

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Fifth Legislature

State of Maine

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

In Senate Chamber
Friday
June 3, 2011

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

Prayer by Senator Cynthia A. Dill, Cumberland County.

SENATOR DILL: Good Morning, Please join me in prayer. Oh powerful and peaceful God, in all Your shapes and colors, please inspire us today to do good. Please keep watch over Senator Goodall, his wife Leann and their new baby. Infuse us with energy to work hard and work together. Synchronize our moral compasses so that we may all travel in the same direction forward, onward upward. Humble us. Let us laugh. As we make the laws of this great state, let us all be governed by that ancient, solemn, and familiar rule; may we all treat others as we wish to be treated. Amen.

Pledge of Allegiance led by Senator Ronald F. Collins of York County.

National Anthem performed by Lisa Bark of New Prague, Minnesota.

Reading of the Journal of Thursday, June 2, 2011.

Doctor of the day, Daniel Hammond, DO of Belgrade.

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

The President requested the Sergeant-At-Arms escort the Senator from Oxford, Senator **HASTINGS** 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 **DAVID R. HASTINGS** of Oxford County.

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

COMMUNICATIONS

The Following Communication: S.C. 415

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

June 2, 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 Agriculture, Conservation and Forestry has had under consideration the nomination of Norman A. Gosline of Gardiner, for appointment to the Land For Maine's Future 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	2	Sherman of Aroostook, Schneider of Penobscot
	Representatives	7	Edgecomb of Caribou, Black of Wilton, Cray of Palmyra, Dill of Old Town, Foster of Augusta, McCabe of Skowhegan, Timberlake of Turner
NAYS		0	
ABSENT		4	Rep. Gifford of Lincoln, Rep. Kent of Woolwich, Rep. O'Brien of Lincolnville, Sen. Thibodeau of Waldo

Nine 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 Norman A. Gosline of Gardiner, for appointment to the Land For Maine's Future Board be confirmed.

Signed,

S/Roger L. Sherman
Senate Chair

S/Peter E. Edgecomb
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 **AGRICULTURE, CONSERVATION AND FORESTRY** 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 (#148)

YEAS: Senators: None

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, DIAMOND, DILL, FARNHAM, GERZOFSKY, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - DAVID R. HASTINGS

ABSENT: Senator: CRAVEN

EXCUSED: Senator: GOODALL

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 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 **Norman A. Gosline** of Gardiner for appointment to the Land For Maine's Future Board was **CONFIRMED**.

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

The Following Communication: S.C. 413

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

June 2, 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 Agriculture, Conservation and Forestry has had under consideration the nomination of Toby B. Hammond of Naples, for appointment to the Land Use Regulation Commission.

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	2	Sherman of Aroostook, Schneider of Penobscot
	Representatives	7	Edgecomb of Caribou, Black of Wilton, Cray of Palmyra, Dill of Old Town, Foster of Augusta, McCabe of Skowhegan, Timberlake of Turner
NAYS		0	
ABSENT		4	Rep. Gifford of Lincoln, Rep. Kent of Woolwich, Rep. O'Brien of Lincolnville, Sen. Thibodeau of Waldo

Nine 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 Toby B. Hammond of Naples, for appointment to the Land Use Regulation Commission be confirmed.

Signed,

S/Roger L. Sherman
Senate Chair

S/Peter E. Edgecomb
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 **AGRICULTURE, CONSERVATION AND FORESTRY** 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.

YEAS Senators 2 Sherman of Aroostook,
Schneider of Penobscot

ROLL CALL (#149)

YEAS: Senators: None

Representatives 6 Edgecomb of Caribou, Cray
of Palmyra, Dill of Old Town,
Foster of Augusta, McCabe
of Skowhegan, Timberlake of
Turner

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN,
COLLINS, COURTNEY, DIAMOND, DILL,
FARNHAM, GERZOFKY, HILL, HOBBS,
JACKSON, KATZ, LANGLEY, MARTIN, MASON,
MCCORMICK, PATRICK, PLOWMAN, RAYE,
RECTOR, ROSEN, SAVIELLO, SCHNEIDER,
SHERMAN, SNOWE-MELLO, SULLIVAN,
THIBODEAU, THOMAS, TRAHAN, WHITTEMORE,
WOODBURY, THE PRESIDENT PRO TEM -
DAVID R. HASTINGS

NAYS 0
ABSENT 5 Rep. Black of Wilton, Rep.
Gifford of Lincoln, Rep. Kent
of Woolwich, Rep. O'Brien of
Lincolnville, Sen. Thibodeau
of Waldo

ABSENT: Senator: CRAVEN

Eight 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 Richard A. Cook of Hermon, for appointment to
the Maine Milk Commission be confirmed.

EXCUSED: Senator: GOODALL

Signed,

No Senator having voted in the affirmative and 33 Senators
having voted in the negative, with 1 Senator being absent and 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 **Toby B. Hammond** of Naples for appointment to
the Land Use Regulation Commission was **CONFIRMED**.

S/Roger L. Sherman
Senate Chair

S/Peter E. Edgecomb
House Chair

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

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 414

The President Pro Tem laid before the Senate the following:
"Shall the recommendation of the Committee on **AGRICULTURE,
CONSERVATION AND FORESTRY** be overridden?"

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

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.

June 2, 2011

The Doorkeepers secured the Chamber.

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

The Secretary opened the vote.

ROLL CALL (#150)

Dear Mr. President:

YEAS: Senators: None

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 Agriculture, Conservation and Forestry has had under
consideration the nomination of Richard A. Cook of Hermon, for
appointment to the Maine Milk Commission.

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN,
COLLINS, COURTNEY, DIAMOND, DILL,
FARNHAM, GERZOFKY, HILL, HOBBS,
JACKSON, KATZ, LANGLEY, MARTIN, MASON,
MCCORMICK, PATRICK, PLOWMAN, RAYE,
RECTOR, ROSEN, SAVIELLO, SCHNEIDER,
SHERMAN, SNOWE-MELLO, SULLIVAN,
THIBODEAU, THOMAS, TRAHAN, WHITTEMORE,
WOODBURY, THE PRESIDENT PRO TEM -
DAVID R. HASTINGS

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:

ABSENT: Senator: CRAVEN

EXCUSED: Senator: GOODALL

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 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 **Richard A. Cook** of Hermon for appointment to the Maine Milk Commission was **CONFIRMED**.

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

The Following Communication: S.C. 419

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

June 2, 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 Criminal Justice & Public Safety has had under consideration the nomination of Stuart M. Smith of Edgecomb, for appointment to the State Board of Corrections.

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	Mason of Androscoggin, Gerzofsky of Cumberland, Whittemore of Somerset
	Representatives	10	Plummer of Windham, Blodgett of Augusta, Burns of Whiting, Clarke of Bath, Hanley of Gardiner, Haskell of Portland, Lajoie of Lewiston, Long of Sherman, Morissette of Winslow, Sanderson of Chelsea
NAYS		0	
ABSENT		0	

Thirteen 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 Stuart M. Smith of Edgecomb, for appointment to the State Board of Corrections be confirmed.

Signed,

S/Garrett P. Mason
Senate Chair

S/Gary E. Plummer
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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** 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 (#151)

YEAS: Senators: None

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, DIAMOND, DILL, FARNHAM, GERZOFSKY, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - DAVID R. HASTINGS

ABSENT: Senator: CRAVEN

EXCUSED: Senator: GOODALL

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 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 **Stuart M. Smith** of Edgecomb for appointment to the State Board of Corrections was **CONFIRMED**.

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

The Following Communication: S.C. 416

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

June 2, 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 Education and Cultural Affairs has had under consideration the nomination of Honorable W. Tom Sawyer, Jr. of Dedham, for appointment to the Maine Maritime Academy, Board of Trustees.

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	2	Langley of Hancock, Alfond of Cumberland
	Representatives	10	Richardson of Carmel, Edgecomb of Caribou, Johnson of Greenville, Lovejoy of Portland, Maker of Calais, McClellan of Raymond, McFadden of Dennysville, Nelson of Falmouth, Rankin of Hiram, Wagner of Lewiston
NAYS		0	
ABSENT		1	Sen. Mason of Androscoggin

Rep. Soctomah supports the Committee's recommendation.

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 Honorable W. Tom Sawyer, Jr. of Dedham, for appointment to the Maine Maritime Academy, Board of Trustees be confirmed.

Signed,

S/Brian D. Langley
 Senate Chair

S/David 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 **EDUCATION AND CULTURAL AFFAIRS** 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 (#152)

YEAS: Senators: None

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, DIAMOND, DILL, FARNHAM, GERZOFKY, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - DAVID R. HASTINGS

ABSENT: Senator: CRAVEN

EXCUSED: Senator: GOODALL

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 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 the Honorable **W. Tom Sawyer, Jr.** of Dedham for appointment to the Maine Maritime Academy, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 421

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

June 2, 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 Education and Cultural Affairs has had under consideration the nomination of Chelsey Whynot of Cape Elizabeth, for appointment to the State Board of Education.

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	2	Langley of Hancock, Alfond of Cumberland
	Representatives	9	Richardson of Carmel, Johnson of Greenville, Lovejoy of Portland, Maker of Calais, McClellan of Raymond, McFadden of Dennysville, Nelson of Falmouth, Rankin of Hiram, Wagner of Lewiston

NAYS 0

ABSENT 2 Rep. Edgecomb of Caribou, Sen. Mason of Androscoggin

Rep. Soctomah supports the Committee's recommendation.

Eleven 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 Chelsey Whynot of Cape Elizabeth, for appointment to the State Board of Education be confirmed.

Signed,

S/Brian D. Langley
Senate Chair

S/David 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 **EDUCATION AND CULTURAL AFFAIRS** 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 (#153)

YEAS: Senators: None

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, DIAMOND, DILL, FARNHAM, GERZOFKY, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITEMORE, WOODBURY, THE PRESIDENT PRO TEM - DAVID R. HASTINGS

ABSENT: Senator: CRAVEN

EXCUSED: Senator: GOODALL

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 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 **Chelsey Whynot** of Cape Elizabeth for appointment to the State Board of Education was **CONFIRMED**.

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

The Following Communication: S.C. 417

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

June 2, 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 Education and Cultural Affairs has had under consideration the nomination of Honorable Karl W. Turner of Cumberland, for appointment to the University of Maine System, Board of Trustees.

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 2 Langley of Hancock, Alfond of Cumberland

Representatives 9 Richardson of Carmel, Johnson of Greenville, Lovejoy of Portland, Maker of Calais, McClellan of Raymond, McFadden of Dennysville, Nelson of Falmouth, Rankin of Hiram, Wagner of Lewiston

NAYS 0

ABSENT 2 Rep. Edgecomb of Caribou, Sen. Mason of Androscoggin

ABSENT: Senator: CRAVEN

EXCUSED: Senator: GOODALL

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 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 the Honorable **Karl W. Turner** of Cumberland for appointment to the University of Maine System, Board of Trustees was **CONFIRMED**.

