

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Fourth Legislature

State of Maine

Daily Edition

Third Confirmation Session
November 19, 2010

Pages 1948 - 1952

STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
THIRD CONFIRMATION SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Friday
November 19, 2010

Pursuant to the provisions of Article 5, Part 1, Section 8 of the Constitution and the laws of the State of Maine, the Senate convened in the Senate Chamber at ten o'clock in the morning and was called to order by President **ELIZABETH H. MITCHELL** of Kennebec County.

Prayer by Paul B. Cates, Vassalboro Friends Meeting.

MR. CATES: Let us join together in prayer. Dear God, we meet this morning in a time of transition in which responsibilities of leadership are passed from members of my party to members of my father's party. We look back over the last few years with a deep sense of gratitude for the dedication and hard work of Maine's leadership team. Since we are in the Maine Senate it seems appropriate to say a special word of gratitude to one person here today. Thank you, Libby, for years of devoted service to our beloved state of Maine. Looking ahead we, the citizens of Maine, offer a sincere wish for the success of the incoming LePage administration. Surely success of Maine's government is success for Maine and all its people. Maine and all our states are facing severe problems today, yet these are also times of great opportunity. We, the citizens of Maine, have faith that our elected representatives, working together in time-honored Maine tradition, will make progress towards finding needed solutions. This morning, facing problems and opportunities, we take comfort in the words, 'For thou art with us'; with us to strengthen our resolve to do our very best for Maine. In the name of all the people of our state, Amen.

Pledge of Allegiance led by Senator Seth A. Goodall of Sagadahoc County.

The Following Communication: S.C. 989

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001

November 12, 2010

The Honorable Elizabeth Mitchell
President of the Senate
State House Station 3
Augusta, ME 04333

Dear President Mitchell:

Pursuant to Article V, Part 1, Section 8 of the Constitution of the State of Maine, and in consultation with you, the Senate of Maine will convene at 10 o'clock in the morning on Friday, November 19, 2010, for the purpose of voting upon the confirmation of various appointments.

Sincerely,

S/John E. Baldacci
Governor

READ and ORDERED PLACED ON FILE.

QUORUM CALL

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#497)

PRESENT: Senators: ALFOND, BARTLETT, BLISS, BRANNIGAN, COURTNEY, CRAVEN, DAMON, DAVIS, DIAMOND, GERZOFSKY, GOODALL, GOOLEY, HASTINGS, HOBBS, JACKSON, MARRACHE, MCCORMICK, MILLS, NASS, PERRY, PLOWMAN, RAYE, RECTOR, SCHNEIDER, SHERMAN, SIMPSON, SMITH, TRAHAN, THE PRESIDENT - ELIZABETH H. MITCHELL

29 Senators having answered the Roll, the Chair declared a quorum present.

Out of order and under suspension of the Rules, on motion by Senator **BARTLETT** of Cumberland, the following Senate Order:
S.O. 26

Ordered, that a message be sent to Governor John E. Baldacci informing him that in accordance with Article 5, Part 1, Section 8 of the Constitution of Maine, a quorum of Senators is assembled for the consideration of such business as may come before the Senate.

READ and PASSED.

The Chair appointed the Senator from Cumberland, Senator **BARTLETT** to deliver the message to the Governor. The Sergeant-At-Arms escorted the Senator to the Governor's Office.

Senate at Ease.

Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication: S.C. 990

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

November 9, 2010

The Honorable Elizabeth Mitchell
President of the Senate
State House Station 3
Augusta, ME 04333

Dear President Mitchell:

This is to inform you that I am today nominating Bruce C. Mallonee of Bangor for appointment as a Maine District Court Judge.

Pursuant to Title 4, M.R.S.A. §157-1, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 991

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

November 9, 2010

The Honorable Elizabeth Mitchell
President of the Senate
State House Station 3
Augusta, ME 04333

Dear President Mitchell:

This is to inform you that I am today nominating Christine Foster of Portland for reappointment as a Maine District Court Judge.

