

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

In Senate Chamber
Thursday
May 12, 2011

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

Prayer by Father Kevin J. Martin, Parochial Vicar, St. Michael Parish in Augusta.

FATHER MARTIN: Good morning ladies and gentlemen. It's great to be with you this morning. I thank you for the opportunity to lead you in prayer. A special welcome back to our former legislators and those presently serving our great state of Maine. I'm a native of Caribou and served many areas of the state of Maine. As I look around the Chamber this morning I see many familiar faces. It's a great joy to be with you again today and also as we thank our God for the gift of this state together. Let us pray.

Almighty and eternal God, You guide everything in wisdom and in love. By the wisdom of our leaders and integrity of citizens, may harmony and justice be secured for all people. You know the longings of our hearts and You protect our rights. In Your goodness watch over those in authority so that people everywhere may enjoy freedom, security, and peace. As we gather we pray for our Governor, for all the present and former members of this legislature, for judges, elected civil officials, and all others who are entrusted to guard and promote our political welfare. May they be enabled by Your powerful protection to discharge their duties with honesty and with ability. We likewise commend to Your unbounded mercy all citizens of the state of Maine, that we may be blessed in the knowledge and sanctified in the observance of Your holy law. May we be preserved in union and that peace which the world cannot give, and after enjoying all the blessings of this life, be admitted to those which are eternal. Lord God, may everything we do begin with Your inspiration and continue with Your help so that all our prayers and works may by You be happily ended. We pray to You who are Lord and God for ever and ever. Amen.

I'd like to conclude with an ancient bless from Aaron, an ancient priest, a priest of the Old Testament, the brother of Moses. May the Lord bless you and keep you. May his face shine upon you and be gracious to you. May he look upon you with kindness and give you his peace. Amen.

Pledge of Allegiance led by Senator Joseph C. Brannigan of Cumberland County.

America the Beautiful performed by Birdie Katz of Augusta.

Reading of the Journal of Wednesday, May 11, 2011.

Doctor of the day, Matthew McKay, MD of Hampden.

Out of order and under suspension of the Rules, on motion by Senator **COURTNEY** of York, the following Joint Order:
S.P. 503

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Monday, May 16, 2011, at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

Off Record Remarks

THE PRESIDENT: The Chair is very pleased to extend a warm welcome to former members who are here with us today for Welcome Back Day at the State House. Today is a day to honor and celebrate the contributions of those who have served Maine in the time honored tradition of our citizen legislature. It's a day to reconnect with old friends, to make new ones, and to share fond memories. It's a day that reminds us of the continuum of life and the traditions of this institution that we all love. Welcome Back Day is also a welcome exception to the rule that there is no such thing as a free lunch. As recently as two decades ago Maine legislators were making public policy and keeping in touch with their constituents under circumstances that were much, much more confined than those under which Maine lawmakers are working today. Today any Mainer connected to the internet can watch and listen to debate in the Senate and House Chambers. They can listen to legislative committee public hearings and work sessions. They can communicate instantaneously with their legislators by e-mail, text chats, and even by video conferencing, all with hand-held devices such as iPhones and Blackberries. Legislators are still asked by constituents about bills and issues, however, thanks to a new technology enabling Maine citizens to glean information on their own, legislators often hear from constituents who know as much or more about bills than we do. Yet new technology notwithstanding, some of the things within these granite walls seem to remain the same. This session, for example, our key issues are jobs, taxes, health reform, energy costs, and regulations. Sound familiar? I don't mean to suggest that we're spinning our wheels. We certainly are not. In fact just last night the Senate acted on landmark health insurance reform legislation and we did so in the finest of Maine's traditions, not only with bi-partisanship but with tri-partisanship. We pride ourselves on that here in Maine because we recognize that while we may come from different regions of Maine and represent different political parties or philosophies we are united in our love for Maine and its people and our respect for the institution of the

legislature. I know that whether you served here decades ago or just months ago your commitment to making Maine a better place to live, work, and raise a family guided your work under this dome. The civility and respect that characterizes the Maine legislature is borne of the knowledge that all who have served here share those goals, regardless of our difference approaches to achieving them. Thank you for being here. Thank you for your part in making history. Those of us serving today honor you and your contributions to Maine. We know that, like you, we will each return to our communities and pass the torch to those who follow us here and when that day comes we know the experiences we've shared here and the friendships we forged here will remain with us for the rest of our lives and one day we will join you in coming back here to reconnect for Welcome Back Day. Thank you and God bless you all.