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

Rep. Soctomah supports the Committee's recommendation.

Eleven 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 Honorable Karl W. Turner of Cumberland, for appointment to the University of Maine System, Board of Trustees be confirmed.

Signed,

S/Brian D. Langley
Senate Chair

S/David 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 **EDUCATION AND CULTURAL AFFAIRS** 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 (#154)

YEAS: Senators: None

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, DIAMOND, DILL, FARNHAM, GERZOFKY, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - DAVID R. HASTINGS

The Following Communication: S.C. 418

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

June 2, 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 Education and Cultural Affairs has had under consideration the nomination of Bonnie D. Newsom of Eddington, for appointment to the University of Maine System, Board of Trustees.

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 2 Langley of Hancock, Alfond of Cumberland

Representatives 9 Richardson of Carmel, Johnson of Greenville, Lovejoy of Portland, Maker of Calais, McClellan of Raymond, McFadden of Dennysville, Nelson of Falmouth, Rankin of Hiram, Wagner of Lewiston

NAYS 0

ABSENT 2 Rep. Edgecomb of Caribou, Sen. Mason of Androscoggin

Rep. Soctomah supports the Committee's recommendation.

Eleven 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 Bonnie D. Newsom of Eddington, for appointment to the University of Maine System, Board of Trustees be confirmed.

Signed,
S/Brian D. Langley
Senate Chair

S/David 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 **EDUCATION AND CULTURAL AFFAIRS** 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 (#155)

YEAS: Senators: None

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, DIAMOND, DILL, FARNHAM, GERZOFKY, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - DAVID R. HASTINGS

ABSENT: Senator: CRAVEN

EXCUSED: Senator: GOODALL

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 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 **Bonnie D. Newsom** of Eddington for appointment to the University of Maine System, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 420

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

June 2, 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 Judiciary has had under consideration the nomination of Gregory A. Campbell of Hampden, for appointment as a District Court Judge.

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	Hastings of Oxford, Dill of Cumberland, Woodbury of Cumberland
	Representatives	10	Nass of Acton, Beaulieu of Auburn, Foster of Augusta, Kruger of Bethel, Maloney of Augusta, Moulton of York, Priest of Brunswick, Rochelo of Biddeford, Sarty of Denmark, Waterhouse of Bridgton
NAYS		0	
ABSENT		0	

Thirteen 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 Gregory A. Campbell of Hampden, for appointment as a District Court Judge be confirmed.

Signed,
S/David R. Hastings III
Senate Chair

S/Joan M. Nass
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 JUDICIARY 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 (#156)

YEAS: Senators: None

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, DIAMOND, DILL, FARNHAM, GERZOFSKY, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITEMORE, WOODBURY, THE PRESIDENT PRO TEM - DAVID R. HASTINGS

ABSENT: Senator: CRAVEN

EXCUSED: Senator: GOODALL

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 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 **Gregory A. Campbell** of Hampden for appointment as a District Court Judge was **CONFIRMED**.

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

THE PRESIDENT PRO TEM: The Chair is pleased to recognize in the rear of the chamber Gregory Campbell. Would he please rise and accept the greetings of the Maine Senate.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

S.P. 60 L.D. 210
(S "B" S-147 to C "A" S-136)

In Senate, May 25, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-136) AS AMENDED BY SENATE AMENDMENT "B" (S-147)** thereto.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-136) AS AMENDED BY HOUSE AMENDMENT "A" (H-457) AND SENATE AMENDMENT "B" (S-147)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **COURTNEY** of York, the Senate **INSISTED**.

Sent down for concurrence.

COMMUNICATIONS

The Following Communication: H.C. 192

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

June 2, 2011

The Honorable Joseph G. Carleton, Jr.
Secretary of the Senate
125th Maine Legislature
Augusta, Maine 04333

Dear Secretary Carleton:

House Paper 913, Legislative Document 1222, "An Act To Promote Fairness in Negotiations between Health Insurance Carriers and Health Care Service Providers," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

70 voted in favor and 74 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Heather J.R. Priest
Clerk of the House

READ and ORDERED PLACED ON FILE.

Senate at Ease.

Senate called to order by President Pro Tem **DAVID R. HASTINGS** of Oxford County.

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Occupational Disease Reporting Laws"
H.P. 484 L.D. 654

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

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

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

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase Potential Criminal Penalties for the Possession of Cocaine and Cocaine Base"
H.P. 37 L.D. 44

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-418)**.

Signed:

Senators:
MASON of Androscoggin
WHITEMORE of Somerset

Representatives:
PLUMMER of Windham
BLODGETT of Augusta
BURNS of Whiting
CLARKE of Bath
HANLEY of Gardiner
LONG of Sherman
MORISSETTE of Winslow
SANDERSON of Chelsea

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-419)**.

Signed:

Senator:
GERZOFSKY of Cumberland

Representatives:
HASKELL of Portland
LAJOIE of Lewiston

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-418)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-418)**.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require Every School Administrative Unit To Have a Food Service Director"
H.P. 609 L.D. 813

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

Signed:

Senators:
LANGLEY of Hancock
MASON of Androscoggin

Representatives:
RICHARDSON of Carmel
EDGECOMB of Caribou
JOHNSON of Greenville
McCLELLAN of Raymond
McFADDEN of Dennysville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-388)**.

Signed:

Senator:
ALFOND of Cumberland

Representatives:
LOVEJOY of Portland
MAKER of Calais
NELSON of Falmouth
RANKIN of Hiram
WAGNER of Lewiston

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought To Pass as Amended Report**.)

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Correct a Statutory Oversight Regarding Renewable Capacity Resources Portfolio Requirements for Consumer-owned Utilities"
H.P. 794 L.D. 1059

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

Signed:

Senators:
THIBODEAU of Waldo
RECTOR of Knox

Representatives:
FITTS of Pittsfield
CORNELL du HOUX of Brunswick
CRAY of Palmyra
DION of Portland
DUNPHY of Embden
HAMPER of Oxford
LIBBY of Waterboro
LUCHINI of Ellsworth

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-456)**.

Signed:

Senator:
BARTLETT of Cumberland

Representatives:
BEAVERS of South Berwick
HINCK of Portland

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Ensure Patient Safety in the Use of Certain Imaging Equipment
H.P. 1000 L.D. 1361

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

Signed:

Senators:
McCORMICK of Kennebec
FARNHAM of Penobscot

Representatives:
STRANG BURGESS of Cumberland
FOSSEL of Alna
MALABY of Hancock
O'CONNOR of Berwick
SANDERSON of Chelsea
SIROCKI of Scarborough

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-416)**.

Signed:

Senator:
CRAVEN of Androscoggin

Representatives:
EVES of North Berwick
PETERSON of Rumford
SANBORN of Gorham
STUCKEY of Portland

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

Reports **READ**.

Senator **McCORMICK** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **MCCORMICK** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To License Residential Builders and Register Specialty Contractors"
H.P. 165 L.D. 188

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

Signed:

Senators:
RECTOR of Knox
JACKSON of Aroostook
MARTIN of Kennebec

Representatives:

PRESCOTT of Topsham
DOW of Waldoboro
GILBERT of Jay
HERBIG of Belfast
HUNT of Buxton
NEWENDYKE of Litchfield
VOLK of Scarborough
WINTLE of Garland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-450)**.

Signed:

Representatives:

DRISCOLL of Westbrook
TUTTLE of Sanford

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Regulate Boxing and Prizefighting in Maine"
H.P. 656 L.D. 889

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-451)**.

Signed:

Senators:

JACKSON of Aroostook
MARTIN of Kennebec

Representatives:

PRESCOTT of Topsham
DOW of Waldoboro
GILBERT of Jay
HERBIG of Belfast
HUNT of Buxton
NEWENDYKE of Litchfield
TUTTLE of Sanford
VOLK of Scarborough
WINTLE of Garland

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

Signed:

Senator:

RECTOR of Knox

Representative:

DRISCOLL of Westbrook

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-451)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-451) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Amend the Laws Governing Bear Hunting"

H.P. 361 L.D. 468

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-443)**.

Signed:

Senators:

MARTIN of Kennebec
PATRICK of Oxford
TRAHAN of Lincoln

Representatives:

DAVIS of Sangerville
CLARK of Millinocket
CRAFTS of Lisbon
ESPLING of New Gloucester
SARTY of Denmark
SHAW of Standish
WOOD of Sabattus

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

Signed:

Representatives:

BRIGGS of Mexico
EBERLE of South Portland
GUERIN of Glenburn

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-443).

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-443) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Amend the Law Governing Tax Increment Financing Districts"
H.P. 619 L.D. 823

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-460).

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BERRY of Bowdoinham
BICKFORD of Auburn
BRYANT of Windham
BURNS of Alfred
FLEMINGS of Bar Harbor
PILON of Saco

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

Signed:

Representatives:

HARMON of Palermo
WATERHOUSE of Bridgton

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-460).

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-460) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Amend the Tax Laws"

H.P. 971 L.D. 1325

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-461).

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BERRY of Bowdoinham
BICKFORD of Auburn
BRYANT of Windham
BURNS of Alfred
FLEMINGS of Bar Harbor
HARMON of Palermo
PILON of Saco

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

Signed:

Representative:

WATERHOUSE of Bridgton

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-461).

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-461) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Protect the Privacy of Persons Involved in Reportable Motor Vehicle Accidents"

H.P. 865 L.D. 1167

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-405)**.

Signed:

Senators:

COLLINS of York
THOMAS of Somerset

Representatives:

CEBRA of Naples
GILLWAY of Searsport
PARRY of Arundel
RIOUX of Winterport
ROSEN of Bucksport
WILLETTE of Mapleton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-406)**.

Signed:

Senator:

DIAMOND of Cumberland

Representatives:

HOGAN of Old Orchard Beach
MAZUREK of Rockland
PEOPLES of Westbrook
THERIAULT of Madawaska

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-405)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-405)**.

Reports **READ**.

Senator **COLLINS** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-405)** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-405)** Report, in concurrence.

Senate

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require Approval by the Voters of Legislation To Enact or Increase a Tax or Fee"
S.P. 369 L.D. 1248

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

Signed:

Senators:

COLLINS of York
SULLIVAN of York

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-224)**.

