

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

In Senate Chamber
Thursday
April 7, 2011

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

Prayer by Pastor David A. Garnett, Open Door Bible Baptist Church in Lisbon.

PASTOR GARNETT: As we come before God to invoke His guidance and help for us this day let us remember that in the beginning God created the heaven and the earth. It is to Him we now look for His guidance. Thank you for the invitation to open this session in prayer. I count it a great privilege. I hope I can come back again some time. Let us bow our heads and hearts together.

Father, we come before You. We ask You for Your presence. We ask You for Your guidance. Thank You for Your goodness towards us. Thank You for this day that You have given to us, another day that we can bring honor and glory onto You. We come before You recognizing that You are God. We ask You for Your help, for Your guidance, this day. Thank You again for all You have done for us. Thank You for sending Your son that we may have eternal life. It is in his name we ask these things. Amen.

Pledge of Allegiance led by Senator Philip L. Bartlett, II of Cumberland County.

Reading of the Journal of Wednesday, April 6, 2011.

Doctor of the day, Dr. William Atlee, MD of Augusta.

Out of order and under suspension of the Rules, on motion by Senator **COURTNEY** of York, the following Joint Order:
S.P. 443

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, April 12, 2011, at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Joint Orders

The following Joint Order:

H.P. 1049

ORDERED, the Senate concurring, that the Joint Rules be amended by adding Joint Rule 319 to read:

Rule 319. Review of provisions creating or enhancing criminal penalties.

Whenever a legislative proposal in a resolve or bill, including a budget bill, enacts a new crime or increases the penalty for an existing crime, the joint standing committee of the Legislature having jurisdiction over the proposal shall hold a public hearing and determine the level of support for the proposal among members of the committee. If there is support for the proposal among a majority of the members of the committee, the committee shall request the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters to review and evaluate the proposal for its impact on the criminal justice system. The joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters shall conduct the review and report back to the joint standing committee of jurisdiction and to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.

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

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

COMMUNICATIONS

The Following Communication: S.C. 225

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

April 4, 2011

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

Dear President Raye and Speaker Nutting:

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

L.D. 330 An Act To Exempt Farm Food Products and
Homemade Food Offered for Sale or for
Consumption at Certain Events from Certain
Licensing Requirements

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

Sincerely,

S/Sen. Roger L. Sherman
Senate Chair

S/Rep. Peter E. Edgcomb
House Chair

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

The Following Communication: S.C. 226

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

April 5, 2011

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

Dear President Raye and Speaker Nutting:

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

L.D. 639 An Act To Protect Medical Care Providers and
Hospital Staff

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

Sincerely,

S/Sen. Garrett P. Mason
Senate Chair

S/Rep. Gary E. Plummer
House Chair

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

The Following Communication: S.C. 227

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

April 4, 2011

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

Dear President Raye and Speaker Nutting:

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

L.D. 306 Resolve, Directing the Office of Program
Evaluation and Government Accountability To
Make Recommendations To Find Efficiencies in
Per-pupil Costs Associated with Interscholastic
Activities

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

Sincerely,

S/Sen. Brian D. Langley
Senate Chair

S/Rep. David E. Richardson
House Chair

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

The Following Communication: S.C. 228

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

April 4, 2011

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

Dear President Raye and Speaker Nutting:

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

- L.D. 493 An Act To Provide Municipalities with Reciprocal Rights To Rent Space for Street Lights on Utility Poles in Municipal Rights-of-way
- L.D. 1028 An Act To Ensure Open and Transparent Bidding for the Lowest Electric Rates

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

Sincerely,

S/Sen. Michael D. Thibodeau
Senate Chair

S/Rep. Stacey A. Fitts
House Chair

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

The Following Communication: S.C. 229

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

April 6, 2011

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

Dear President Raye and Speaker Nutting:

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

- L.D. 94 An Act Regarding the Moose Lottery
- L.D. 163 An Act To Auction Off Moose Permits to Hunting Lodges
- L.D. 289 An Act To Amend the Laws Governing Municipal Recreational Vehicle Registration Agent Fees
- L.D. 709 An Act To Adjust the Rules Governing Subcommittees on Moose Hunting Permits

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

Sincerely,

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

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

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

The Following Communication: S.C. 230

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

April 4, 2011

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

Dear President Raye and Speaker Nutting:

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

- L.D. 58 An Act To Prohibit Enforcement of the Federal Patient Protection and Affordable Care Act
- L.D. 165 An Act To Require Divorce Actions To Go to Mediation
- L.D. 317 An Act To Improve Efficiency and Compliance within the Judicial System
- L.D. 526 An Act To Protect Persons Who Have Buildings on Leased Land
- L.D. 791 An Act Regarding the Construction of New Court Facilities

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

Sincerely,

S/Sen. David R. Hastings III
Senate Chair

S/Rep. Joan M. Nass
House Chair

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

The Following Communication: S.C. 231

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

April 4, 2011

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

Dear President Raye and Speaker Nutting:

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

L.D. 799 An Act To Provide Capital for Economic Development in Aroostook County

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

Sincerely,

S/Sen. Christopher W. Rector
Senate Chair

S/Rep. Kerri L. Prescott
House Chair

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

The Following Communication: S.C. 232

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

April 5, 2011

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

Dear President Raye and Speaker Nutting:

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

L.D. 465 An Act To Provide Efficient Delivery of Economic Development Services

L.D. 751 Resolve, To Examine State Programs That Grant Funds To Improve Real Property and To Establish a Formula for Recouping Certain Funds

L.D. 947 An Act To Encourage Professionals To Move to the State

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

Sincerely,

S/Sen. Christopher W. Rector
Senate Chair

S/Rep. Kerri L. Prescott
House Chair

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

The Following Communication: S.C. 233

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

April 4, 2011

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

Dear President Raye and Speaker Nutting:

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

L.D. 72 An Act To Require State Agencies To Give Priority to State Armories When Renting Space for Meetings

L.D. 601 An Act To Set Aside One Percent of Committed State Funds for Food Projects

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

Sincerely,

S/Sen. Douglas A. Thomas
Senate Chair

S/Rep. H. David Cotta
House Chair

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

The Following Communication: S.C. 234

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

April 4, 2011

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

Dear President Raye and Speaker Nutting:

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

- L.D. 176 An Act Regarding Sales and Use Tax Audit Procedures and Enforcement
- L.D. 195 An Act To Provide Relief from Estate Tax Valuation Requirements for Surviving Spouses
- L.D. 490 An Act To Exempt the Value of Family Farms from the Estate Tax

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

Sincerely,

S/Sen. A. David Trahan
Senate Chair

S/Rep. L. Gary Knight
House Chair

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

The Following Communication: S.C. 235

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

April 5, 2011

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

Dear President Raye and Speaker Nutting:

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

- L.D. 1032 Resolve, To Require the Department of Transportation To Improve a Portion of U.S. Route 1

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

Sincerely,

S/Sen. Ronald F. Collins
Senate Chair

S/Rep. Richard M. Cebra
House Chair

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

The Following Communication: S.C. 236

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

April 4, 2011

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

Dear President Raye and Speaker Nutting:

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

L.D. 901 An Act To Prohibit Individuals under 21 Years of Age from Being in Certain Establishments Licensed To Sell Alcohol

Senate called to order by the President.

