

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Fifth Legislature

State of Maine

Daily Edition

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

In Senate Chamber
Wednesday
April 13, 2011

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

Prayer by Reverend Jon Olson, Pastor, North Wayne Church of North Wayne.

REVEREND OLSON: Almighty God, we pause during this time of busyness to give You thanks. We thank You for living in a country where we can freely elect our legislators. We thank You for living in a country where we can freely discuss the important matters facing us. We thank You for living in a country where we can freely strive to make our lives better. Almighty God, during this quiet moment together we ask for guidance to do what is just and right. We ask for wisdom to make decisions that will positively impact the lives of others. We ask for insight that we may see with our hearts the worthiness and dignity of each person we meet. Amen.

Pledge of Allegiance led by Senator Debra D. Plowman of Penobscot County.

Reading of the Journal of Tuesday, April 12, 2011.

Doctor of the day, James Raker, MD of Brunswick.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Implement Recommendations on Reinventing Government"

S.P. 444 L.D. 1437

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

In Senate, April 7, 2011, on motion by Senator **THOMAS** of Somerset, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

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

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

House Papers

Bill "An Act To Create the Maine Street Economic Development Bank"

H.P. 1066 L.D. 1452

Presented by Representative **RUSSELL** of Portland. Cosponsored by Representative **BEAVERS** of South Berwick and Senator: **BARTLETT** of Cumberland, Representatives: **BERRY** of Bowdoinham, **BOLDUC** of Auburn, **CAREY** of Lewiston, **CHIPMAN** of Portland, **GOODE** of Bangor.

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

Comes from the House, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

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

Bill "An Act To Enforce Wage Laws"

H.P. 1064 L.D. 1450

Presented by Representative **RUSSELL** of Portland. Cosponsored by Representatives: **BERRY** of Bowdoinham, **GILBERT** of Jay, **GOODE** of Bangor, **INNES** of Yarmouth.

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.

Joint Order

The following Joint Order:

H.P. 1080

ORDERED, the Senate concurring, that the Joint Rules be amended by amending Joint Rule 208 to read:

Rule 208. Requirements for Drafting.

A request for a bill or resolve filed with the Revisor of Statutes is considered complete when the request is properly titled and accompanied by sufficient instructions, information and data required for its preparation. When a request is not accompanied by sufficient instructions, information or data, the Revisor of Statutes is directed to give written notice of inadequate information to the legislator. Upon receipt of said written notice, the legislator has 5 business days, unless an alternative period is set jointly by the presiding officers, to file adequate information with the Revisor of Statutes, or the request for the bill or resolve will be denied. Drafts prepared by an outside source must be filed in final form by the appropriate cloture date.

~~When directed by the sponsor, the Revisor of Statutes shall prepare a bill or resolve in concept form. The bill or resolve shall contain only an enacting clause and a summary of the proposed legislation and shall not be fully drafted by the Revisor of Statutes. The bill or resolve prepared in this form shall be printed and referred to a committee in the same manner as other legislation and may be reported in fully drafted form by that committee in the same manner as other legislation. This method of drafting legislation is not allowed for legislation submitted by the Governor, by agencies or departments of state government, by study commissions, or pursuant to statute. Any request for a bill or resolve submitted after cloture must state if it is a request for a concept draft. Any committee amendment must be germane to the detailed summary of the concept draft.~~

Comes from the House, **READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES**.

READ and **REFERRED** to the Joint Select Committee on **JOINT RULES**, in concurrence.

Joint Resolution

The following Joint Resolution:

H.P. 1079

JOINT RESOLUTION RECOGNIZING THE SOVEREIGNTY OF MAINE AND MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO CEASE CERTAIN MANDATES

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 President of the United States and the members of the Congress of the United States, as follows:

WHEREAS, the Tenth Amendment to the United States Constitution reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

WHEREAS, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

WHEREAS, the scope of power defined by the Tenth Amendment means that the Federal Government was created by the states specifically to be an agent of the states; and

WHEREAS, today, in 2011, it is as if the states are treated as agents of the Federal Government; and

WHEREAS, many federal laws seem to be in violation of the Tenth Amendment to the United States Constitution; and