Signed:

Senator:

THOMAS of Somerset

Reports **READ**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine To Require Approval by a 2/3 Vote of Each Branch of the Legislature in Order To Raise a Tax

S.P. 183 L.D. 603

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-230).**

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford

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 Not To Pass.**

Signed:

Senator:

WOODBURY of Cumberland

Representatives:

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

Reports **READ.**

Senator **PLOWMAN** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Provide an Internship Employment Tax Credit"

S.P. 413 L.D. 1336

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

Signed:

Senators:

TRAHAN of Lincoln
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 "A" (S-229).**

Signed:

Representatives:

BERRY of Bowdoinham
BRYANT of Windham
PILON of Saco

Reports **READ.**

Senator **WOODBURY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Create a New Liquor License, Provide Funding for Prevention of Underage Drinking and Provide Municipal Control over the Agency Liquor Store Application Process"

S.P. 403 L.D. 1300

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-226).**

Signed:

Senators:

FARNHAM of Penobscot
PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
CROCKETT of Bethel
DAMON of Bangor
JOHNSON of Eddington
WILLETTE of Presque Isle

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-227).**

Signed:

Senator:

PATRICK of Oxford

Representatives:
CAREY of Lewiston
CHIPMAN of Portland
LONGSTAFF of Waterville
RUSSELL of Portland
VALENTINO of Saco

(Representative MITCHELL of the Penobscot Nation - of the House - supports the Minority Ought To Pass as Amended by Committee Amendment "B" (S-227) Report.)

Reports READ.

On motion by Senator FARNHAM of Penobscot, TABLED until Later in Today's Session, pending ACCEPTANCE OF EITHER 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 Allow a Snowmobile Registered in New Hampshire To Be Operated in This State"

H.P. 729 L.D. 993
(H "A" H-426 to C "A" H-364)

Bill "An Act To Amend the Laws Governing Significant Wildlife Habitat"

H.P. 765 L.D. 1031
(C "A" H-281)

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

Senate As Amended

Bill "An Act To Establish an Insurance Fraud Division within the Department of Professional and Financial Regulation, Bureau of Insurance"

S.P. 280 L.D. 892
(C "A" S-211)

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 To Amend the Laws Administered by the Department of Environmental Protection

H.P. 1027 L.D. 1398
(C "A" H-369)

Senator SAVIELLO of Franklin requested a Roll Call.

Senate at Ease.

Senate called to order by President Pro Tem DAVID R. HASTINGS of Oxford County.

Senator SAVIELLO of Franklin requested and received leave of the Senate to withdraw his request for a Roll Call.

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 Resolve

Resolve, To Coordinate Stakeholders To Review Best Practices in the Management of Strangulation and Determine Methods To Address the Issue in Maine

H.P. 761 L.D. 1027
(C "A" H-378)

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

Acts

An Act To Amend the School Administrative Unit Consolidation Laws

H.P. 311 L.D. 385
(C "A" H-357)

An Act To Exempt Persons Performing Simple Electrical Repairs from Licensing Requirements

H.P. 591 L.D. 784
(C "A" H-300)

An Act To Clarify the State's Authority under Public Health Laws for Municipal Inspections of Establishments

S.P. 273 L.D. 869
(C "A" S-166)

An Act To Enhance Mandated Reporting and Prosecution of Elder Abuse, Neglect and Exploitation

H.P. 699 L.D. 939
(C "A" H-374)

An Act To Provide Prevailing Mortgagors Attorney's Fees in the Foreclosure Process

H.P. 999 L.D. 1360
(C "A" H-373)

An Act To Amend the Uniform Principal and Income Act

S.P. 479 L.D. 1517
(C "A" S-167)

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 Make Permanent the Direction of Fines Derived from Tribal Law Enforcement Activities to the Passamaquoddy Tribe and the Penobscot Nation

H.P. 171 L.D. 194
(C "A" H-375)

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

Senator **SNOWE-MELLO** of Androscoggin requested and received leave of the Senate that members and staff be allowed to remove their jackets for the remainder of this Session.

Resolves

Resolve, To Examine the Representation of Families by Nonattorney Advocates at Special Education Due Process Hearings

H.P. 258 L.D. 325
(C "A" H-376)

Resolve, To Implement the Recommendations of the Report on Services for Elders and Other Adults Who Need Long-term Home-based and Community-based Care

S.P. 452 L.D. 1461
(C "A" S-165)

Resolve, To Transfer the Gilford Butler School to Regional School Unit 13

S.P. 498 L.D. 1559
(C "A" S-164)

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

Senate at Ease.

Senate called to order by President Pro Tem **DAVID R. HASTINGS** of Oxford County.

HELD MATTER

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Unicameral Legislature
H.P. 599 L.D. 804

(In House, June 1, 2011, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the **RESOLUTION PASSED TO BE ENGROSSED**.)

(In Senate, June 2, 2011, on motion by Senator **THOMAS** of Somerset, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

On motion by Senator **HOBBINS** 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#157)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, DIAMOND, FARNHAM, GERZOFKY, HILL, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - DAVID R. HASTINGS

NAYS: Senators: DILL, HOBBS, JACKSON, PATRICK

ABSENT: Senator: CRAVEN

EXCUSED: Senator: GOODALL

29 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-154)** (12 members)

Minority - **Ought Not to Pass** (1 member)

Tabled - May 25, 2011, by Senator **TRAHAN** of Lincoln

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

(In Senate, May 25, 2011, Reports **READ**.)

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Lincoln, Senator Trahan.

HELD MATTER

JOINT ORDER - Establishing the Joint Select Committee on Health Care Costs

H.P. 597
(C "A" H-439)

(In House, June 1, 2011, **READ** and **PASSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-439).)

(In Senate, June 2, 2011, **READ** and **PASSED AS AMENDED**, in concurrence.)

On motion by Senator **HOBBS** of York, the Senate **RECONSIDERED** whereby the Joint Order was **PASSED AS AMENDED**, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **PASSAGE AS AMENDED**, in concurrence.

Senate at Ease.

Senate called to order by President Pro Tem **DAVID R. HASTINGS** of Oxford County.

ORDERS OF THE DAY

Unfinished Business

The following matter 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 (5/25/11) Assigned matter:

SENATE REPORTS - from the Committee on **TAXATION** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine To Use a Portion of the Sales and Use Tax for the Protection of Maine's Fish and Wildlife

S.P. 155 L.D. 563

Senator **TRAHAN**: Thank you Mr. President. Ladies and gentlemen of the Senate, in our daily deliberations it is easy to focus on the issues that divide us. One issue, the love of our environment and all the creatures that call our woods, waters, and skies home, is not one of them. Without question, Maine's clean water, undeveloped wild areas, deer, moose, birds, and scenic beauty are important to all of us in our history, culture, and, hopefully, our future. In the 2001 Bookings Report, Charting Maine's Future, the Bookings Institution recommended investing in Maine's future. Little has happened since the cutting edge report. Our economy continues to struggle; jobs are as scarce as the piping plover, Maine's deer herd has crashed, and the price of gas and food rise daily. The struggle to attract tourists and new business to invest in Maine's business or economy continues. During the last decade, we have lost sight of what makes Maine unique and the little agency, the Department of Inland Fisheries and Wildlife, whose mission is to conserve, protect and enhance the inland fisheries and wildlife resources of the state. The Maine Department of Inland Fisheries and Wildlife touches almost all natural resources that Maine people care about. Recognizing the value of this tiny department, legislative stewards of the past proposed, and the people of Maine ratified, a Constitutional Amendment that placed special protections on the revenue raised by sportsmen to insure that all money raised by license fees would be spent on programs within the department that benefited or related to sportsmen activities. Unfortunately, these important visionary thinkers could not perceive the destructive budget process that would evolve from their well intentioned work. As predictable as the change of the seasons, a small portion of the General Fund money that the department receives annually, and is not protected by the constitutional amendment, is slashed or cut. Sportsmen face two choices; cut programs or increase fees to maintain programs associated with the General Fund. This equates to nothing more than sportsmen subsidizing the General Fund. This clever side step around the intent of the amendment has become the departments Achilles' heel. Inland Fisheries and Wildlife spends 17,700 hours managing endangered species, 10,047 hours supporting other state and federal agencies, 23,050 hours of warden time, including animal damage control and public assistance for information and guidance for public health and safety. Land conservation and management consumes another 8,746 hours. Assistance to other law enforcement agencies in search and rescue takes another 15,828 precious hours. These, just as examples, total over 75,000 hours in programs serving the general public for which they receive virtually no General Fund support. A State statute passed during the administration of

Governor Angus King stated it was the intent of the Legislature and the Governor to cover 18.5% General Fund spending within the IF & W budget unrelated to sportsmen. The ink on this wasn't even dry when the Legislature ignored it. Budget cutting measures have riddled this department. Currently IF & W gets a little more than \$1 million in General Funds, but the freeze on the unfilled positions is what wiped out the money. Again, sportsmen carry the burden of protecting and enhancing all wildlife. Sportsmen are conservationists but expecting their license fees to indefinitely fund programs of the General Fund is unsustainable and in time will lead to unaffordable license fees that only the affluent can afford. Activities like hunting and fishing that was once important elements of our states heritage and culture will be, for many, out of reach. Instead of department personnel, user groups, and members of this Legislature working to protect precious resources, our energy, time, and expertise has transformed into nothing more than annual scrambles that can only be described as robbing Peter to pay Paul. We have lost sight of our collective common interest and have degraded to a level of fighting among ourselves, losing sight of the common goal of a responsible, sustainable wildlife management. Collectively, activities of this agency contribute \$1.5 billion of economic activity within our borders. Who knows what this contribution could be if wildlife biologists and fisheries managers could concentrate on their important work. To be honest, I am embarrassed that we have to create and rationalize new schemes to generate new money. We struggle to justify proposal after proposal like outdoor access cards, new registrations, expanded lotteries, and registration of canoes and kayaks. The list goes on. Such unnecessary battles have left scares on the user groups, the department, and, unfortunately, the wildlife we all find precious. Wildlife management does not recognize down turns in our economy. Endangered species protection is not affected by Wall Street. Fish biology is not impacted by the short term concerns of the elected. Wildlife management is 24hour a day, 365 days a year commitment and must be sustained for years. Anything else is simply doomed to fail. This bill will end this destructive yearly process and commit a portion, a small portion, of the sales and use tax, about \$10 million a year, to pay for General Fund programs in this department. Some might argue this money should remain in the General Fund. I would argue that this money is simply the money that sportsmen pay in license fees to subsidize programs for all Maine people. Arkansas, Missouri, and Minnesota are just a few states that have adopted similar Constitutional Amendments to dedicate a portion of the sales and use tax for inland fisheries and wildlife agencies. This bill was not a new idea, but some states have recognized that investment in natural resource management is an important piece of the future economy and in their prize rural lifestyle. We all benefit from healthy lakes, abundant habitat, search and rescue, bald eagles, piping plovers, and no one has a lock on the love of the outdoors. We all have a commitment and appreciation of wildlife. Maine's natural beauty and quality of life is easy to take for granted, but if we want the next generation and our economy to prosper from our natural resources, it is imperative that we stop the destructive budget process that has left this important agency in shambles. This legislation, like laws passed in other states, dedicates a small portion of the sales tax to conservation. More importantly, it allows biologists, wardens, environmentalists, sportsmen, and those who care about wildlife to concentrate on the goal of protection and enhancement of our natural resources. Ladies and gentlemen of the Senate, I urge passage of this bill. I believe

it will be historic in its nature and will lead to us, generations from now when some of us may be still alive with our children and their grandchildren, to look back and say that this was the day that Maine changed its commitment to its natural resources. Thank you.