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

Sincerely,

S/Sen. Nichi S. Farnham
Senate Chair

S/Rep. Michael G. Beaulieu
House Chair

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

The Following Communication: S.C. 237

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

April 5, 2011

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

Dear President Raye and Speaker Nutting:

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

L.D. 74 An Act To Impose Liability on a Landlord for Damages Caused by a Tenant's Pet

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

Sincerely,

S/Sen. Nichi S. Farnham
Senate Chair

S/Rep. Michael G. Beaulieu
House Chair

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

Senate at Ease.

SENATE PAPERS

Bill "An Act To Amend the Laws Governing Self-service Storage in the State"

S.P. 442 L.D. 1428

Presented by Senator COURTNEY of York.
Cosponsored by Representative CRAFTS of Lisbon and Senators: COLLINS of York, MARTIN of Kennebec, PLOWMAN of Penobscot, THIBODEAU of Waldo, Representatives: CRAY of Palmyra, WATERHOUSE of Bridgton.

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

Sent down for concurrence.

Bill "An Act Concerning Notification to an Employer of Misrepresented Medical Information under the Maine Human Rights Act"

S.P. 440 L.D. 1426

Presented by Senator GOODALL of Sagadahoc.

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

On motion by Senator **RECTOR** of Knox, **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

Bill "An Act To Implement Recommendations on Reinventing Government"

S.P. 444 L.D. 1437

Presented by Senator WOODBURY of Cumberland.
Cosponsored by Representative VOLK of Scarborough and Senators: HILL of York, HOBBS of York, KATZ of Kennebec, LANGLEY of Hancock, RECTOR of Knox, Representatives: CAIN of Orono, HAYES of Buckfield, PRESCOTT of Topsham.

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

On motion by Senator **THOMAS** of Somerset, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

Bill "An Act To Amend Seasonal Licenses for the Operation of Beano or Bingo Games"

S.P. 441 L.D. 1427

Presented by Senator GOODALL of Sagadahoc.
Cosponsored by Representative OLSEN of Phippsburg.

On motion by Senator **FARNHAM** of Penobscot, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

Sent down for concurrence.

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

The members of the Thornton Academy Boys Hockey Team, who won the 2011 Class A State Championship: Taylor Browne, Samuel Canales, Andrew Carignan, Nicholas Chen, Tyler Danley, Robert Downing, Jonathan Dupee, Alexander Fallon, Joseph Ferrante, Jameson Finch, Jonathan Herlihy, Alex Lambert, Drew Lavigne, Andrew Lemoine, Matthew Letellier, Brett Levasseur, Ryan Locke, Gregory Lodge, Dakota Matthews, Cooper O'Brien, Christopher Maksut, Jonathan Pate, Seth Prior, John Remmes, Jeremy Sylvain and Brandon Veilleux; team manager Bryce Lamontagne; head coach Shawn Rousseau; assistant coaches Richard Hebb, Keith O'Leary, Michael Roux and Ronald Sevigny; athletic director Gary Stevens; and headmaster Carl Stasio. This is the first hockey state title in the school's history. We send our congratulations and best wishes to the team on their accomplishment;

SLS 172

Sponsored by Senator HOBBS of York.
Cosponsored by Representatives: BELIVEAU of Kittery, PILON of Saco, VALENTINO of Saco.

READ.

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

Senator **HOBBS:** Thank you, Mr. President. Men and women of the Senate, I rise today in honor and to stand here and recognize the players and coaches of the Thornton Academy Hockey Team for winning the State Class A Championship. I am proud of these young fellows, and as you may not know, this victory was Thornton Academy's first state title in the school's hockey history. To get to this win they had to beat the 21 time state champions, the Blue Devils from Lewiston High School, by a 4 - 3 margin in a thrilling double time over-time state championship game. Let me tell you, it was hockey at its best.

The Trojan's finished their impressive season with 17 wins and only 5 losses. The champion players are all here today with their head coach, Shawn Rousseau; assistant coaches, Rick Hebb, Keith O'Leary, Mike Roux, Ron Sevigny; and team manager, Bryce Lamontagne. I would also like to recognize the athletic director, Gary Stevens, and headmaster, Carl Stasio, for their support of this team and the athletic program and the entire educational experience at Thornton Academy. Congratulations again to the Thornton Academy team and coaches and we are proud of your accomplishments and wish you the best in your future endeavors. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is very pleased to recognize in the rear of the chamber the members of the Thornton Academy Boys Hockey Team along with their coaches. Would they please rise and accept the greetings and congratulations of the Maine Senate.

Joint Resolution

On motion by Senator **PLOWMAN** of Penobscot, under unanimous consent on behalf of Senator **COURTNEY** of York, the following Joint Resolution:

S.P. 445

JOINT RESOLUTION RECOGNIZING ALCOHOL AWARENESS MONTH AND THE MAINE BEER AND WINE DISTRIBUTORS ASSOCIATION'S RESPONSIBILITY INITIATIVE

WHEREAS, April is Alcohol Awareness Month as designated by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration to raise awareness of the problem of alcohol abuse; and

WHEREAS, the Maine Beer and Wine Distributors Association member companies play a critical role in Maine's economy, providing thousands of beer, wine and nonalcoholic beverage choices to people in the State and delivering their products safely, efficiently and regularly to the thousands of retailers who sell them to consumers in Maine, supporting more than 3,000 jobs in Maine. The distributors are a vital part of the Maine economy by generating \$681,000,000 in annual sales for a wide variety of Maine businesses; and

WHEREAS, the Maine Beer and Wine Distributors Association has initiated a statewide initiative to recognize Alcohol Awareness Month in Maine through its Celebrating Responsibility 2011 initiative, in order to:

1. Educate the public that alcohol is a unique product that requires regulation and responsible consumption. The distributors have emphasized that the importance of a strong three-tier, state-based distribution system is the key to effective and accountable alcohol control and are proud to be a part of this 75-year-old system;

2. Promote responsibility. The Maine Beer and Wine Distributors Association has partnered with Maine Olympian Julia Clukey, who is actively involved as a spokesperson for the initiative;

3. Educate young people about the consequences of underage drinking. As the spokesperson for the initiative, Ms. Clukey has recorded public service announcements and appeared on local radio shows to emphasize the importance of individual responsibility;

4. Promote good decision making and positive life choices. The Maine Beer and Wine Distributors Association last year sponsored presentations by Ms. Clukey at schools throughout Maine. In total, over 3,000 Maine students had the opportunity to be a part of Ms. Clukey's inspiring presentation to promote good decision making and positive life choices, and more school appearances are planned for 2011;

5. Address public safety. As part of this effort, member companies provide support for numerous alcohol awareness initiatives to help Maine residents make responsible choices about drinking;

6. Support many community initiatives that make Maine an even better place to live, work and play. As parents, neighbors and employers, Maine distributors continue to support local communities across Maine; and

7. Educate the public about the state-based regulatory system; and

WHEREAS, the Maine Beer and Wine Distributors Association created a publicly accessible website to highlight its current community involvement and efforts to promote responsibility; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to acknowledge and send our appreciation to the Maine Beer and Wine Distributors Association and its employees in Maine for their responsibility initiative and for providing a publicly accessible educational website that promotes responsible alcohol use; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Public Safety, the Department of Health and Human Services, Office of Substance Abuse, the Maine Beer and Wine Distributors Association and Olympian Julia Clukey.

READ.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by Senator **COURTNEY** of York to **ADOPT**.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Establish Juneteenth Independence Day" H.P. 560 L.D. 753

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.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend the Telecommunications Education Access Fund" H.P. 437 L.D. 554

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-63)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-63)**.

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

READ ONCE.

Committee Amendment "A" (H-63) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend the Laws Governing the Duties of the Director of the Governor's Office of Energy Independence and Security" H.P. 541 L.D. 710

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-64)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-64)**.

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

READ ONCE.

Committee Amendment "A" (H-64) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Amend the Laws Governing Aquatic Nuisance Species"

H.P. 205 L.D. 252

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-66)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-66)**.

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

READ ONCE.

Committee Amendment "A" (H-66) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Resolve, To Establish a Single Construction Permit for Aboveground Oil Storage Tanks in Gravel Pits and Quarries

H.P. 206 L.D. 253

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-67)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-67)**.

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

READ ONCE.

Committee Amendment "A" (H-67) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Amend the Natural Resources Protection Act Regarding Coastal Sand Dune Systems"
H.P. 313 L.D. 387

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-65)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-65)**.

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

READ ONCE.

Committee Amendment "A" (H-65) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Portions of Chapter 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)
H.P. 329 L.D. 411

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-61)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-61)**.

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

READ ONCE.

Committee Amendment "A" (H-61) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow an Angler To Gift a Freshwater Fish to a Person Who Is Not Licensed To Fish"
H.P. 244 L.D. 302

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-69)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-69)**.

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

READ ONCE.

Committee Amendment "A" (H-69) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Create an Apprentice Trapper License"
H.P. 480 L.D. 650

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-70)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-70)**.

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

READ ONCE.

Committee Amendment "A" (H-70) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Eliminate Dual Certification Requirements for Speech-language Pathologists"
H.P. 111 L.D. 129

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-68)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-68)**.

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

READ ONCE.

Committee Amendment "A" (H-68) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Amend the Law Pertaining to Loaner Registration Plates"
H.P. 455 L.D. 625

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-71)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-71)**.

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

READ ONCE.

Committee Amendment "A" (H-71) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding the Official State Seal"
H.P. 73 L.D. 87

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

Signed:

Senators:
THOMAS of Somerset
COLLINS of York
SULLIVAN of York

Representatives:
BOLAND of Sanford
BOLDUC of Auburn
CASAVANT of Biddeford
GILLWAY of Searsport
HARVELL of Farmington
KAENRATH of South Portland
MOULTON of York

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-62)**.

Signed:

Representatives:
COTTA of China
CELLI of Brewer
GRAHAM of North Yarmouth

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

Reports **READ**.

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

Divided Report

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

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-54)**.

Signed:

Senator:
PATRICK of Oxford

Representatives:
DAVIS of Sangerville
BRIGGS of Mexico
CRAFTS of Lisbon
EBERLE of South Portland
ESPLING of New Gloucester
GUERIN of Glenburn
SARTY of Denmark
SHAW of Standish
WOOD of Sabattus

Two members of the same Committee on the same subject reported in Report "B" that the same **Ought Not to Pass**.

Signed:

Senators:
MARTIN of Kennebec
TRAHAN of Lincoln

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-55)**.

Signed:

Representative:
CLARK of Millinocket

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

Reports **READ**.

On motion by Senator **MARTIN** of Kennebec, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF ANY REPORT**.

Senate

Ought to Pass As Amended

Senator THIBODEAU for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Reduce Costs for Businesses with Previous Utility Payment Records"
S.P. 222 L.D. 732

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-28)**.

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

READ ONCE.

Committee Amendment "A" (S-28) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Provide Funds for Municipal Sand and Salt Storage Facilities"
S.P. 81 L.D. 272

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-27)**.

Signed:

Senators:
COLLINS of York
THOMAS of Somerset

Representatives:
CEBRA of Naples
GILLWAY of Searsport
PARRY of Arundel
RIOUX of Winterport
ROSEN of Bucksport
THERIAULT of Madawaska
WILLETTE of Mapleton

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

Signed:

Senator:
DIAMOND of Cumberland

Representatives:
HOGAN of Old Orchard Beach
MAZUREK of Rockland
PEOPLES of Westbrook

Reports **READ**.