Pursuant to Title 4, M.R.S.A. §157-1, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 992

**STATE OF MAINE
124TH MAINE LEGISLATURE
OFFICE OF THE SECRETARY**

November 9, 2010

Sen. Lawrence Bliss
Senate Chair, Joint Standing Committee on Judiciary
Rep. Charles R. Priest
House Chair, Joint Standing Committee on Judiciary
124th Legislature
Augusta, ME 04333

Dear Senator Bliss and Representative Priest:

Please be advised that Governor John E. Baldacci has nominated Bruce C. Mallonee of Bangor for appointment and Christine Foster of Portland for reappointment as a Maine District Court Judge.

Pursuant to Title 4, M.R.S.A. §157-1, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 993

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

November 18, 2010

The Honorable Elizabeth H. Mitchell
President of the Senate of Maine
124th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Bruce C. Mallonee of Bangor, 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	Bliss of Cumberland, Hastings of Oxford, Hobbins of York
	Representatives	9	Priest of Brunswick, Beaulieu of Auburn, Bryant of Windham, Crockett of Bethel, Dill of Cape Elizabeth, Hill of York, Kruger of Thomaston, Nass of Acton, Stevens of Bangor

NAYS 0

ABSENT 1 Rep. Cleary of Houlton

Rep. Mitchell of Penobscot Nation 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 Bruce C. Mallonee of Bangor, for appointment as a District Court Judge be confirmed.

Signed,

S/Lawrence S. Bliss
Senate Chair

S/Charles R. Priest
House Chair

READ and ORDERED PLACED ON FILE.

The President 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 124th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#498)

YEAS: Senators: None

NAYS: Senators: ALFOND, BARTLETT, BLISS,
BRANNIGAN, COURTNEY, CRAVEN,
DAMON, DAVIS, DIAMOND,
GERZOFSKY, GOODALL, GOOLEY,
HASTINGS, HOBBS, JACKSON,
MARRACHE, MCCORMICK, MILLS,
NASS, PERRY, PLOWMAN, RAYE,
RECTOR, SCHNEIDER, SHERMAN,
SIMPSON, SMITH, SULLIVAN, TRAHAN,
THE PRESIDENT - ELIZABETH H.
MITCHELL

ABSENT: Senators: BOWMAN, BRYANT, NUTTING, ROSEN,
WESTON

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, 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 **Bruce C. Mallonee** of Bangor for appointment as a District Court Judge was **CONFIRMED**.

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

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Bruce Mallonee. Would he please rise and accept the greetings of the Maine Senate.

The Following Communication: S.C. 994

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

November 18, 2010

The Honorable Elizabeth H. Mitchell
President of the Senate of Maine
124th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 124th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Christine Foster of Portland, for reappointment 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	Bliss of Cumberland, Hastings of Oxford, Hobbins of York
	Representatives	9	Priest of Brunswick, Beaulieu of Auburn, Bryant of Windham, Crockett of Bethel, Dill of Cape Elizabeth, Hill of York, Kruger of Thomaston, Nass of Acton, Stevens of Bangor

NAYS 0

ABSENT 1 Rep. Cleary of Houlton

Rep. Mitchell of Penobscot Nation 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 Christine Foster of Portland, for reappointment as a District Court Judge be confirmed.

Signed,

S/Lawrence S. Bliss
Senate Chair

S/Charles R. Priest
House Chair

READ and ORDERED PLACED ON FILE.

The President 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 124th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#499)

YEAS: Senators: None

NAYS: Senators: ALFOND, BARTLETT, BLISS, BRANNIGAN, COURTNEY, CRAVEN, DAMON, DAVIS, DIAMOND, GERZOFKY, GOODALL, GOOLEY, HASTINGS, HOBBS, JACKSON, MARRACHE, MCCORMICK, MILLS, NASS, PERRY, PLOWMAN, RAYE, RECTOR, SCHNEIDER, SHERMAN, SIMPSON, SMITH, SULLIVAN, TRAHAN, THE PRESIDENT - ELIZABETH H. MITCHELL

ABSENT: Senators: BOWMAN, BRYANT, NUTTING, ROSEN, WESTON

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, 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 **Christine Foster** of Portland for reappointment as a District Court Judge was **CONFIRMED**.