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

Senator **WOODBURY:** Thank you Mr. President. Women and men of the Senate, the Senator from Lincoln, Senator Trahan, has made an absolutely superb case for the important work that is done by the Department of Inland Fisheries and Wildlife. I hope that the Appropriations Committee was taking note as they work on their deliberations on this year's budget. There is no doubt that this is an important part of the responsibility of what we should be supporting with the General Fund. My concern with this bill is a concern with using the Constitution to figure out and to pre-commit a budget process. We have many responsibilities and issues in this Legislature that we face every term. We faced revenue limitations. We faced priorities and pressures. I think, for an example, about the 55% school funding commitment that was made some time ago, also passed by referendum. Is this something that should now get moved into the Constitution? Is the idea that we continually reiterate about having 5% of General Fund revenues go to municipal revenue sharing something we think should go in the Constitution? I just think that budgeting should happen through a deliberated process of which the current Appropriations Committee is doing a truly fabulous job of trying to weight the priorities of the day, given the revenues of the day. Again, I think the needs of the Inland Fisheries and Wildlife Department are important and should receive strong weight in those negotiations, but to budget through the Constitution, I believe, is a mistake. Thank you.

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

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just want to answer one concern of the previous speaker and then cite a number for you that might make you feel more comfortable with this Constitutional Amendment. There is already a state law that is the intent of this Legislature to fund this program that has never been met, not even close. I don't think we'd be here if the Legislatures of the past had fulfilled their commitment. This is an extreme measure I know, but I know it has wide spread support amongst the business community, the environmental community, and the sportsmen community. To give you an idea what this might mean for future budgets I just want to give you an example of how just one area of this department could impact, in a positive way, our future budgets. We all know, because we have heard about it, about a recent proposal to restore the deer herd. You all know our deer herd has collapsed in most of the state. Deer hunting, just one element of this department, contributes \$181 million to our economy. There are 146,000 resident hunters and 30,000 non-resident hunters. They directly or indirectly are connected to 4,500 jobs. That is with a collapsed deer herd. Just imagine if

this department had the resources to bring our deer herd back what positive impacts that could have to expand that number even further. Mr. President, thank you.

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

Senator **ALFOND:** Thank you Mr. President. Mr. President, may I pose a question through the Chair?

THE PRESIDENT PRO TEM: The Senator may pose his question.

Senator **ALFOND:** Thank you Mr. President. I would love to know the last time that a program or a department was put into the State Constitution.

THE PRESIDENT PRO TEM: The Senator from Cumberland, Senator Alfond poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I do not know the exact year, but there was a Constitutional Amendment for this very department as I spoke of earlier. Certainly I can get you the information of when the year was. This department is currently in our Constitution. All we are doing now is fixing loop hole or a problem with that Constitutional Amendment, and that is to have this department fully funded. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Lincoln, Senator Trahan to Accept the Majority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#158)

YEAS: Senators: COLLINS, COURTNEY, DIAMOND, FARNHAM, GERZOFKY, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, SAVIELLO, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT PRO TEM - DAVID R. HASTINGS

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, DILL, ROSEN, SCHNEIDER, SHERMAN, SULLIVAN, WOODBURY

ABSENT: Senator: CRAVEN

EXCUSED: Senator: GOODALL

24 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **TRAHAN** of Lincoln to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-154) **READ.**

On motion by Senator **TRAHAN** of Lincoln, Senate Amendment "B" (S-237) to Committee Amendment "A" (S-154) **READ.**

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just wanted to let you know what this amendment does. This amendment does not change the amount of money dedicated. What it does do is allow 10% of that dedicated money to go to the Department of Marine Resources for an extremely important conservation program. What the program does at DMR is restore fish passage and restoration to our salt water rivers. The type of program that I am talking about is a program that is shared with IF&W and DMR. The fish coming through salt water and coming into fresh water is where the two programs meet. It would fund that program and would take 10% of the revenues. It doesn't change the amount. It just helps with that program. It also changes the start-up. If this is passed by the people by referendum, and I do remind you this has to go out to approval after we act on it, the people have to approve it and that would put that start-up date July 1, 2013, outside of this biennium that we will be voting on pretty quickly. Thank you, Mr. President.

On motion by Senator **TRAHAN** of Lincoln, Senate Amendment "B" (S-237) to Committee Amendment "A" (S-154) **ADOPTED.**

Committee Amendment "A" (S-154) as Amended by Senate Amendment "B" (S-237) thereto, **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-154) AS AMENDED BY SENATE AMENDMENT "B" (S-237)**, thereto.

Ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator FARNHAM for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Improve Transparency in Political Campaigns by Providing Quicker Access to Reports"
S.P. 309 L.D. 989

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-232)**.

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

READ ONCE.

Committee Amendment "A" (S-232) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down forthwith for concurrence.

Senator FARNHAM for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Increase Transparency in Funding of Campaign Advertisements"
S.P. 333 L.D. 1100

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-234)**.

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

READ ONCE.

Committee Amendment "A" (S-234) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down forthwith for concurrence.

Senator FARNHAM for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Further Restrict Push Polling"
S.P. 375 L.D. 1254

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-233)**.

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

READ ONCE.

Committee Amendment "A" (S-233) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down forthwith for concurrence.

Senator FARNHAM for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Allow the Unclaimed Remains of a Veteran To Have Proper Burial"
S.P. 386 L.D. 1265

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-231)**.

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

READ ONCE.

Committee Amendment "A" (S-231) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Promote Plug-in Electric Vehicle Sales"
S.P. 319 L.D. 1086

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

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 "A" (S-235)**.

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 NOT TO PASS** Report.

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **TRAHAN** of Lincoln to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Repeal Inactive Boards and Commissions" H.P. 850 L.D. 1144

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-472)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-472)**.

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

READ ONCE.

Committee Amendment "A" (H-472) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Provide for a Method To Remove an Elected Municipal Official" (EMERGENCY) H.P. 1125 L.D. 1533

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-480)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-480)**.

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

READ ONCE.

Committee Amendment "A" (H-480) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

(See action later today.)

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located in Rockwood and Sinclair in the Unorganized Territory

H.P. 1139 L.D. 1552

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-473)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-473)**.

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

READ ONCE.

Committee Amendment "A" (H-473) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **TAXATION** on Bill "An Act To Reduce the Property Tax Burden and Improve the Circuitbreaker Program" (EMERGENCY)

H.P. 367 L.D. 474

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-475)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-475)**.

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

READ ONCE.

Committee Amendment "A" (H-475) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **TAXATION** on Bill "An Act To Provide a Property Tax Exemption for Family Burying Grounds" H.P. 816 L.D. 1081

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-476)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-476)**.

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

READ ONCE.

Committee Amendment "A" (H-476) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Implement the Recommendations Regarding the Legislative Review of the Allocation of Slot Machine Revenue" H.P. 319 L.D. 393

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-482)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-482)**.

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

READ ONCE.

Committee Amendment "A" (H-482) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Transfer Responsibility for the Enforcement of Liquor Laws to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations" H.P. 617 L.D. 821

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-483)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-483)**.

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

READ ONCE.

Committee Amendment "A" (H-483) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Clarify the Maine State Lottery Agent Licensing Process"

H.P. 1116 L.D. 1513

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-481)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-481)**.

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

READ ONCE.

Committee Amendment "A" (H-481) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Election Laws and Other Related Laws" H.P. 1122 L.D. 1528

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-474)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-474)**.

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

READ ONCE.

Committee Amendment "A" (H-474) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **LANGLEY** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Update Maine's High School Graduation Requirements"

S.P. 295 L.D. 949

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-236)**.

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

READ ONCE.

Committee Amendment "A" (S-236) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Ordered sent down forthwith for concurrence.

Off Record Remarks

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

Senator **ALFOND** of Cumberland was granted unanimous consent to address the Senate off the Record.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

RECESSED until 2:00 in the afternoon.

After Recess

Senate called to order by President Pro Tem **DAVID R. HASTINGS** of Oxford County.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **TAXATION** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine To Require Approval by a 2/3 Vote of Each Branch of the Legislature in Order To Raise a Tax

S.P. 183 L.D. 603

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-230)** (8 members)

Minority - **Ought Not To Pass** (5 members)

Tabled - June 3, 2011, by Senator **PLOWMAN** of Penobscot

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

(In Senate, June 3, 2011, Reports **READ**.)

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

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

Senator **WOODBURY:** Thank you Mr. President. Women and men of the Senate, I urge you to vote against the pending motion. I believe that a majority is key to a democratic process working well. I don't believe that we want to create a two-third vote. I also get concerned when we specifically talk about raising a tax. I think we have a tax system that is out dated and needs reform and that needs to reweight itself away from certain types of revenue sources and towards other types of revenue sources. I really think that this type of amendment, both because it doesn't allow a majority to proceed but it also makes it very difficult to make the type of reform that I think we need, so I encourage you to vote in opposition to the motion. Thank you.

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

Senator **ALFOND:** Thank you Mr. President. May I pose a question through the Chair?

THE PRESIDENT PRO TEM: The Senator may pose his question.

Senator **ALFOND:** Thank you Mr. President. Trying to understand the bill and the amendment, I am trying to understand. The question to the Chair is that any tax and single tax would need two-thirds in both Bodies. Is my understanding of the committee bill and amendment proper?

THE PRESIDENT PRO TEM: The Senator from Cumberland, Senator Alfond poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY:** Thank you Mr. President. I rise in support of this bill. I believe that this bill has come before us before when we were in the Minority. Being consistent, we wanted to put this forward and will continue to put it forward until we can garner the two-third majority it takes to pass it. I think that is an important factor. I think when you have a high threshold of law then there ought to be a real high threshold if you're going to pass a tax on someone. We have consistently suggested that if you want to raise a tax that you get a two-thirds majority. We will continue to do so. I would just parallel this to what we are working on right now with the budget. Our side of the aisle made a commitment that if the budget was important enough, rather to run a majority

budget, it was important enough to work together and try to get to the point of having a two-thirds budget. With that, I would encourage you to support the pending motion. Thank you.