Senator **COLLINS** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I don't want to take too much of your time but I think it's important to point out what this bill is doing. This bill pays back 16 municipalities for salt and sand sheds that have been built over the years, money owed back to the towns. Those payments have been made but not on time. In fact, they are probably at least two years behind in making those payments. This bill, which is sponsored by the good Senator from York, Senator Courtney, is well intended. In fact, not only is it that but I fully understand why he's doing it. It's because he has constituents who, obviously, are concerned about the non-payment at this time. The problem is this bill costs \$1.5 million. The Governor has already acknowledged that there is a problem with the pay back and he's already included in his budget \$800,000 which will pay back eight of those municipalities. Of course the intent is to get them all paid back, but for us to now have a bill, before we've debated this in our budget even, and pass it by saying that here's \$1.7 million for one line in the budget doesn't seem like it's probably the appropriate thing to do at this time.

Our budget, the Highway Budget, is one that is in just as much trouble as the General Fund Budget. It's in just as much trouble. I think we need to acknowledge that early on and we need to be up front with our colleagues and with the citizens of this state. When something comes in that we know we can't afford, I think we have to say no. However, as I indicated earlier, this is still in the budget and the Governor has recognized the problem. He has started with \$800,000 to address the problem. I think we need to go through that process and have the entire committee, in a work session, see if want to increase the \$800,000.

The Governor and his staff and DOT oppose this bill. All for good reason and for one reason, we're making headway with this but we can't afford a 200% increase in this one line in the budget. The argument may be that, "Well, let's pass it and put it on the Special Highway Table and see if there is any money left to do it that way." Ladies and gentlemen, there will be no Highway Table. There will be no General Fund Table, I would expect but I'm not on that committee so I can't say that for sure. I can tell you right now that in the Highway Fund we're already discovering some serious problems that we weren't expecting to fund with the Highway Budget. There will be no table. What I am suggesting is let's be up front, let's say it's a great idea, well intended, but we can't afford a 200% increase. We shouldn't be pulling one line out of the budget to address one piece of legislation. Let's go down and work on it in committee and see what we can do. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY:** Thank you Mr. President. Men and women of the Senate, I appreciate the comments of the good Senator from Cumberland, Senator Diamond, and we do understand that this is a long shot to actually get it funded, but I think it's more important that we acknowledge the policy of the State to not pay the bills to municipalities and that we want to change this. Maybe this is just a vote to say you support your municipality and it should have been paid years ago but it hasn't been. If that is how it is then that is how it is. I think it keeps it at the forefront.

When I was a freshman in the other Body I was put on the Taxation Committee. Being a naive freshman, we were encouraged to kill every bill and hope we could come up with some tax reform package. I think that was a mistake because we did that and then at the end, in the middle of the night when we adjourned, the tax reform package died along with everything else. What we didn't do is that we weren't able to put forward, on an individual basis, what our policy direction should be. We weren't able to express clearly, unfortunately, at that time during that year how we felt about the various issues. I think the process has worked quite admirably. It went through the process, the committee process, and they were supportive of it and they acknowledged that the State should be paying their bills. I would encourage you to support the Ought to Pass as Amended report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Collins.

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, this is one of those unpaid bills. I think it's the right time to step up to the plate and say we've owed this money for a very long time. I think it's approaching a 20 year anniversary that we've owed municipalities across the state of Maine for construction of their sand/salt sheds. I would make a wager today in this Chamber that each and every one of you have heard complaints from at least one of your communities that you represent that money is still owed from paying them back for their sand/salt sheds. It's about time we stepped up to the plate and do the right thing and pay for them. Now the good Senator from Cumberland, Senator Diamond, acknowledged that funding may not be available. However, I've been around legislative process for a few years and I'll say one thing, sometimes the money can be found. We haven't worked through our budget yet. Certainly this is a step in the right direction, to put this bill through and pass it. I urge each and every one of you here today to pass this bill. Follow my light and vote for the Ought to Pass report. Thank you.

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

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I do want to respond and thank you for the opportunity. I just want to make a couple of corrections or clarifications maybe. There are 16 towns, as I mentioned earlier. The most recent payment was in 2009 and it goes back to 2004. If we took this model and decided to help 16 out of 500 and some odd communities on a process and a program that is already in place at a time when we can't afford it, it seems to me that it doesn't make a lot of sense. I would ask you to think about that, think about the message we're sending to everybody. Can we

afford a 200% increase in one line for 16 communities that is already on the plan by this Governor in this budget to start paying what needs to be paid off? Eight of them will be paid off with this budget that the Governor has presented. Thank you, Mr. President.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, we gave our word to these communities and now what I hear is this is too much so we don't want to keep our word. We should be more careful when we tell people we're going to do something. We ought to keep our word. Thank you.

THE PRESIDENT: 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 do agree with the good Senator from Somerset, Senator Thomas. We have made promises on many aspects of the legislature. I think one of the promises we made was to State workers' and teachers' pension and retirement system and I do think we ought to make sure we pay all of our bills. I do have one of the towns in here and it really kind of bothers me that I may end up voting against this because in every committee we come up with these issues like yesterday in the Legal and Veterans Affairs Committee. We came up with an important issue of giving \$500 to our returning veterans from Iraq and Afghanistan and I said to the committee at that time that I couldn't vote against that issue but where were we going to get the money? It was \$17 million. That happens time and time again. One of the problems that we all should realize is that we were part of it. For the last 12 years, every single year, what do we do? We keep giving tax exemptions, tax exemptions, tax exemptions. What do we get? We are reducing our revenue. How are we ever going to repay our bills if we don't have any revenue coming in? With that I thank you, Mr. President.

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

Senator **BARTLETT:** Thank you Mr. President. As I look at this particular issue it seems to me that what we've done is pulled one line out of the budget for separate consideration. It seems to me that the appropriate place for this to be dealt with is through the budget. As the Senator from Cumberland, Senator Diamond, pointed out, it has a payment in it. It seems to me that this debate should be happening in Appropriations where all the demands on the money will be taking place rather than separately on this bill. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Collins 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 (#28)

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

NAYS: Senators: ALFOND, BARTLETT, BLISS, BRANNIGAN, CRAVEN, DIAMOND, GERZOFSKY, GOODALL, HOBBS, JACKSON, MCCORMICK, PATRICK, SULLIVAN

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **COLLINS** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-27) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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

Resolve, Regarding Legislative Review of Chapter 3: Eligibility Requirements for Specialized Case Types, a Major Substantive Rule of the Maine Commission on Indigent Legal Services (EMERGENCY)

H.P. 451 L.D. 593

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

House As Amended

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

Bill "An Act To Extend the Maximum Time Period for Powers of Attorney for Minors and Incapacitated Persons"

H.P. 147 L.D. 170
(C "A" H-57)

