Create a Resource Guide to Maine History Developed in Cooperation with Franco-American Specialists

H.P. 65 L.D. 77
(C "A" H-23)

Resolve, To Establish the Wilderness Rescue Task Force

H.P. 204 L.D. 251
(C "A" H-32)

Resolve, To Stagger the Terms of Members of the Maine Arborist Advisory Council

H.P. 458 L.D. 628
(C "A" H-27)

FINALLY PASSED and having been signed by the President Pro Tem were 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

Bill "An Act Regarding Protection Orders and the Prosecution of Domestic Violence Cases"

H.P. 1004 L.D. 1365

Presented by Representative HINCK of Portland. Cosponsored by Senator SHERMAN of Aroostook and Senators: BARTLETT of Cumberland, HOBBS of York, PLOWMAN of Penobscot, Representatives: CLARKE of Bath, HUNT of Buxton, MORRISON of South Portland, STEVENS of Bangor, STRANG BURGESS of Cumberland.

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

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

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Washington, Senator **RAYE** to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Cumberland, Senator **BLISS** to his seat on the floor.

Senate called to order by the President.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

An Act To Allow Vietnam War Era Veterans To Receive High School Diplomas

H.P. 96 L.D. 114
(C "A" H-24)

Tabled - March 31, 2011, by Senator **COURTNEY** of York

Pending - **ENACTMENT**, in concurrence. (Roll Call Ordered)

(In Senate, March 29, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-24)**, in concurrence.)

(In House, March 29, 2011, **PASSED TO BE ENACTED.**)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#23)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, FARNHAM, GERZOFISKY, GOODALL, HASTINGS, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MASON, MCCORMICK, PATRICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: None

EXCUSED: Senator: MARTIN

34 Senators having voted in the affirmative and No Senator having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Modernize and Reduce the Cost of Driver Education"

H.P. 178 L.D. 201

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-12)** (4 members)

Tabled - March 31, 2011, by Senator **COURTNEY** of York

Pending - **FURTHER CONSIDERATION**

(In House, March 24, 2011, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-12).**)

(In Senate, March 29, 2011, on motion by Senator **COLLINS** of York, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

(In House, March 30, 2011, that Body **INSISTED**.)

Senator **DIAMOND** of Cumberland moved the Senate **ADHERE**.

Senator **ALFOND** of Cumberland moved the Senate **RECEDE** and **CONCUR**.

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#24)

YEAS: Senators: **ALFOND, BARTLETT, BRANNIGAN, GOODALL, MASON, ROSEN, THOMAS**

NAYS: Senators: **BLISS, COLLINS, COURTNEY, CRAVEN, DIAMOND, FARNHAM, GERZOFSKY, HASTINGS, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MCCORMICK, PATRICK, PLOWMAN, RECTOR, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE**

EXCUSED: Senator: **MARTIN**

7 Senators having voted in the affirmative and 27 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **ALFOND** of Cumberland to **RECEDE** and **CONCUR, FAILED**.

On motion by Senator **DIAMOND** of Cumberland, the Senate **ADHERED**.

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

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, April 5, 2011, at 10:00 in the morning.