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

Senator **ALFOND:** Thank you Mr. President. May I pose a question through the Chair?

THE PRESIDENT PRO TEM: The Senator may pose his question.

Senator **ALFOND:** Thank you Mr. President. I am still going to ask the same question again, does this bill and amendment talk about any tax? My second question would be, does this also involve a tax credit, because I know we have spent a lot of time in this Body passing tax credits, which also takes revenue from the State of Maine. Thank you.

THE PRESIDENT PRO TEM: The Senator from Cumberland, Senator Alford poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, this discussion did occur in the committee on how to define the tax. The way that these Constitutional Amendments work is the details like broad based taxes versus fees are details that are worked out in the statute after the Constitutional Amendment has been approved by the public. I think the general feeling among the committee was that a tax should be broad based, should be a significant tax, and that fees might be treated differently. Given the fact that this bill needed two-thirds to pass both chambers and go out to the public for support, we didn't get any further in details except for what I just described.

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

Senator **BRANNIGAN:** Thank you Mr. President. Men and women of the Senate, it sounds like we will be buying a pig in a poke. I am surprised that all Constitutional Amendments are amorphous like that. They may be or they may not be. What are we talking about here? A local tax or excise tax? I just think it ought to be better explained. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I think this bill does only half of what it should be doing. If we are going to have a two-thirds majority in order to raise a tax, it seems like to me we are probably giving 10 or 12 tax breaks here which is the revenue for the State of Maine. If you are going to keep cutting your revenue most of the things are roads and our bridges, that are most needy in the state of Maine, aren't going to be taken care of. I am going to be voting against this bill because it only does half. If we have a two-thirds majority to have a tax cut and to raise

taxes, I would be supporting it. I will be voting in opposition to this. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, to the previous speaker who called it a pig in the poke, if there is general support from the minority to go to a two-thirds vote to do this, I will table this bill and I will work with you to define what those taxes are. Then we can bring forward a bill that will clearly state what a tax is and then we can go ahead and pass this. If you would like to do that, I will do that. I will say that for all Constitutional Amendments, no. If a Constitutional Amendment is very clear on its principle, it is spelled out in the Constitution, no, you don't need statutory language to follow it. There are certain amendments that do. I worked this out with the Revisors Office and got an opinion. I can give it to you if you like. It spells out the process for Constitutional Amendments and then the statutory language that then follows in a bill. If certainly there is a vote to get two-thirds, I will do that work with you. Thank you.

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

Senator **BARTLETT:** Thank you Mr. President. I think it would be extraordinary difficult to clarify or define by statute post if a constitutional amendment was done by a tax. Certainly you can, by statute, narrow the scope of a constitutional requirement. You can expand, potentially, rights and opportunities in a constitution through statute, but you certainly can't circumscribe them. If a constitution says you must vote on a tax, anything that a court would see that is a tax or resembles a tax is going to be subject to this requirement. That would involve every licensing fee, fees on health insurance premiums, or any potential fee or tax along the way would be subject to this requirement. What I have a difficulty understanding is why we feel compelled to go down this road. We come here to the Legislature, we make our arguments, we debate the merits of bills, we come to a consensus, typically, on a two-thirds budget that deals with our spending and taxing priorities. Why do we need this? Why is it that we feel we need a minority to be able to veto things done by the Legislature? It violates our majority rule principles. It seems counter to what the people sent us here to do. I often am approached by people campaigning who are stunned when we talk about sending things out to referendum. They say, "What did we elect you for? We want you to go and establish the priorities of the state." We shouldn't end up getting gridlocked by creating artificial barriers on ourselves. I think this is the wrong approach. I certainly think that something as broad as a tax could end up handcuffing this Legislature in a way that I don't think either party would appreciate. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Plowman to Accept the Majority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#159)

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

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFSKY, HILL, HOBBS, JACKSON, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY

EXCUSED: Senator: GOODALL

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **PLOWMAN** of Penobscot **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-230) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Ordered sent down forthwith for concurrence.

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

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase Potential Criminal Penalties for the Possession of Cocaine and Cocaine Base"

H.P. 37 L.D. 44

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-418)** (10 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (H-419)** (3 members)

Tabled - June 3, 2011, by Senator **MASON** of Androscoggin

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 2, 2011, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-418)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-418)**.)

(In Senate, June 3, 2011, Reports **READ**.)

Senator **MASON** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-418)** Report, in concurrence.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and the gentlemen of the Senate, the only thing I have to say about this bill in front of us is that its Majority Report is only slightly worse than the Minority Report. I will now sit down and we can vote.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I wish to pose a question through the Chair. Can somebody please tell me what the fiscal notes are on the issue before us? Thank you.

THE PRESIDENT PRO TEM: The Senator from Penobscot, Senator Schneider poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, it is my understanding that the fiscal note with respect to the Majority Report is for fiscal year 2011 through 2012 and 2012 through 2013. \$3,087,000, \$3,428,000, \$3,428,000, and \$3,428,000 for each of those years.

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

Senator **SCHNEIDER:** Thank you very much Mr. President. Men and women of the Senate, I would just like you to think about the additional expense at a time when we are cutting all kinds of really important things and, again, we have still not funded K-12 education as we are suppose to. That is a roughly \$428 million. That discussion seems to have completely gotten lost in the shuffle. I am very concerned about this constant additional money that we keep sending to the table in light of the fact that we are cutting a lot of really important things and in addition we have not anteed up what we ought to for K-12. Thank you very much.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I appreciate the sentiment of which this bill was brought, I think we all agree that cocaine is a destructive substance in our society that we all should do what we can in the Legislature to rid ourselves of it in our towns, cities and state. Those who traffic in it, who attempt and succeed in getting our kids addicted to it, should be prosecuted convicted and put in jail, but a one size all law that makes felons for life. For a kid who gets caught with a relatively small amount of cocaine in his or her possession, what

does that accomplish? Number one, it fills our jails up. It adds another new person that we are all going to have to pay for and puts a strain on our scarce resources. Maybe more importantly, it makes a felon out of somebody for life, absent a Governor's pardon. I think that we all understand the implications of that. If someone wants to get into the military, if someone wants to get in to college, or apply for a job, those of us who remember applying for jobs, what is the first question they ask you on a job application? Have you ever been convicted of a felony? I am sure it will be argued that making a position of a relatively small amount of cocaine or crack cocaine is a deterrent. I am sure it is to a certain extent, but so would it be if we make theft of a candy bar a felony. We would be adding an additional deterrent to theft of the candy bar, but at what price? I hope we all want to save the prisons for serious traffickers in drugs and violent offenders and let's not ruin people's lives with a felony conviction for what might be an isolated indiscretion. Thank you, Mr. President.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, I agree with everything I just heard, because the Senator from Androscoggin is absolutely right. This is what we talked about in committee. The fiscal note that we talked about in committee. We knew that this was going to be a very high price. As you see, I am not on the Majority Report. I went on the Minority Report knowing that I believed it would still wind up going down to the Appropriations Table and being dealt with appropriately. The committee, in the past, we had issues with overcrowding our prison system and our jail system. We have dealt with that over the last several years with jail consolidation and other issues. We also have a little bit of an issue with being able to raise time in jail on many, many bills with no accountability because there is no fiscal note in Criminal Justice but there had been from the last couple of sessions. We've known that it costs money to incarcerate people. It costs money to try people. What we have been trying to do, and what the current law is, is that with the first offense anybody can make a mistake. This is a relatively small amount. There is nothing whatsoever to do with dealing or trying to sell drugs. It has strictly to do with possession of drugs. We thought it is better to get the fine the first time and the time the second time because by the second time you get caught, we know you are not paying attention. We looked at that much differently. We were also able to go in front of Appropriations and have a bill that usually had a positive impact instead of a negative impact on the first offense. This bill changes all that. That is why I voted against it. We debated against it. Now it is here today. I thought we could have a quiet little move of the Majority Report and sit right back down after saying it was slightly worse than the Minority Report, but both of them are worse. I agree with everything I have heard said here today. My views have not gotten any better as I moved to one Body to the other, but you can't put enough makeup on this bill to make it any better. Thank you.

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

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentleman of the Senate, just a little background. We dealt with this issue a few legislatures ago when I was Chair of the Criminal

Justice and Public Safety Committee. I think we did a pretty good job, and the full Legislature did. We talked about the possession of 4 grams. What we said was if the State can prove that this person has been previously convicted of having this drug then yes, we will go to a Class C. I think that made a lot of common sense. This bill now, what the Majority Report is saying is that you are going to go to a Class C anyway, right off quick. That seems to be, as the good Senator from Kennebec pointed out, a quick jump for that amount. This does not suggest we are not tough on drug use. We are. We just, I think, had a logical, common sense approach to this. I think we don't really need to have this Majority Report and I would urge you to vote against it. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Hobbins.

Senator **HOBBS:** Thank you Mr. President. Men and women of the Senate, at first when I saw this bill the cynical reaction is to vote for Report B, the bill will go on the Appropriations Table and, because of our fiscal problems, it would probably die. Quite frankly, when you look at this bill in the context of what it could do to families, to individuals and, whether or not this bill is really what we need to do to address it, the real issue is, in many cases, substance abuse. The young individual who, unfortunately, experiments with a drug, in this particular case cocaine, can very easily become addicted to this type of drug, opiates. We have a significant problem here in the state of Maine. We really have one with younger age individuals. This bill does not address where the issue should lie. If you want to make criminal offense at an elevated level, it is the dealers, the traffickers, the individuals that are out there, that are the pariahs among many young kids. To give someone a felony record for a very small amount of cocaine, or any substance, you really have to think twice about what that does. I have been a lawyer for 32 years. I have fortunately been able to, in many cases, save some kids lives by having a understanding prosecutor or an understanding judge or an understanding councilor work with me to try to mitigate the wrong of an individual, or the mistake of an individual, so it would not permanently ruin that persons life by arranging some type of disposition of the case which included rehabilitation, counseling, and community service. Sometimes incarceration was necessary, but to elevate everything to felonies is really not the way to go. The Criminal Justice Committee, which the good Senator chaired as a Senate member for many years, really looked at the delicate balance of what you should do in cases where you want to have a deterrent effect, but you really don't need to go to have a retribution effect. I think that we really have to look carefully at this. You're not being soft on crime if you vote against this bill. I suppose that's easy for me. I'm term limited out, so I'm a little freer, possibly, about worrying about what would happen if I vote for something that looks like I'm soft on crime. As a lawyer who has been in the court rooms, who has gone to hospitals, and dealt with individuals as a lawyer, as a friend, and as a relative, I can tell you it goes way beyond putting a retribution label to something like this. I urge you to think about the real ramifications. I know that I'm not a criminal attorney by nature, but I have handled hundreds of criminal cases in my 32 years, scores of cases involving drugs. I can tell you that not all of those individuals deserve to have a felony record for what sometimes is a minor indiscretion, a substance abuse problem, or being at the right place at the wrong time. Thank you.