Bill "An Act To Prohibit the Issuance of a 2nd Absentee Ballot under Certain Circumstances"

H.P. 156 L.D. 179
(C "A" H-58)

Bill "An Act To Refund the Sales Tax Paid on Fuel Used in Commercial Fishing Vessels"

H.P. 162 L.D. 185
(C "A" H-53)

Resolve, Directing the Department of Transportation To Place Signs Directing Motorists to Hebron Academy at the Closest Interstate Exits (EMERGENCY)

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

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

Off Record Remarks

ENACTORS

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

Emergency Measure

An Act To Extend the Dental Care Access Credit for Dentists Who Practice in Underserved Areas of the State

H.P. 141 L.D. 164
(H "A" H-44 to C "A" H-35)

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 13: Municipal Service Fee, a Major Substantive Rule of the Department of Health and Human Services

H.P. 87 L.D. 105
(C "A" H-50)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act To Authorize Licensed Veterinarians To Honor Prescriptions from Other Licensed Veterinarians

H.P. 154 L.D. 177
(C "A" H-46)

An Act To Modify Child Support Enforcement Procedures

H.P. 179 L.D. 202
(C "A" H-45)

An Act Concerning Models for Teacher and Principal Evaluations

H.P. 317 L.D. 391
(C "A" H-52)

An Act To Require Prompt MaineCare Decisions on Care for Children with Life-threatening Conditions

H.P. 336 L.D. 443
(C "A" H-51)

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

An Act To Include Independent Practice Dental Hygienists in MaineCare

H.P. 58 L.D. 70
(C "A" H-49)

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (3/24/11) Assigned matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase the Maximum Distance from a School within Which a Sex Offender May Not Reside That May Be Set by Municipal Ordinance"
S.P. 23 L.D. 8

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-13)** (6 members)

Tabled - March 24, 2011, by Senator **COURTNEY** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 24, 2011, Report **READ**.)

Senator **MASON** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today, as I have the last three or four sessions, to challenge this bill. Bad policy is bad policy no matter how many times it comes under the dome. It hasn't changed. It's still bad policy. I've been handing out information to the members over the last week and today explaining how our DAs feel about this Minority Report, and also the Majority Report. They are critical of it. They are opposed to it. All the DAs, except for one that I know of, are absolutely opposed to this. The Department of Corrections is opposed to this. All law enforcement agencies that have been in front of the committee have been opposed to it and I can't remember any testimony in front of the committee that supported this bill either this session, the 124th, or the 123rd. I have never heard any testimony that supported this except for my very good friend from York County, Senator Courtney, who has brought this bill. The Senator from Penobscot, Senator Plowman, has also weighed in in the past. We all look at these issues from clear eyes on the committee. We have seen studies from around the country that have been done by universities and that have been done by department of corrections in different states over the years since the 1990's. So far I haven't been any place in the country, nor have I read any studies from any place in the country, that recommends this action. Actually states that put this law into effect rescinded it because they found out the same thing we will find out if we ever put this into law, that we drive people into hiding. We drive people that we need to keep under surveillance out into the country, out into places where we can't find them. Under bridges. Most of these offenders are, and there are some that are really really, bad people. I can't say the words. I would put them out on an island someplace and just let them sit out there but we can't do that. Most of these people are forced to live at home with their parents because they can't find housing. They are forced to hide so that our probation officers lose track of them. They are forced into trying to stay away from the public eye. That is where we want them to be, under the public eye. We want these people to be scrutinized. We want to know where these people are. This legislation is bad policy, Mr. President. This legislation does just the opposite of what we want. Instead of keeping these people accountable, we lose track of these people. It's been shown in every study around the country. I have yet to hear anybody come in front of my committee or any forum I've been to around the country dealing with this subject. We had a forum in Portland a year ago. Not a single person came in supporting this sort of legislation. The people from around the country came and told us that this is bad legislation, this is bad policy. We had in my committee, I believe it was in the 123rd, because of the sex offender issue, we had sex offender 101. We had the Department of Public Safety bringing experts from around the

country here to talk to us, in the legislature. We took full advantage of that. This was one of the major concerns they had. Where these things are being implemented they are finding that it does just the opposite. It drives people under ground. It's the last place we want these people. We want these people to be supervised. We want these people to be where we can keep an eye on them. We want them to be easy contact for our probation department and our law enforcement. I urge the Body to do what we have done in the past and vote this legislation down. It gives a false sense of protection to some that opens a door to a lot of offenses being committed. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Mason.

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, I rise today in support of the Minority Report. This bill, presented by the Senator from York, Senator Courtney, would allow towns without a police department to have the option to enact a 2,500 foot barrier, which I would remind everyone is less than one half mile, around a building where children are the primary users, such as a school. This bill would allow municipalities to do what is best for them. As we all know, one size does not fit all. We need to remember what's right for Lisbon, my hometown, might not be right for Presque Isle. It might not be right for Bangor. We need to make sure that the towns have the right to enact these barriers as they see fit. Let me be clear, this is an option for those towns to have an additional tool at their disposal to protect their citizens. The MMA, which I believe came in support of this bill, told us, when we asked for additional information about the towns, that only 20 towns in our state use the current model that we have right now. This is an option for towns. They don't have to enact it. It's just an option there for their disposal.

I would just like to address two things on these handouts that the Senator from Cumberland, Senator Gerzofsky, handed out to us. One of the things that got brought up in our committee was the fact that this would push offenders into the wilderness. Mr. President, men and women of the Senate, I strongly believe that if these people are half a mile away from the school and they are being pushed into the wilderness then they are probably not seeking the treatment that they need. If they are in a town where they are a half a mile away from a public building where children are the primary users it just seems like they might not be in the right place.

When I came to this committee people who were on it before me said, "You're going to face some tough stuff in this committee." There has certainly been a lot of tough stuff that we have faced. A couple of months ago we had the chance to go to the computer crime lab in Vassalboro. We got to see where they looked up and tried to find these sex offenders who were basically using child pornography and distributing it on the internet.

One of the other issues that was brought up, and I bring that up to go to my next point, is that it would make it hard for sex offenders to comply with a less than half a mile barrier around some of these buildings. Mr. President, I would like to remind the members that while the offender's sentence in prison is over their victim's sentence lasts a lifetime. I lay that before the Senate for their consideration. I would strongly urge everyone to support the Minority Report. Thank you, Mr. President.