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

ORDERS

On motion by Senator **BARTLETT** of Cumberland, the following Senate Order:

S.O. 27

Ordered, that a message be sent to Governor John E. Baldacci informing him that the Senate has transacted all business before it and is ready to Adjourn Without Day.

READ and PASSED.

The Chair appointed the Senator from Cumberland, Senator **BARTLETT** to deliver the message to the Governor. The Sergeant-At-Arms escorted the Senator to the Governor's Office.

Senate at Ease.

Senate called to order by the President.

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

Off Record Remarks

Senator **MILLS** of Somerset was granted unanimous consent to address the Senate on the Record.

Senator **MILLS**: Thank you, Madame President. Earlier this month Specialist Andrew Hutchins of New Portland, Maine died in Afghanistan through hostile fire. His funeral is this morning. I simply ask that when we adjourn this morning that we adjourn in his memory, the memory of Andrew L. Hutchins. Thank you.

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

Senator **RAYE**: Thank you, Madame President. Since our Secretary so graciously introduced Mr. Carleton, I want to just to take a moment as we bid farewell to those members who will not be returning to the 125th, but I also want to take a moment to let everyone here know how appreciative I am, and Senator Courtney and Senator Plowman on our side, for the tremendous grace and helpfulness with which our current Secretary is handling this transition. It has been enormously helpful. It is very much appreciated. I think it is a tribute to her service and to her love of this institution that she is insuring an effective transition and we are very grateful for that.

Senator **JACKSON** of Aroostook was granted unanimous consent to address the Senate on the Record.

Senator **JACKSON**: Thank you, Madame President. Ladies and gentlemen of the Senate, I guess I kind of wanted to get up before the good Senator from Washington, Senator Raye, but because of his position I was glad to defer to him first. I also wanted to say something to Joy on the record. When I was in the other Body I was kind of scared of you. In the last two years I have really enjoyed a lot working with you. You've helped me out a great deal and I really appreciated it. I'm sorry to see you go. I hope you have a great retirement. To Libby, the same thing. Really good people. Anyone that I have served with in the last two years that are not going to be back, I'm sorry for that. I wish everyone here a good retirement, a good life, and I'm just sorry to see people go. It's been a good two years. Take care everyone.

Senator **BARTLETT** of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator **BARTLETT**: Thank you, Madame President. I would like to congratulate all members who were reelected and will be returning to this Chamber in the 125th. I want to extend best wishes to those of you who will not be returning as you go on with your civilian lives in the days and months ahead. I, too, want to thank our Senate Secretary, Joy O'Brien, for her extraordinary work. I came into the Senate knowing very little about Senate procedure and trying to figure out how to get things done. She was always there with answers to questions and providing advice. She was always willing to listen and help us through the process. She did that with members on both sides of the aisle. For that we are forever very grateful. I also want to wish the Senator from

Washington, Senator Raye, very well in his nomination and the role that he will be playing in the 125th Legislature. It's always been a pleasure working with Senator Raye and with members of leadership. We really wish you all the best in the months ahead. Finally, Madame President, I just wanted to one last time thank you for your extraordinary service, not only to the Senate but also the state of Maine, over the years. It has been a wonderful experience being able to learn from you and being mentored by you and supported every step of the way. Thank you.

Senator **COURTNEY** of York 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.

Off Record Remarks

Senator **MILLS** of Somerset was granted unanimous consent to address the Senate off the Record.

Senator **DAMON** of Hancock was granted unanimous consent to address the Senate off the Record.

On motion by Senator **BRANNIGAN** of Cumberland, the Honorable **ELIZABETH H. MITCHELL**, President of the Senate, declared the Third Confirmation Session of the 124th Legislature, **ADJOURNED SINE DIE** at 10:39 in the morning, in memory of and lasting tribute to Cpl. Andrew L. Hutchins of New Portland.