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

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, I rise in opposition to this motion. If I could I would rise in opposition to the other motion also. One of the things I did last Summer, almost a year ago now, was create a bucket list. One thing on that bucket list was to get over my fear of State Police. I did that. I did a couple of ride-alongs and I sort of got a feel of what went on. Then I took a course for pre-employment. In both of those places it was stressed on me over and over again, especially along the Maine Turnpike when I did the ride-along, that their number one stop is drugs. They openly admitted that they can get a lot more out of something, a stop, if they find a small amount of any drug by talking to that person and saying, "What else can you offer me? I can overlook this." It gives them some leeway. "I want to know where you got this. I want to know what you intended to do with it. I want you to spill your guts. You can save yourself." You've just taken away the first thing we learned. Go to the Criminal Justice Academy because that course I took is put on by the Criminal Justice Academy. Number one thing that police have is discretion. They can decide if they are going to book you for something, charge you, or not. They don't want that little, or big, person carrying a little amount of a drug. They want the dealer. They want the one who is trying to hook your kids on it. I heard the same thing from the class and from the people on the roads who are putting their lives in danger every single day. In good conscience I can't vote for this because we've taken away part of what our policemen need to know to get the big fish. We're going after the little fish. I would ask you, please, let me think that what I decided to put on my bucket list really did make a difference. I did come here and I wanted to pass on some of the things that I learned. It was a great experience. To a person, they all talk about how important it is to be able to go and use that discretion and decide if they can get more out of this stop. In the long run, it serves society much better. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Mason to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (H-418) Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#160)

YEAS: Senators: COLLINS, COURTNEY, MARTIN, MASON, PLOWMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, HILL, HOBBSINS, JACKSON, KATZ, LANGLEY, MCCORMICK, PATRICK, RAYE, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SULLIVAN, TRAHAN, WOODBURY, THE PRESIDENT PRO TEM - DAVID R. HASTINGS

EXCUSED: Senator: GOODALL

9 Senators having voted in the affirmative and 25 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **MASON** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-418)** Report, in concurrence, **FAILED**.

Senator **HOBBSINS** of York moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#161)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, HILL, HOBBSINS, JACKSON, KATZ, LANGLEY, MARTIN, MCCORMICK, PATRICK, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SNOWE-MELLO, SULLIVAN, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - DAVID R. HASTINGS

NAYS: Senators: COURTNEY, MASON, PLOWMAN, RAYE, SHERMAN, THIBODEAU, THOMAS

EXCUSED: Senator: GOODALL

27 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **HOBBSINS** of York to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

Off Record Remarks

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

Off Record Remarks

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

HOUSE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Correct a Statutory Oversight Regarding Renewable Capacity Resources Portfolio Requirements for Consumer-owned Utilities"
H.P. 794 L.D. 1059

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-456)** (3 members)

Tabled - June 3, 2011, by Senator **PLOWMAN** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 2, 2011, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 3, 2011, Reports **READ**.)

Senator **THIBODEAU** of Waldo moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

Senator **BARTLETT:** Thank you Mr. President. I just wanted to briefly explain what this bill was intended to do. It was brought forward by one of the consumer owned utilities in our state. When we passed the renewable portfolio standard a number of the consumer owned utilities had entered into longer term contracts for their energy. What we are trying to do with this legislation is purely to give them time to comply with their renewable portfolio requirement as their contracts came up for renewal, but no later than 2017. It seemed like a reasonable request for the consumer owned utilities to tend to put a lot more emphasis on energy efficiency for their customers. It seemed like a reasonable approach.

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

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, just to clear up any confusion. This bill was brought forward by the Maine PUC not consumer owned utilities. What this bill does is require a consumer owned utility to meet an RPS standard. The reason that the majority of the committee felt that it Ought Not to Pass is because many of these consumer owned utilities have very small loads and, as they look

for contracts or energy supplies to fulfill their needs, it just frustrates their efforts and makes it a much more complicated process for them. When we originally began the RPS formula they were purposely left out, I believe, from the responsibility of meeting this RPS because of their small load. Some people seem to think it wasn't on purpose. Some people think it was. I personally believe it was purposely and that it adds another burden on our consumer owned utilities. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Waldo, Senator Thibodeau to Accept the Majority 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 opened the vote.

ROLL CALL (#162)

YEAS: Senators: COLLINS, COURTNEY, DIAMOND, FARNHAM, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - DAVID R. HASTINGS

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DILL, GERZOFSKY, HILL, HOBBS, PATRICK

EXCUSED: Senators: GOODALL, TRAHAN

24 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **THIBODEAU** of Waldo to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Ensure Patient Safety in the Use of Certain Imaging Equipment
H.P. 1000 L.D. 1361

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-416)** (5 members)

Tabled - June 3, 2011, by Senator **ALFOND** of Cumberland

Pending - motion by Senator **MCCORMICK** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, June 2, 2011, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 3, 2011, Reports **READ**.)

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you Mr. President. Members of the Senate, I sincerely apologize for being late and thanks a million for holding this for my return. I appreciate it. I just wanted to say a few words about this. This is a resolve that makes an effort to make that sure the people, especially children, don't get too much radiation in their dental visits. It is paid for. The Minority Report says that the resolve includes a one-time fund allocation of \$1,584 in Fiscal Year 2011-2012 to the Board of Dental Examiners affiliated with the Department of Professional and Financial Regulation. That comes out of other special revenue that they have available. The Board does have sufficient funds available and resources to support this legislation without increasing fees. What this would do is pay a per diem for two board members to go to facilities to make sure that children, especially, aren't getting too much radiation when they have certain x-rays done. I just see no reason that we can't pass this bill. I know unless I protest certainly there isn't much change at this age. They try to give me x-rays every year, at least, without pain and without any need for it. For children that are very small, that are receiving too much radiation that they retain in their bodies, I think it's very dangerous. We had a big conversation yesterday about cell phones. They are so tiny and those enormous machines are just very, very strong and potent to be aimed at children's faces every year. I would ask for you to defeat this motion so that we can vote on the Ought to Pass Minority Report. Thank you, Mr. President.

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

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Kennebec, Senator McCormick to Accept the Majority 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 opened the vote.

ROLL CALL (#163)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - DAVID R. HASTINGS

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFKY, HILL, HOBBS, JACKSON, PATRICK, SCHNEIDER, SULLIVAN

EXCUSED: Senators: GOODALL, TRAHAN

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **MCCORMICK** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

The Chair laid before the Senate the following Tabled and Later (6/2/11) Assigned matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Study Allocations of the Fund for a Healthy Maine

H.P. 1144 L.D. 1558

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-417)** (12 members)

Minority - **Ought to Pass** (1 member)

Tabled - June 2, 2011, by Senator **ALFOND** of Cumberland

Pending - motion by Senator **McCORMICK** of Kennebec to **ACCEPT** the Minority **OUGHT TO PASS** Report, in **NON- CONCURRENCE** (Roll Call Ordered)

(In House, June 1, 2011, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417)**.)

(In Senate, June 2, 2011, Reports **READ**.)

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, if I had a chance to talk to my good Chair I really would have and had a conversation and asked if he would reconsider his motion. That was my intent but I got here so late I wasn't able to. The reason for that is that the Majority Report passed in the other Body and I worry that if we vote on the Minority Report that we will then put this excellent piece of legislation in jeopardy. I would like to say just the little bit of difference that there is between the two reports. That is that there are two public health officials added to the study committee that would serve on the committee as well as a person that whose services are supported by the Fund for a Healthy Maine and a person who possesses expertise in the subject matter of a study under this Resolve. All of those people are nominated by the Presiding Officers and the Chief Executive. I would hope that the good Senator would trust the Presiding Officers and the Chief Executive to be fair and balanced in their nominations to the committee. I would ask my colleagues to defeat this motion so that we can vote on the Majority Ought to Pass Report. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Kennebec, Senator McCormick to Accept the Minority Ought to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#164)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RAYE, RECTOR, ROSEN, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, THE PRESIDENT PRO TEM - DAVID R. HASTINGS

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFSKY, HILL, HOBBS, JACKSON, PATRICK, SAVIELLO, SCHNEIDER, SULLIVAN, WOODBURY

EXCUSED: Senators: GOODALL, TRAHAN

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **McCORMICK** of Kennebec to **ACCEPT** the Minority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

SENATE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Create a New Liquor License, Provide Funding for Prevention of Underage Drinking and Provide Municipal Control over the Agency Liquor Store Application Process"

S.P. 403 L.D. 1300

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-226)** (7 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (S-227)** (6 members)

Tabled - June 3, 2011, by Senator **FARNHAM** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 3, 2011, Reports **READ**.)

Senator **PATRICK** of Oxford was granted unanimous consent to address the Senate off the Record.

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

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

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 Clarify the Exemption of Lineworkers from Maine Electrician Licensing Laws

H.P. 675 L.D. 915
(C "A" H-395)

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 Amend the Maine Juvenile Code To Address the Issue of Competency

H.P. 1039 L.D. 1413
(C "A" H-412)

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 Regarding the Right of Native Americans To Be Issued Hunting, Trapping and Fishing Licenses

H.P. 1071 L.D. 1456
(C "A" H-392)

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

Emergency Measure

An Act To Encourage Science, Technology, Engineering and Mathematics Education

S.P. 490 L.D. 1540
(C "A" S-177)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with 1 Senator having voted in the negative, and 32 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 Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual Chapter III, Section 21: Allowances for Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services

H.P. 550 L.D. 743

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

Emergency Resolve

Resolve, Establishing the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts

S.P. 297 L.D. 951
(C "A" S-213)

On motion by Senator **PLOWMAN** of Penobscot, placed on the **SPECIAL STUDY TABLE**, pending **FINAL PASSAGE**, in concurrence.

Emergency Resolve

Resolve, To Direct the Public Utilities Commission To Develop a Plan To Reform Telecommunications Regulation

H.P. 1075 L.D. 1466
(C "A" H-399)

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 **FINALLY PASSED** 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:

COMMUNICATIONS

The Following Communication: S.C. 423

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

June 2, 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 Labor, Commerce, Research & Economic Development has had under consideration the nomination of George C. Gervais of Hampden, for appointment as the Commissioner of the Department of Economic and Community Development.