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

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I was a little intimidated to get up again to take on the good Senator from York, Senator Courtney's bill but I did think it was important that we hear even more about what this bill will do. The reason I'm getting up is because I spent four years as the Senate Chair of the Criminal Justice and Public Safety Committee and we did deal with a lot. I do want to congratulate and thank the good Senator from Androscoggin, Senator Mason, for his leadership on this very difficult committee and all the work that they have done so far this year. It's been difficult and they've done a wonderful job. I do want to point out a couple of things about this bill. We have dealt with this a long time. I understand the initial reaction to wanting to protect our children and wanting to keep sex offenders away from them. We've worked on that for years. I need to point out that we already have a law that says that, regardless of where you live, if you are a convicted sex offender, and you have been convicted of molesting children 14 and under, then you can't even hang out at any place where children are at regardless of where you live. That is the point behind these exclusionary zones. The point is to keep these people, who can be dangerous to our children, away from kids. If we tell somebody they have to live 2,500 feet away but don't say to them that they can't leave that house and walk down to the playground, what have we done? We've done nothing. That is why we passed a law two years ago that said that no matter where they live they can't go down and hang out where kids are. If they do they are going to be under arrest. That's the crux of the problem. It's not the distance from where someone lives from the location; it's where they go when they get out. That is what we tried to deal with and I think we did deal with that very effectively. The problem with putting in a 2,500 foot exclusionary zone, I know it's voluntary, is that it's optional. That's the issue. If it's an option for these various towns then they are going to say 1,000 feet, 1,200 feet, 800 feet, or whatever it's going to be. The problem with enforcing that is very very difficult. I understand the emotion behind what we are trying to do here, but you also have to realize that 90% of children that are molested are by someone who lives with them, a relative, or a friend. This really doesn't help, although it is well intended. We do have a law that says if you are convicted you cannot hang out in these places. That's what we want. That's what we've worked so hard to get. I would ask you to think carefully about this because what we really need to be concerned about is, as somebody already pointed out, that we will, in fact, because we know this has happened in other states, push some of those sex offenders out into rural areas. That does happen. I understand the well intentions of this bill. I think we have addressed it with the law that says you cannot hang out among children if you are a sex offender. I think this would probably complicate matters and take us in the wrong direction. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you Mr. President. Men and women of the Senate, I want to thank the Senator from Cumberland, Senator Diamond, for pointing out that we do have the law that says you can't hang out around where children are. Without being facetious, I'm not just worried about hanging out. I am

worried about where they go home. If it's within the same area where they are not allowed to hang out they are still able to view, study, and probably pick a target from where they do live. This is an issue I am passionate about. Protecting children is visceral to a mother. You heard that a victim's sentence is a life long sentence. These are not paper crimes. These are not armed robberies. These are not assaults where someone throws a punch. These are crimes, these are actions, that steal children's lives. They cause nightmares. In my career working for attorneys I have seen the reports that have made me lose sleep, sit at my desk and shake, and ask to have my assignments changed to someone who doesn't have children. We once sold a piece of land to a young family whose daughters, while at daycare, were assaulted by the woman's son and given a venereal disease. One was four and one was six. The father had to move out of the house for a very long time because every time he walked in the room with his shirt off the children went into hysterics. I sat with him and held him and cried because they had to find a piece of land and move into a mobile home so they could move away from the sex offender that still lived in their neighborhood. I cried with that man as he told me that he and his father could no longer approach these little girls. I held the hand of a young woman who blames herself because she could not stop the abuse that was happening in her own home. I've seen what happens to victims. The cases I've worked on involve children as young as six to a family of six children who were pimped out by their own parents and who, when they went to school every day, passed the homes of the people who participated in buying, selling, abusing, and torturing them. I will continue to view this as another deterrent. We have not yet, as a society, found enough deterrent to make this stop happening. Other policies seem to work. We have not yet addressed that this continues. For all of the time that we have been socialized individuals, rape has been abhorred. In most societies using children for sex objects has been abhorred. In other societies it can cost you your life. In other societies the penalties are swift and serve as a deterrent. We have not yet found a deterrent. Social indignation doesn't seem to be enough. Becoming a social outcast has not become enough. I don't know when we are going to find the magic bullet that says to people, "You will see this as a deterrent and perhaps you will not commit that crime." In my mind anyone who commits these crimes makes themselves, by virtue of the crime they pick, a social pariah and they should not be surprised when society views them that way. If this is another step to moving towards deterrent because treatment doesn't seem to be helping then I will vote for this and I will vote for it every single time because it's not the run-of-the-mill crime and it doesn't cause the run-of-the-mill damage. Thank you, Mr. President.

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

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I don't sit on the Criminal Justice Committee. I've sat here learning a lot. I think one thing connects us all, we all want to protect children. Let me say that again, I think we all want to protect children. I've sat here listening and trying to understand but I haven't heard one person explain that the current law isn't working. Could it do better? Yes. Is this a huge issue? Yes. I haven't heard anyone explain to me, maybe I just haven't heard it, why the current bill that we have isn't working. I also heard that during the committee

hearings that nobody spoke in favor of this. They heard from District Attorneys. They heard from law enforcement. They heard from others in field that do this work. We get sent up here to listen to the people. We go into our committees and we should listen to the people and listen to the people in the field. I've heard from the two former Chairs of this committee and they did listen to the people and they created and crafted a great law. I guess I just go back to my opening statement. We all want to protect children. I think we simply disagree on how that is best done but I do believe that the current law will protect children best. Thank you, Mr. President.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I first want to thank everybody for their passion on protecting children. Some of us may know people who've actually been victims. Some of us in the Chamber may have been victims. I'd like to focus in on the fact that my Senate colleague from Cumberland brought up that most often the victims are people that we know that may be in the home or our next door neighbors perhaps. Because we don't want to do something that would actually take us backwards and not protect children, I would suggest that this is probably not the path we want to take to get there. I also want to point out that, other than the fact that most of our public safety officials have spoken out in opposition to this legislation, it's important to understand that those of us who represent more rural areas would end up with more sex offenders in those rural areas because they would have more difficulty finding housing in urban areas. I have to stand up and speak out for my rural communities. Frankly, I don't think we want to be the place where the sex offenders get pushed out into. I hope that we don't support moving this bill forward and that we continue in our efforts to find ways to prevent children from being abused. I certainly can think of a lot of creative ways. Thank you very much, Mr. President.