At this time I would like to recognize some very special guests who are here with us here today. First I would like to invite the Honorable Gerald P. Conley, Sr., President of the 111th Maine Senate, to come forward to accept a gift on behalf of the Senate. Would the Sergeant-At-Arms please escort Senator Conley to the rostrum. Former President Conley has the distinction among all those here today of having served in the earliest Maine Senate, the 104th Senate. On behalf of the 125th Senate please accept this gift.

I would also like to ask the Sergeant-At-Arms if he would please escort the Honorable former Senator Catherine Carswell to the rostrum. Former Senator Carswell has the distinction out of all those here today of being the woman who served in the first Senate, the 105th Senate. On behalf of the members of the 125th Senate we are very pleased to present you with this gift and thank you for your service.

I would also like to recognize several other distinctions among those here today. The Senate members here today with the longest overall legislative service, and I would ask you to please rise and be recognized. Ronald Usher with 22 years of service, in the House the 107th and the 118th through the 121st sessions, in the Senate 108th through the 113th. Would you please rise and accept the greetings of the Maine Senate. Longest overall service by a woman Senator, the Honorable Mary Small with 24 years of service, 109th through 116th in the House and 117th through 120th in the Senate and she was the Republican Leader. Would you please rise and accept the greetings of the Maine Senate. The current Senate member with the longest overall legislative service is, no surprise, the Honorable Joseph Brannigan, his first term was in the 109th legislature. He is now serving his 7th term in the Senate. He is also the Senator with the longest overall legislative service, currently serving his 14th term. Would he please rise and accept the greetings of the Maine Senate. Now I'll recognize those former Senators who are here with us today and I would ask that you please rise when your name is called and I would ask if everybody would hold their applause until the end. Former Senator David Ault, former Senator Peter Bowman, former Senator Linda Curtis Brawn, former Senator Pamela L. Cahill, former Senator Mike Carpenter, former Senator Catherine Carswell, former Senator Gerald Conley, former Senator Scott Cowger, former Senator Peter Danton, former Senator Gerald Davis, former Senator Dana Devoe, former Senator Charles Dow, former Senator Walter Gooley, former Senator Richard Kneeland, former Senator Bonnie Titcomb Lewis, former Senator Carol MinKowsky, former Senator Richard Nass, former Senator John O'Dea, former Senator Don Rich, former Senator Christine

Savage, former Senator Howard Trotzky, and former Senator Ronald Usher. Have I missed any former Senators in the Chamber? Former Senator Jim Libby, former Senator Mary Small, and former Senator John Tuttle. Please extend a warm welcome to these former Senators of the great State of Maine. This is an oversight that I find unforgivable because she hails from the glorious city of Eastport, Maine. The former Senator from Lincoln, Senator Muriel Holloway. Would you please also rise and accept the greetings of the Maine Senate.

We're also very pleased to welcome back some former staff people who, over the years, have kept this Chamber running smoothly. Again I would ask that they please rise as their name is called and we will hold our applause until the end. O'Neil Boivin, Dorothy Canelli, May Ross Coffin, Martha Demeritt, Roger Fenn, Sharon Libby Jones, Terry Morrison, Ed Pert, Molly Pitcher, and Rosemary Winslow. Please extend warm greetings to these former staff people of the Maine Senate.

The Chair would note that at noon the buffet luncheon in the Hall of Flags will begin. Senate staff will be distributing tickets for the luncheon to the current members of the Senate immediately following session. Again, thank you to our former Senators and former staff for joining with us today. We are so glad to have you here and I look forward to having a chance to chat with many of you as the day goes on.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Require Disclosure of the Origin of Certain Products Sold at Farm Stands" (EMERGENCY)

S.P. 230 L.D. 738
(C "A" S-49)

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-49)** (2 members)

In Senate, May 10, 2011, on motion by Senator **SHERMAN** of Aroostook, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-49)**.