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	Rector of Knox, Jackson of Aroostook, Martin of Kennebec
	Representatives	10	Prescott of Topsham, Dow of Waldoboro, Driscoll of Westbrook, Gilbert of Jay, Herbig of Belfast, Hunt of Buxton, Newendyke of Litchfield, Tuttle of Sanford, Volk of Scarborough, Cushing of Hampden

NAYS 0

ABSENT 0

Thirteen 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 George C. Gervais of Hampden, for appointment as the Commissioner of the Department of Economic and Community Development be confirmed.

Signed,

S/Christopher W. Rector
Senate Chair

S/Kerri L. Prescott
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 **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I rise to briefly say a few words on the record about this excellent candidate. I've had the good fortune to have had many interactions with Mr. Gervais since his arrival at the Department of Economic and Community Development and all of them have been positive. Each discussion I've had with him about business has shown me that he has an in-depth sensibility about the business world. He cares about creating an environment that helps businesses grow. Mr. Gervais has been in the trenches of the business world and he has a keen sense of their needs. He has the strength to help, the ability to listen, and the willingness to work collaboratively to get any job accomplished. He is an excellent choice for the position of Commissioner of the Department of Economic and Community Development. I urge your support. I am so delighted that he has been selected by the Governor for this position. I thank you very much for your attention.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Knox, Senator Rector.

Senator **RECTOR:** Thank you Mr. President. Men and women of the Senate, I just want to echo the words of my good colleague from Penobscot. We are delighted to have Mr. Gervais nominated for the position of Commissioner of DECD. It's a job that he has already demonstrated he has skills in, having been the Acting Commissioner for some time, and has actually been exceptional, I would say, in his working relationship with each and every member of the committee and with the Legislature in general. I think we are very fortunate to have his talents and look forward to working with him in the future. Thank you, Mr. President.

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

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, I would concur with everything that has been said. This is an outstanding candidate who really can help move our business world forward in the state of Maine.

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 (#165)

YEAS: Senators: None

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - DAVID R. HASTINGS

EXCUSED: Senators: GOODALL, TRAHAN

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators 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 **George C. Gervais** of Hampden for appointment as the Commissioner of the Department of Economic and Community Development was **CONFIRMED**.

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

THE PRESIDENT PRO TEM: The Chair is pleased to recognize in the rear of the chamber George Gervias. Would he please rise and accept the greetings of the Maine Senate.

The Following Communication: S.C. 424

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

June 2, 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 Labor, Commerce, Research & Economic Development has had under consideration the nomination of Honorable Robert J. Winglass of Bath, for appointment as the Commissioner of the Department of Labor.

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	Rector of Knox, Jackson of Aroostook, Martin of Kennebec
	Representatives	8	Prescott of Topsham, Dow of Waldoboro, Herbig of Belfast, Hunt of Buxton, Newendyke of Litchfield, Tuttle of Sanford, Volk of Scarborough, Cushing of Hampden
NAYS	Senators	0	
	Representatives	2	Driscoll of Westbrook, Gilbert of Jay
ABSENT		0	

Eleven members of the Committee having voted in the affirmative and two in the negative, it was the vote of the Committee that the nomination of Honorable Robert J. Winglass of Bath, for appointment as the Commissioner of the Department of Labor be confirmed.

Signed,

S/Christopher W. Rector
 Senate Chair

S/Kerri L. Prescott
 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 **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Knox, Senator Rector.

Senator **RECTOR:** Thank you Mr. President. Men and women of the Senate, I just want to take a brief moment and say we are fortunate, indeed, to have a man of the exceptional caliber and character that General Winglass is in putting himself forward to be Commissioner of Labor. This is a position that we have been seeking leadership for a while. We think Laura Boyett in her acting role there, but I know she and others in the department are going to be relieved to have the leadership of General Winglass stepping in as Commissioner. He has years of experience, over 30 years experience, in the Marine Corps. He also worked for IBM for some time. He brings the skill set of team building and leadership in a way that has been extraordinary, I think, and is going to serve the State of Maine well. We, on the committee, look forward to working with him. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Androscoggin, Senator Snowe-Mello.

Senator **SNOWE-MELLO:** Thank you Mr. President. I have the honor and privilege to stand here today in complete support of my friend, General Robert Winglass. Having known General Winglass, Bob, for many, many years, I know he is a man with complete integrity. He will also offer balance, which is so very needed in this position. I stand here and am just thrilled that he will be our Commissioner of Labor. Thank you.

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 (#166)

YEAS: Senator: GERZOFISKY

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - DAVID R. HASTINGS

EXCUSED: Senators: GOODALL, TRAHAN

1 Senator having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being excused, and 1 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 the Honorable **Robert J. Winglass** of Bath for appointment as the Commissioner of the Department of Labor was **CONFIRMED**.

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

THE PRESIDENT PRO TEM: The Chair is pleased to recognize in the rear of the chamber General Robert Winglass. Would he please rise and accept the greeting of the Maine Senate.

Signed,

S/Christopher W. Rector
Senate Chair

S/Kerri L. Prescott
House Chair

The Following Communication: S.C. 425

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

READ and ORDERED PLACED ON FILE.

The President Pro Tem laid before the Senate the following:
"Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

June 2, 2011

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

Dear Mr. President:

ROLL CALL (#167)

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 Labor, Commerce, Research & Economic Development has had under consideration the nomination of Gary M. Koocher of Portland, for appointment to the Workers' Compensation Board.

YEAS: Senators: None

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFISKY, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - DAVID R. HASTINGS

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:

EXCUSED: Senators: GOODALL, TRAHAN

YEAS	Senators	3	Rector of Knox, Jackson of Aroostook, Martin of Kennebec
	Representatives	10	Prescott of Topsham, Dow of Waldoboro, Driscoll of Westbrook, Gilbert of Jay, Herbig of Belfast, Hunt of Buxton, Newendyke of Litchfield, Tuttle of Sanford, Volk of Scarborough, Cushing of Hampden

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators 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 **Gary M. Koocher** of Portland for appointment to the Workers' Compensation Board was **CONFIRMED**.

NAYS 0

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

ABSENT 0

Thirteen 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 Gary M. Koocher of Portland, for appointment to the Workers' Compensation Board be confirmed.

The Following Communication: S.C. 426

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

June 2, 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 Labor, Commerce, Research & Economic Development has had under consideration the nomination of Glenn W. Burroughs of Lewiston, for reappointment to the Workers' Compensation 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	Rector of Knox, Jackson of Aroostook, Martin of Kennebec
	Representatives	10	Prescott of Topsham, Dow of Waldoboro, Driscoll of Westbrook, Gilbert of Jay, Herbig of Belfast, Hunt of Buxton, Newendyke of Litchfield, Tuttle of Sanford, Volk of Scarborough, Cushing of Hampden

NAYS 0

ABSENT 0

Thirteen 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 Glenn W. Burroughs of Lewiston, for reappointment to the Workers' Compensation Board be confirmed.

Signed,

S/Christopher W. Rector
Senate Chair

S/Kerri L. Prescott
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 **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** 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 (#168)

YEAS: Senators: None

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - DAVID R. HASTINGS

EXCUSED: Senators: GOODALL, TRAHAN

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators 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 **Glenn W. Burroughs** of Lewiston for reappointment to the Workers' Compensation Board was **CONFIRMED**.

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

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

COMMUNICATIONS

The Following Communication: S.C. 422

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

June 2, 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 Veterans & Legal Affairs has had under consideration the nomination of Lawrence J. Davis of Hallowell, for appointment to the State Liquor and Lottery Commission.

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	Farnham of Penobscot, Patrick of Oxford, Plowman of Penobscot
	Representatives	7	Beaulieu of Auburn, Carey of Lewiston, Chipman of Portland, Damon of Bangor, Longstaff of Waterville, Russell of Portland, Valentino of Saco
NAYS		0	
ABSENT		3	Rep. Crockett of Bethel, Rep. Johnson of Eddington, Rep. Willette of Presque Isle

Ten 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 Lawrence J. Davis of Hallowell, for appointment to the State Liquor and Lottery Commission be confirmed.

Signed,

S/Nichi S. Farnham
Senate Chair

S/Michael G. Beaulieu
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 **VETERANS AND LEGAL AFFAIRS** 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 (#169)

YEAS: Senators: None

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - DAVID R. HASTINGS

EXCUSED: Senators: GOODALL, TRAHAN

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators 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 **Lawrence J. Davis** of Hallowell for appointment to the State Liquor and Lottery Commission was **CONFIRMED**.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Establish an Animal Abuser Registry"

H.P. 567 L.D. 760

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

Signed:

Senators:
MASON of Androscoggin
GERZOFKY of Cumberland
WHITTEMORE of Somerset

Representatives:
PLUMMER of Windham
BURNS of Whiting
CLARKE of Bath
HANLEY of Gardiner
HASKELL of Portland
LAJOIE of Lewiston
LONG of Sherman
MORISSETTE of Winslow
SANDERSON of Chelsea

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-464).**

Signed:

Representative:
BLODGETT of Augusta

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Require a Transmission and Distribution Utility To Provide Safeguards to Consumers Prior To Installing Wireless Smart Meters"

H.P. 1025 L.D. 1396

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

Signed:

Senators:
THIBODEAU of Waldo
BARTLETT of Cumberland
RECTOR of Knox

Representatives:
FITTS of Pittsfield
CORNELL du HOUX of Brunswick
CRAY of Palmyra
DION of Portland
DUNPHY of Embden
HAMPER of Oxford
HINCK of Portland
LIBBY of Waterboro
LUCHINI of Ellsworth

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

Signed:

Representative:
BEAVERS of South Berwick

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Specify Qualifications for the Director of the Office of Adult Mental Health Services within the Department of Health and Human Services"

H.P. 414 L.D. 531

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

Signed:

Senators:
McCORMICK of Kennebec
CRAVEN of Androscoggin
FARNHAM of Penobscot

Representatives:
STRANG BURGESS of Cumberland
EVES of North Berwick
FOSSEL of Alna
PETERSON of Rumford
SANBORN of Gorham
STUCKEY of Portland

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

Signed:

Representatives:
MALABY of Hancock
O'CONNOR of Berwick
SANDERSON of Chelsea
SIROCKI of Scarborough

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 **MCCORMICK** of Kennebec, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Encourage Transparency in Disclosing the Ingredients in Vaccinations for Children to Parents and Guardians"

H.P. 523 L.D. 694

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

Signed:

Senators:

McCORMICK of Kennebec
CRAVEN of Androscoggin
FARNHAM of Penobscot

Representatives:

STRANG BURGESS of Cumberland
EVES of North Berwick
FOSSEL of Alna
PETERSON of Rumford
SANBORN of Gorham
STUCKEY of Portland

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

Signed:

Representatives:

MALABY of Hancock
O'CONNOR of Berwick
SANDERSON of Chelsea
SIROCKI of Scarborough

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

Reports **READ**.