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: The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY:** Thank you Mr. President. Men and women of the Senate, I thoroughly enjoyed the debate. It's funny but I think the comments from the good Senator from Cumberland about listening really strike home in this place because you learn a lot when you listen and I'm a work in progress. I'm still working at it. We heard that this law is working. Well it isn't working. I think anyone who was able to listen, my colleague, the Senator from Penobscot, clearly stated that the law isn't working and that we need to do better. We also heard that the set-back requirement was bad policy. The bad policy was adopted by the same people that say that the set-back policy is bad policy.

We have to listen to the people and I listened to the people of Lyman and Waterboro, two towns in my district, when they rose up because the State would not act with regards to set-back requirements and when the Department of Corrections helped a sex offender get located within a few hundred feet of a school. The people of Alfred and Lyman stood up to the State of Maine

and said that this was unacceptable. They went forward and they put forward an ordinance, a local ordinance, because the State would not act. They put this ordinance at 2,500 feet. They didn't just go out and say they wanted a 2,500 foot set-back, they went through due diligence. They went through the process. They looked at other places across the state. It wasn't like they pulled it out of the air.

Then there was this young lady from York County, a young lady that this fellow had brutally abused and raped and left for dead on a dirt road. This young lady who was 23 or 24 years old came out and said, "You know what, you're not going to do this to somebody else. You are not going to live next to a school and I'm going to stop you." She did. She came out and she brought the news cameras and she stood up and relived that awful, heinous thing that she went through. She did that because she felt that she wanted to make sure that when kids in Massabesic High School and Massabesic Middle School walked home from school they didn't have to walk by this monster.

Mr. President, men and women of the Senate, there are plenty of experts, and maybe we all think we're an expert in one area or another, but I've got to tell you that this is just some good old commonsense. Just some good old commonsense for the people that sent me here, the people of Lyman and Waterboro, who made it very clear what they wanted. They wanted a 2,500 foot set-back and I'll take their expertise over the experts across the state of Maine any day. Thank you, Mr. President.

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

Senator **GERZOFSKY:** Thank you Mr. President. I'd like to remind people that we have a law currently. It's 750 feet. I haven't heard in any testimony yet where that wasn't adequate. I personally thought the compromise that this was effective because every town in the state of Maine should have the same so that we know. This law isn't going to move anybody that currently lives anywhere any place. This current bill that we are looking at, that I consider extremely bad public policy because of the ramifications of it, might give the false impression that we're doing public safety. The kids that are up in this balcony need real public safety. They need to know that these people are being watched by the law enforcement and that means you don't send them out into the country. We need to know that these people are reporting to their probation officers, that they can be found, that they can't go and hide like they have in other states. I have study after study that's been in colleges and universities around this country that say exactly what I'm saying today. Nobody came into the committee to testify otherwise. I'd say, ladies and gentlemen of the Senate, do what is right. Give us some public safety. Keep that in your mind, not bad policy that will always turn into bad politics. Do what is right. Follow the people on this committee that understand and have listened to this and have gone around the country and have talked and listened to people coming here and telling us just how bad this is. Please, ladies and gentlemen of the Senate, please vote this down. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you Mr. President. Men and women of the Senate, if you would read the Minority Report as offered

you would find that the Minority Report actually does the exact opposite of what has been suggested. Do you want to live near a school or a place where there are children? You should move to somewhere where there is a police department and then you can live in the minimum set-back. If you want to live in the country, you should be told by your probation officer that if you pick a place that doesn't have a police department you need to make sure that the ordinance doesn't push you any further away than it would in Bangor or Hampden or Newport or Dexter or any other town that has a police department. This is an opt in for communities who do not have a local police department to keep an eye on the people you just heard about. It doesn't force people into the country. It says that if you live in the country you actually have to live further away from the school than in any other town. If you want to live in Bangor you can be a little closer to the kids. Come on in. By the way, you can get your treatment a little easier because there is a bus route, which probably happens to go right by the school too if you'd like to. That's what the bill says. It doesn't force people out. It actually says it's going to make it harder for them to find a place to live in the country. You want to move to Etna? You are going to have to live 2,500 feet from the school. You want to live in Dexter? You could cut that way down and you could be near your treatment. You can do both here. You are actually giving a greater measure of protection by moving people into where the services are and moving the people out away from the schools because they don't have a full time police department and they rely on the sheriff department. I would hope you will keep that in mind as you go forward. Thank you.

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

Senator **DIAMOND:** Thank you Mr. President. Men and women of the Senate, the good Senator from York, Senator Courtney, made reference to a sex offender in a couple of his towns. That was Joseph Tellier and the young girl he raped was 10 years old. She is Michelle Tardiff. I interviewed Michelle Tardiff for 3 hours this past December, recorded. Her issue was not distance. Her issue was retroactivity. The crime against her was committed prior to 1992. The Sex Offender Register Act required people to register only from 1992 on. Her offense was before that. Her tragedy, I would add. She came to our committee and testified on a bill that would make retroactivity go back to 1982, which is just what we did. She was astounded, as we all were, to find out this person wouldn't even have to register on the sex offender registry in the state of Maine. That was her issue. She followed him around every time he had a public sighting to make that point. She was interviewed several times. That is the issue. It was retroactivity. This bill, so we don't get confused, is about exclusionary zones. The biggest problem with this will be all these little towns opt in. It will be 750 feet, 800 feet, or 1,000 feet. They are governed and supervised by law enforcement, as the good Senator from Penobscot said, by sheriffs and deputies. They will go from one town to the next. What is the exclusionary zone here? What is it there? It's 100 feet difference here, 200 feet difference there. It really does cause a problem. It's important for us to know that with the passage of this Minority Report comes several logistical problems, not to mention the problems that we'll have beyond that with sex offenders and where they end up living. I just wanted to make the record straight, Mr. President, and thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY:** Thank you Mr. President. Men and women of the Senate, I purposely, in my comments, did not use the victim's name. I think it's important that we don't do that. Having said that, I think it was going back to when the victim stepped forward and stood up to DOC and stood up to this offender being put next to a school. It was absolutely about not only the points that were made by the good Senator from Cumberland but also about the fact that young children would have to walk by. It was very clear. It was well covered. It was covered by all the major media markets in the state.

I would just say that no one here is questioning anybody's motive as to their commitment to trying to get rid of this problem and solve this problem. I've got to tell you that the people in these districts made it very clear that if they had to stand up themselves and put a law in place they would do it. The State undid that law and that's why this bill has come forward and that is why this bill will continue to come forward. I would ask you to support the good Senator from Androscoggin and support the Minority Report. Thank you, Mr. President.