WHEREAS, the Tenth Amendment assures that we, the people of the United States of America and each sovereign state in the Union of States, now have, and have always had, rights the Federal Government may not usurp; and

WHEREAS, Article IV, Section 4 says, "The United States shall guarantee to every State in this Union a Republican Form of Government," and the Ninth Amendment states, "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people"; and

WHEREAS, the United States Supreme Court has ruled in *New York v. United States*, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

WHEREAS, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully claim sovereignty under the Tenth Amendment to the United States Constitution over all powers not otherwise enumerated and granted to the Federal Government by the United States Constitution; and be it further

RESOLVED: That we urge and request that the President of the United States and Members of Congress, as our agents, work to end the federal mandates that are beyond the scope of these constitutionally delegated powers; and be it further

RESOLVED: That we urge and request that all compulsory federal legislation that directs states to comply under threat of civil or criminal penalties or sanctions or requires states to pass legislation or lose federal funding be prohibited or repealed; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

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

READ.

On motion by Senator **ALFOND** of Cumberland, 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 (#34)

YEAS: Senators: COLLINS, COURTNEY, DIAMOND, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BLISS, BRANNIGAN, CRAVEN, GERZOFSKY, GOODALL, HOBBS, JACKSON, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY

ABSENT: Senator: HILL

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, the Joint Resolution was **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 240

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

April 11, 2011

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

Dear President Raye,

This is to inform you that I am today nominating Admiral Gregory G. Johnson USN, Ret. of Harpswell for appointment to the Board of Trustees, University of Maine System.

Pursuant to P&SL 1967, Chapter 229, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 241

**STATE OF MAINE
125TH LEGISLATURE
SPEAKER'S OFFICE**

April 11, 2011

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

Dear Secretary Carleton,

Pursuant to my authority under 20-A MRSA §11053, I am pleased to reappoint Representative Emily Ann Cain of Orono to the New England Board of Higher Education.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Robert W. Nutting
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 242

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

April 12, 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 Rep. Malaby of Hancock, to report the following bill Leave to Withdraw:

L.D. 248 An Act to Provide for a Temporary License To Operate Certain Eating and Lodging Establishments

Sincerely,

S/Sen. Earle L. McCormick
Senate Chair

S/Rep. Meredith N. Strang Burgess
House Chair

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

SENATE PAPERS

Bill "An Act To Require Voter Validation for a School Administrative Unit To Retain Ownership of a School No Longer Used Primarily for Classroom Education"

S.P. 460 L.D. 1471

Presented by Senator THIBODEAU of Waldo.
Cosponsored by Representative CUSHING of Hampden and Senator: LANGLEY of Hancock, Representatives: CRAY of Palmyra, CURTIS of Madison, DAVIS of Sangerville.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act To Create the State Advanced Practice Registered Nursing Board"

S.P. 461 L.D. 1472

Presented by Senator WHITTEMORE of Somerset.
Cosponsored by Representative DUNPHY of Embden and Senators: SAVIELLO of Franklin, THOMAS of Somerset, Representatives: BERRY of Bowdoinham, CAIN of Orono, CURTIS of Madison, CUSHING of Hampden, DRISCOLL of Westbrook, GRAHAM of North Yarmouth, HAYES of Buckfield, INNES of Yarmouth.

On motion by Senator RECTOR of Knox, REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent down for concurrence.

Bill "An Act To Ensure Harvesting of Timber on Land Taxed under the Maine Tree Growth Tax Law"

S.P. 459 L.D. 1470

Presented by President RAYE of Washington.
Cosponsored by Representative MAKER of Calais and Senator: THOMAS of Somerset, Representatives: BURNS of Whiting, TILTON of Harrington.

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

Sent down for concurrence.