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

Senate

Ought to Pass As Amended

Senator **McCORMICK** for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Study Oral Health Care in Maine and Make Recommendations Regarding How To Address Maine's Oral Health Care Needs

S.P. 338 L.D. 1105

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-238)**.

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

READ ONCE.

Committee Amendment "A" (S-238) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Ordered sent down forthwith for concurrence.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Permits To Carry Concealed Firearms" H.P. 1070 L.D. 1439

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-485)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-485)**.

Report **READ**.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish the Maine Farm and Fish to School Program"

H.P. 1060 L.D. 1446

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-488)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-488)**.

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

READ ONCE.

Committee Amendment "A" (H-488) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **TAXATION** on Bill "An Act To Clarify the Collection Process for the Commercial Forestry Excise Tax" H.P. 681 L.D. 921

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-484)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-484)**.

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

READ ONCE.

Committee Amendment "A" (H-484) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Senate at Ease.

Senate called to order by President Pro Tem **DAVID R. HASTINGS** of Oxford County.

ORDERS OF THE DAY

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

HOUSE REPORT - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Permits To Carry Concealed Firearms"

H.P. 1070 L.D. 1439

Reported - **Ought to Pass as Amended by Committee Amendment "A" (H-485)**

Tabled - June 3, 2011, by Senator **COURTNEY** of York

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, June 3, 2011, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-485)**.)

(In Senate, June 3, 2011, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-485) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

SENATE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Create a New Liquor License, Provide Funding for Prevention of Underage Drinking and Provide Municipal Control over the Agency Liquor Store Application Process"

S.P. 403 L.D. 1300

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-226)** (7 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (S-227)** (6 members)

Tabled - June 3, 2011, by Senator **PLOWMAN** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 3, 2011, Reports **READ**.)

Senator **FARNHAM** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-226)** Report.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK:** Thank you Mr. President. Men and women of the Senate, colleagues and friends, I just wanted to get up and say that this is actually a good small business bill. You have a license for an initial agency store license it's \$2,000 and thereafter you have a renewal for the agency store of \$300, the annual license for beer for \$200, the annual fee for a wine license for \$200. The original bill was going to allow a Class 8 license and the original bill asked for \$900 for the license because we're actually combining and making it easier on businesses. The committee got together and allowed the fee to stay at the \$700 which it was and it will make it a lot easier and efficient for those that have the licenses. This is actually a good business bill and I just wanted to make that clarification because we were all in agreement with that. Thank you.

On motion by Senator **FARNHAM** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-226)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-226) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Ordered sent down forthwith for concurrence.

On motion by Senator **ALFOND** of Cumberland, the Senate **RECONSIDERED** whereby it **PASSED TO BE ENGROSSED AS AMENDED** the following:

Bill "An Act To Provide for a Method To Remove an Elected Municipal Official" (EMERGENCY)

H.P. 1125 L.D. 1533

(In House, June 3, 2011, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-480).)

(In Senate, June 3, 2011, Report **READ** and **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-480) **READ** and **ADOPTED**, in concurrence. Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, 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:

Acts

An Act To Amend the Fees for Infant Lifetime Licenses
H.P. 90 L.D. 108
(C "A" H-391)

An Act To Amend the Maine Secure and Fair Enforcement for Mortgage Licensing Act of 2009
H.P. 234 L.D. 290
(C "A" H-427)

An Act To Implement the Insurance Payment Reform Recommendations of the Advisory Council on Health Systems Development
H.P. 423 L.D. 540
(C "A" H-428)

An Act To Amend the Definition of "Automobile" for Purposes of the Sales and Use Tax Law
H.P. 544 L.D. 713
(C "A" H-433)

An Act To Allow the Sale of Locally Produced Beer and Wine at Farmers' Markets
H.P. 570 L.D. 763
(C "A" H-342)

An Act To Create a Fair Process for Energy Service Companies Contracting with Maine Schools
H.P. 583 L.D. 776
(C "A" H-386)

An Act To Expand Net Energy Billing
S.P. 239 L.D. 795
(C "A" S-216)

An Act To Increase the Credit Toward Payment of Fines Given for Jail Time
H.P. 686 L.D. 926
(C "A" H-414)

An Act Regarding the Public Utilities Commission's Ability To Use Certain Funds
H.P. 735 L.D. 999
(C "A" H-437)

An Act To Clarify Assistance for Persons with Acquired Brain Injury
H.P. 887 L.D. 1196
(C "A" H-409)

An Act To Improve Hospital Reporting of MRSA and Clostridium difficile Data
H.P. 903 L.D. 1212
(C "A" H-410)

An Act Concerning the Disposal of Unclaimed, Lost or Stolen Personal Property by Law Enforcement Agencies
H.P. 918 L.D. 1227
(C "A" H-413)

An Act To Adjust Payroll Processor License Fees
H.P. 1007 L.D. 1368
(C "A" H-394)

An Act Regarding Information Provided to Consumers by Competitive Electricity Providers
H.P. 1113 L.D. 1510
(C "A" H-398)

An Act To Make Technical Changes to Marine Resources Laws
S.P. 483 L.D. 1522
(C "A" S-215)

An Act To Amend the Maine Human Rights Act Regarding Accessible Building Standards
S.P. 488 L.D. 1531
(C "A" S-214)

An Act To Update Professional and Occupational Licensing Statutes
H.P. 1145 L.D. 1560
(C "A" H-396)

An Act To Allow Retired Dentists To Obtain a License To Practice in Nonprofit Clinics
H.P. 1155 L.D. 1573
(C "A" H-397)

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

Senate at Ease.

Senate called to order by President Pro Tem
DAVID R. HASTINGS of Oxford County.

An Act To Create a Sales Tax Holiday for Energy-efficient
Appliances and Fixtures

H.P. 369 L.D. 476
(C "A" H-337)

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

An Act To Amend the Laws Governing the Sex Offender Registry
S.P. 313 L.D. 1025
(C "A" S-180)

On motion by Senator **KATZ** of Kennebec, **TABLED** until Later in
Today's Session, pending **ENACTMENT**, in concurrence.

An Act To Provide the Department of Environmental Protection
with Regulatory Flexibility Regarding the Listing of Priority
Chemicals

H.P. 841 L.D. 1129
(C "A" H-421)

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

Emergency Measure

An Act To Provide Rebates for Renewable Energy Technologies
H.P. 568 L.D. 761
(C "A" H-455)

This being an Emergency Measure and having received the
affirmative vote of 30 Members of the Senate, with no Senators
having voted in the negative, and 30 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.

Mandate

An Act To Implement the Recommendations of the Right To
Know Advisory Committee

H.P. 852 L.D. 1154
(C "A" H-441)

This being a Mandate, in accordance with the provisions of
Section 21 of Article IX of the Constitution, having received the
affirmative vote of 31 Members of the Senate, with no Senators
having voted in the negative, and 31 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.

Acts

An Act To Amend the Laws Regarding Public Health
Infrastructure

H.P. 103 L.D. 121
(C "A" H-459)

An Act Regarding Property Deposited with Museums and
Historical Societies

H.P. 772 L.D. 1038
(C "A" H-465)

An Act To Clarify Rights-of-way Laws

H.P. 1082 L.D. 1473
(C "A" H-440)

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 Increase Access to State Rule-making Notices
H.P. 700 L.D. 940
(C "A" H-445)

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

An Act To Raise the Speed Limit on Interstate 95 between the
City of Old Town and the Town of Houlton

H.P. 1143 L.D. 1557
(C "A" H-447)

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

Senate at Ease.

Senate called to order by President Pro Tem
DAVID R. HASTINGS of Oxford County.

ORDERS OF THE DAY

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

An Act To Amend the Laws Governing the Sex Offender Registry
S.P. 313 L.D. 1025
(C "A" S-180)

Tabled - June 3, 2011, by Senator **KATZ** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, June 1, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-180).**)

(In House, June 3, 2011, **PASSED TO BE ENACTED.**)

On motion by Senator **DIAMOND** of Cumberland, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-180).**

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-180).

On further motion by same Senator, Senate Amendment "A" (S-242) to Committee Amendment "A" (S-180) **READ.**

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

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, just quickly. This is the sex offender registry legislation that was passed unanimously by the committee. It was voted unanimously in both Bodies. It was going through well. There was a fiscal note within the bill. The Department of Public Safety realized they didn't need to have a fiscal note on it. Therefore, it did not need to go to the table. The money, the \$3,900 and the \$3,700 from the Highway Fund and the General Fund can be easily covered by a grant from the federal government of \$308,000 designed to work on states' registry problems. This is easily covered. That's what the amendment does. Thank you very much.

On motion by Senator **DIAMOND** of Cumberland, Senate Amendment "A" (S-242) to Committee Amendment "A" (S-180) **ADOPTED.**

Committee Amendment "A" (S-180) as Amended by Senate Amendment "A" (S-242) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-180) AS AMENDED BY SENATE AMENDMENT "A" (S-242) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

JOINT ORDER - Establishing the Joint Select Committee on Health Care Costs

H.P. 597
(C "A" H-439)

Tabled - June 3, 2011, by Senator **HOBBS** of York

Pending - **PASSAGE AS AMENDED**, in concurrence
(In House, June 1, 2011, **READ** and **PASSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-439).**)

(In Senate, June 2, 2011, **READ** and **PASSED AS AMENDED**, in concurrence. On motion by Senator **HOBBS** of York, **RECONSIDERED** whereby the Joint Order was **PASSED AS AMENDED**, in concurrence.)

On motion by Senator **PLOWMAN** of Penobscot, placed on the **SPECIAL STUDY TABLE**, pending **PASSAGE AS AMENDED**, in concurrence.

Senate at Ease.

Senate called to order by President Pro Tem
DAVID R. HASTINGS of Oxford County.

Off Record Remarks

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Special Taste-testing Festivals" (EMERGENCY)

H.P. 479 L.D. 649

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-393)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393)**.

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

READ ONCE.

Committee Amendment "A" (H-393) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

On motion by Senator **SCHNEIDER** of Penobscot, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in 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.

Same Senator requested and received leave of the Senate to withdraw her request for a Roll Call.

PASSED TO BE ENGROSSED AS AMENDED, in concurrence.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by President Pro Tem
DAVID R. HASTINGS of Oxford County.

Senator **RAYE** of Washington was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator **COURTNEY** of York, **ADJOURNED** to Monday, June 6, 2011, at 10:00 in the morning.