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

Senator **WHITTEMORE:** Thank you Mr. President. Ladies and gentlemen of the Senate, I am a member of the Criminal Justice Committee and I have heard all the evidence. I want to reiterate a few things that have been said here today. In regards to those experts that tell us that extending these residence distances drive them out of the towns, I'd like to make a few things very clear. This bill, as amended, is a very good bill. It is not going to be driving people into the woods. It's going to give those people in small towns that do not have enforcement to keep an eye on these people the ability to adopt this law. It's not mandatory. It will give the privilege to do so and make them feel that much safer. I urge you to vote as amended L.D. 8. Thank you, Mr. President.

THE PRESIDENT: The Senator from Cumberland, Senator Diamond, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just wanted to clarify, regarding the comment made by the good Senator from York, Senator Courtney, that I had full permission to use Michelle Tardiff's name. She understood her name would be brought not only into debate but before the committee, which it will on future bills. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Mason to Accept the Minority 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 (#29)

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

NAYS: Senators: ALFOND, BARTLETT, BLISS, BRANNIGAN, CRAVEN, DIAMOND, GERZOFKY, GOODALL, HILL, HOBBS, JACKSON, KATZ, MCCORMICK, PATRICK, RECTOR, SCHNEIDER, SHERMAN, SULLIVAN, WOODBURY

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **MASON** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Off Record Remarks

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

The Chair laid before the Senate the following Tabled and Later (4/5/11) Assigned matter:

Bill "An Act To Authorize a Highway Fund Bond Issue To Improve Maine's Roads and Bridges"

H.P. 1024 L.D. 1395

Tabled - April 5, 2011, by Senator **COLLINS** of York

Pending - **REFERENCE**

(In House, April 5, 2011, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.)

On motion by Senator **COLLINS** of York, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

The Chair laid before the Senate the following Tabled and Later (4/6/11) Assigned matter:

Bill "An Act To Provide Options to Municipalities Concerning the Maine Uniform Building and Energy Code"

H.P. 1042 L.D. 1416

Tabled - April 6, 2011, by Senator **COURTNEY** of York

Pending - **REFERENCE**

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

(In House, April 6, 2011, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.)

On motion by Senator **COURTNEY** of York, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

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

SECOND READERS

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

Senate

Bill "An Act Relating to Abandoned Vehicles"

S.P. 90 L.D. 301

READ A SECOND TIME and **PASSED TO BE ENGROSSED**. Sent down for concurrence.

Senate As Amended

Bill "An Act To Protect Children from Sexual Predators"

S.P. 172 L.D. 580
(C "A" S-26)

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.

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

PAPERS FROM THE HOUSE

House Paper

Resolve, To Conduct a Review of the Roles and Functions of the Department of Education and of Certain Mandates (EMERGENCY)

H.P. 1051 L.D. 1430

Presented by Representative GOODE of Bangor. Cosponsored by Senator FARNHAM of Penobscot.

Comes from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Provide for the Recycling or Proper Disposal of Architectural Paint"

H.P. 1054 L.D. 1433

Presented by Representative INNES of Yarmouth. Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: CHIPMAN of Portland, DUCHESNE of Hudson, RUSSELL of Portland.

Bill "An Act To Streamline the Waste Motor Oil Disposal Site Remediation Program" (EMERGENCY)

H.P. 1055 L.D. 1434

Presented by Representative MARTIN of Eagle Lake. Cosponsored by Senator SAVIELLO of Franklin and Senator: GOODALL of Sagadahoc, Representative: DUCHESNE of Hudson.

Come from the House, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Amend the Laws Governing Prescription Monitoring Information"

H.P. 1050 L.D. 1429

Presented by Representative MARTIN of Eagle Lake. Cosponsored by Representative: Speaker NUTTING of Oakland.

Bill "An Act To Establish Standards for the Administration of General Assistance Programs"

H.P. 1052 L.D. 1431

Presented by Representative STUCKEY of Portland. Cosponsored by Senator JACKSON of Aroostook and Senators: ALFOND of Cumberland, FARNHAM of Penobscot, Representatives: FREDETTE of Newport, MacDONALD of Boothbay, ROTUNDO of Lewiston.

Bill "An Act To Adopt the Interstate Prescription Monitoring Program Compact"

H.P. 1056 L.D. 1435

Presented by Representative MARTIN of Eagle Lake. Cosponsored by Representative: Speaker NUTTING of Oakland.

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

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Reform Maine's Health Insurance Laws"

H.P. 1057 L.D. 1436

Presented by Representative McKANE of Newcastle. Cosponsored by Senator SNOWE-MELLO of Androscoggin, Representative CROCKETT of Bethel, Senator WHITTEMORE of Somerset and Senator: COURTNEY of York, Representatives: CUSHING of Hampden, FITZPATRICK of Houlton, MORISSETTE of Winslow, O'CONNOR of Berwick, PICCHIOTTI of Fairfield, RICHARDSON of Warren, SIROCKI of Scarborough.

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

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Expand Apprenticeship Programs and Scholarship Programs with Funding from Identification of Ineffective Economic Development Tax Incentives"

H.P. 1053 L.D. 1432

Presented by Representative STUCKEY of Portland.
Cosponsored by Representative MARTIN of Eagle Lake, Senator ALFOND of Cumberland and Senators: JACKSON of Aroostook, PATRICK of Oxford, Representatives: FLEMINGS of Bar Harbor, GILBERT of Jay, HERBIG of Belfast, TUTTLE of Sanford.

Comes from the House, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

JOINT RESOLUTION - Recognizing Alcohol Awareness Month and The Maine Beer and Wine Distributors Association's Responsibility Initiative

S.P. 445

Tabled - April 7, 2011, by Senator **PLOWMAN** of Penobscot

Pending - motion by Senator **COURTNEY** of York to **ADOPT**

(In Senate, April 7, 2011, on motion by Senator **PLOWMAN** of Penobscot, under unanimous consent on behalf of Senator **COURTNEY** of York, **READ**.)

On motion by Senator **COURTNEY** of York, **ADOPTED**.

Sent down for concurrence.

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

Senator **MASON** of Androscoggin was granted unanimous consent to address the Senate off the Record.

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

Senator **SAVIELLO** of Franklin was granted unanimous consent to address the Senate off the Record.

Senator **PLOWMAN** of Penobscot 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.

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

On motion by Senator **COURTNEY** of York, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, April 12, 2011, at 10:00 in the morning.