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

ORDERS

Joint Resolution

On motion by Senator BARTLETT of Cumberland, the following Joint Resolution:

S.P. 458

**JOINT RESOLUTION
RECOGNIZING THE REPUBLIC OF CHINA (TAIWAN) ON THE
100TH ANNIVERSARY OF ITS NATIONAL DAY**

WHEREAS, the Republic of China, commonly known as Taiwan, is a nation in East Asia established on October 10, 1911 after over 2,000 years of imperial rule and formally established as a republic on January 1, 1912, and October 10th is now celebrated as the Republic of China's National Day; and

WHEREAS, the United States, and in particular the State of Maine, and the Republic of China share a historical and close relationship marked by strong bilateral trade, educational and cultural exchange, scientific and technological interests and tourism; and

WHEREAS, the United States ranks as Taiwan's 3rd-largest trading partner, Taiwan is the 9th-largest trading partner of the United States and bilateral trade reached \$62 billion in 2010 with United States exports to Taiwan totaling \$26 billion and Maine exports to Taiwan totaling \$10.3 million, including paper, computer equipment, electronic parts and transportation equipment; and

WHEREAS, the Republic of China was the first republic in Asia and the first full-fledged democracy in Chinese history and shares with Maine the common values of freedom, democracy, human rights and rule of law; and

WHEREAS, President Ma Ying-jeou has worked tirelessly to uphold democratic principles in Taiwan, ensure the prosperity of Taiwan's 23 million citizens, promote Taiwan's international standing as a responsible member of the international community, increase participation in international organizations, dispatch humanitarian missions abroad and further improve relations between the United States and Taiwan; and

WHEREAS, there is a high volume of travel and strong tourism between the United States and Taiwan, with the number of travelers from Taiwan to the United States in 2009 totaling 477,500 and the number of American travelers to Taiwan totaling in excess of 369,000; and

WHEREAS, Taiwan is a key transport hub in the Asia-Pacific region and the Taipei Flight Information Region under Taiwan's jurisdiction covers an area of 176,000 square nautical miles with 1.35 million controlled flights passing through annually; and

WHEREAS, it remains in the mutual interest of Maine and Taiwan that Taiwan be allowed to observe the meetings and activities of international organizations, in particular the International Civil Aviation Organization to ensure the safety of the traveling public; and

WHEREAS, Taiwan's participation in the United States Visa Waiver Program, enabling Taiwan's citizens to travel to the United States for tourism or business for stays of 90 days or less without being required to obtain a visa, will increase tourism and business between Taiwan and the United States, particularly Maine; and

WHEREAS, Taiwan presents a low immigration risk for the United States since it is a full-fledged democracy characterized by stability and social order and Taiwan's citizens present few, if any, crime or public security issues in the United States and illegal immigration or visa overstays are rare, with the rejection rate of applications made by Republic of China nationals for United States visas now at 2.2%, well below the 3% requirement of the United States Visa Waiver Program; and

WHEREAS, Taiwan has extended visa waivers to United States citizens since 1993 in the spirit of reciprocity, and 100 nations currently grant Taiwan's citizens visa waivers, including the European Union, the United Kingdom, Ireland, Japan, New Zealand, Singapore, Canada and the United States island territory of Guam; and

WHEREAS, the people of Maine and Taiwan look forward to an even stronger friendship over the next century; 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, take this opportunity to congratulate the Republic of China (Taiwan) and the good citizens of Taiwan on the historic Centennial

Anniversary of the establishment of the Republic of China on October 10, 1911; and be it further

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature, support Taiwan's participation as an observer in the meetings and activities of the International Civil Aviation Organization and participation in the United States Visa Waiver Program; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each Member of the Maine Congressional Delegation, to President Ma Ying-jeou of Taiwan and to Anne Hung, Director-General of the Taipei Economic and Cultural Office in Boston.

READ and ADOPTED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure That Children's Products Are Free of Cadmium" H.P. 385 L.D. 492

Reported that the same be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES**.

Report **READ**.

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

Ought to Pass As Amended

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Require Clarification of the Dig Safe Standards" H.P. 325 L.D. 407

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-78)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-78)**.

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

READ ONCE.

Committee Amendment "A" (H-78) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Enhance Transparency in the Regulation of Large, Investor-owned Transmission and Distribution Utilities"
H.P. 412 L.D. 529

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-79).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-79).**

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

READ ONCE.

Committee Amendment "A" (H-79) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Relating to Access to Vital Records"
H.P. 211 L.D. 258

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-77).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-77).**

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

READ ONCE.

Committee Amendment "A" (H-77) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Add Transit Services to the Growth Management Program Comprehensive Plan"
H.P. 474 L.D. 644

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

Signed:

Senator:
SULLIVAN of York

Representatives:
BOLAND of Sanford
BOLDUC of Auburn
CASAVANT of Biddeford
GRAHAM of North Yarmouth
HARVELL of Farmington
MOULTON of York

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

Signed:

Senators:
THOMAS of Somerset
COLLINS of York

Representatives:
COTTA of China
CELLI of Brewer
TURNER of Burlington

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

Reports **READ.**

On motion by Senator **THOMAS** of Somerset, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE.**

On motion by Senator **SULLIVAN** of York, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE.**

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 PRESIDENT: The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, I am obviously on the Majority Report, Ought to Pass. I believe that transit services needs a home. For many of the larger cities, especially as we look at the price of fuel rising, this will become more and more of a problem. There has to be a place for things. If you have transit service in your communities and it really doesn't belong anywhere, it just sort of sits there,

than I would question the use of that money. Transit services are important and this simply moves it into another place as we look at many things that have been under the Growth Act needing a home. I sort of understand the three Senator rule, and I understand the two Senator rule here, but that does not stop me from putting our good Secretary to work and I would like a roll call. I just want you to remember, as fuel goes up transit services for our communities need a home and if we're going to subsidize and help pay for those transit services. Our seniors need to be able to get around and do what they need to, especially in the city part. I think it's good for our constituents, especially those who live in a community that offers transit services. Thank you very much, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Thomas.

Senator THOMAS: Thank you Mr. President. Men and women of the Senate, we thought this was a burden on the small communities, even though it's only a small one, that they didn't need to have. The larger communities, because of home rule, can do what they want as it stands. That is why we moved the Minority Report. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Somerset, Senator Thomas to Accept the Minority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following results:

ROLL CALL (#35)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BLISS, BRANNIGAN, CRAVEN, DIAMOND, GERZOFISKY, GOODALL, HOBBS, JACKSON, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY

ABSENT: Senator: HILL

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **THOMAS** of Somerset to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Prohibit Certain Uses of Cellular Telephones and Handheld Electronic Devices while Operating a Motor Vehicle" H.P. 500 L.D. 670

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
THERIAULT of Madawaska
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-80).**

Signed:

Representative:
HOGAN of Old Orchard Beach

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.

SECOND READERS

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

House As Amended

Bill "An Act To Provide Sales Tax Exemption or Refund on Parts and Supplies Purchased To Operate Windjammers" H.P. 52 L.D. 59 (C "A" H-72)

Bill "An Act To Amend the Laws Governing Criminal History Record Information" (EMERGENCY) H.P. 278 L.D. 352 (C "A" H-74)

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

Senate

Resolve, Directing the Maine Community College System To Extinguish Certain Easements

S.P. 358 L.D. 1183

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act To Provide Certainty to Businesses and Development"

S.P. 41 L.D. 86
(C "A" S-33)

Bill "An Act To Amend the Taste Testing of Wine Law"

S.P. 120 L.D. 416
(C "A" S-29)

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 Resolve

Resolve, Directing the Maine Turnpike Authority To Place Signs Directing Motorists to Hebron Academy at the Closest Interstate Exits

H.P. 376 L.D. 483
(H "A" H-73 to C "A" H-60)

The Chair ordered a Division.

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 **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 3: Eligibility Requirements for Specialized Case Types, a Major Substantive Rule of the Maine Commission on Indigent Legal Services
H.P. 451 L.D. 593

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 **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act To Clarify Joint Tenancy Reinstatement
S.P. 18 L.D. 3
(C "A" S-22)

An Act Regarding Access to Sexually Explicit Material
H.P. 44 L.D. 51
(C "A" H-56)

An Act To Extend the Maximum Time Period for Powers of Attorney for Minors and Incapacitated Persons
H.P. 147 L.D. 170
(C "A" H-57)

An Act To Prohibit the Issuance of a Duplicate Absentee Ballot under Certain Circumstances
H.P. 156 L.D. 179
(C "A" H-58)

An Act To Update the Maine Uniform Trust Code
H.P. 415 L.D. 532

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

Senate at Ease.

Senate called to order by the President.

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 Relating to the Authority of the Legislative Council over the Fiscal Note Process"

S.P. 412 L.D. 1335

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 **COURTNEY** of York, **REFERRED** to the Joint Select Committee on **JOINT RULES**.

Sent down for concurrence.

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

JOINT RESOLUTION - Memorializing the United States Department of the Interior, United States Fish and Wildlife Service to Expedite the Incidental Take Permit for Coyotes
H.P. 995

Tabled - March 30, 2011, by Senator **TRAHAN** of Lincoln

Pending - **ADOPTION**, in concurrence

(In House, March 29, 2011, **READ** and **ADOPTED**.)

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

On motion by Senator **MARTIN** of Kennebec, Senate Amendment "A" (S-34) **READ** and **ADOPTED**.

Joint Resolution **ADOPTED AS AMENDED BY SENATE AMENDMENT "A" (S-34)**.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/7/11) Assigned matter:

HOUSE REPORTS -from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Persons 70 Years of Age or Older Expanded Crossbow Privileges"
H.P. 238 L.D. 294

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-54)** (10 members)

Report "B" - **Ought Not to Pass** (2 members)

Report "C" - **Ought to Pass as Amended by Committee Amendment "B" (H-55)** (1 member)

Tabled - April 7, 2011, by Senator **MARTIN** of Kennebec

Pending - **ACCEPTANCE OF ANY REPORT**

(In House, April 6, 2011, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-54)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-54)**.)

(In Senate, April 7, 2011, Reports **READ**.)

On motion by Senator **MARTIN** of Kennebec, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-54)** **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-54) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (4/12/11) Assigned matter:

Bill "An Act Regarding Offenses against an Unborn Child"
S.P. 454 L.D. 1463

Tabled - April 12, 2011, by Senator **COURTNEY** of York

Pending - motion by Senator **MASON** of Androscoggin to **REFER** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**

(Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.)

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/12/11) Assigned matter:

Bill "An Act To Improve the Permitting Process for Wind Energy Developments and To Protect Maine's Quality of Place"
S.P. 450 L.D. 1443

Tabled - April 12, 2011, by Senator **THIBODEAU** of Waldo

Pending - **REFERENCE**

(Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested and ordered printed.)

On motion by Senator **THIBODEAU** of Waldo, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/12/11) Assigned matter:

Bill "An Act To Clarify Enforcement of Maine's Building Codes"
S.P. 449 L.D. 1442

Tabled - April 12, 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 **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/12/11) Assigned matter:

JOINT ORDER - Expression of Legislative Sentiment
Recognizing Rosemary Hentz, of Georgetown
SLS 195

Tabled - April 12, 2011, by Senator **ALFOND** of Cumberland

Pending - **PASSAGE**

(In Senate, April 12, 2011, **READ**.)

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, it's a great honor today to rise and say a few great words about Rosemary Hentz. She is a dedicated public servant, like so many people in all the communities that we represent. For over 30 years she has been the heart and the pulse of the Georgetown Fire and Rescue Department. We are very fortunate to have her and her husband move to this great state in the early 1980's. Since then she has done almost everything in Georgetown. It's rare that I go to an event in the town of Georgetown without seeing Rosemary doing something, helping someone, or just saying a few kind words, or, quite frankly, challenging us when potentially we may have a different point of view. Last Saturday we had the great fortune, many of us, to join Rosemary and her family at the Georgetown Community Center and over 100 people came out to support and thank her for her years of dedicated service. It's really important to note

that Rosemary has saved lives in her role in Georgetown. People often call her in the middle of the night, after they think long and hard about whether they should go to the hospital. Many of us say, "Well, I can wait until morning." What we have heard over and over again on Saturday was, "I'm going to call because if I don't call the Rescue Department Rosemary will never let it go." They do it in fear and as a result their lives are often saved, injuries are lessened, and people are made safe. I just wanted to rise and say a few kind words and thank her for her service.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Rosemary and John Hentz. Would they please rise and accept the greetings of the Maine Senate.

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

Off Record Remarks

Senator **KATZ** of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

On motion by Senator **COURTNEY** of York, **ADJOURNED** to Thursday, April 14, 2011, at 10:00 in the morning.