Comes from the House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

On motion by Senator **SHERMAN** of Aroostook, the Senate **RECEDED** and **CONCURRED**.

COMMUNICATIONS

The Following Communication: S.C. 346

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

May 11, 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 bills out "Ought Not to Pass":

- L.D. 382 Resolve, Authorizing Adjustments to Payments under the Dairy Stabilization Program (EMERGENCY)
- L.D. 467 An Act To Simplify Dog Licensure By Establishing a 3-year License
- L.D. 676 An Act To Enact Requirements Concerning Veterinary Prescriptions
- L.D. 779 An Act To Implement Standards Concerning Animal Welfare and Research Institutions
- L.D. 1184 An Act To Limit Liability of Apiary Owners and Operators

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

Sincerely,

S/Sen. Roger L. Sherman
Senate Chair

S/Rep. Peter E. Edgecomb
House Chair

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

The Following Communication: S.C. 347

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

May 11, 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 bills out "Ought Not to Pass":

- L.D. 1283 An Act To Allow Students Choice in High School Enrollment
- L.D. 1388 An Act To Allow Schools To Adopt Approved Alternative Curricula
- L.D. 1424 An Act To Enhance Parental Roles in Education Choice

We have also notified the sponsors and cosponsors of each bill listed 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. 348

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

May 11, 2011

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

Dear President Raye and Speaker Nutting:

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

- L.D. 240 An Act To Allow the Removal of Gravel Bars in the Sandy River

L.D. 1202 An Act To Equalize the Premiums Imposed on the Sale of Motor Vehicle Oil

L.D. 1433 An Act To Provide for the Recycling or Proper Disposal of Architectural Paint

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

Sincerely,

S/Sen. Thomas B. Saviello
Senate Chair

S/Rep. James M. Hamper
House Chair

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

The Following Communication: S.C. 349

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

May 10, 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 Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 560 Resolve, To Increase the Effectiveness of Accessibility Requirements for Persons with Disabilities

L.D. 586 An Act To Include the Record of Emergency Data Form as an Acceptable Instrument for the Disposition of Remains of a Service Member (EMERGENCY)

L.D. 1195 Resolve, To Create Equitable Reimbursement for Mental Health Providers

L.D. 1263 An Act To Establish One State Psychiatric Hospital

L.D. 1393 An Act To Require Estimates of Patient Costs in Any Plan of Care prior to Treatment

L.D. 1394 An Act To Impose Penalties for Certain Transfers of Assets at Less Than Fair Market Value by Individuals Receiving Long-term Care Services

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

Sincerely,

S/Sen. Earle L. McCormick
Senate Chair

S/Rep. Meredith N. Strang Burgess
House Chair

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

The Following Communication: S.C. 350

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

May 11, 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. 995 An Act To Require Dental Professionals To Provide Education to the Public on Oral Hygiene (EMERGENCY)

L.D. 998 Resolve, Directing the Finance Authority of Maine To Develop a Business Development Loan Program for Legal Immigrants

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. 351

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

May 11, 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 Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 725 An Act To Allow the Commissioner of Marine Resources To Use Discretion in Reissuing Scallop Licenses (EMERGENCY)
- L.D. 1282 An Act To Increase Fairness in Lobster Fishing Licensure

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

Sincerely,

S/Sen. Lois A. Snowe-Mello
Senate Chair

S/Rep. Windol C. Weaver
House Chair

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

The Following Communication: S.C. 352

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

May 10, 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. 1220 An Act To Improve the Workplace for State Employees (EMERGENCY)
- L.D. 1359 An Act To Enhance Local Control of Noise Ordinances

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. 353

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

May 11, 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. 1213 An Act To Provide Funding for a Convention Center or Civic Center in Cumberland County
- L.D. 1445 An Act To Provide More Efficient Notice of Public Activities

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.**

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. 354

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

May 10, 2011

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

Dear President Raye and Speaker Nutting:

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

- L.D. 432 An Act To Authorize a GARVEE Bond for the Interstate 95 Bridge at the Maine-New Hampshire State Line
- L.D. 618 An Act To Authorize a GARVEE Bond for the Memorial Bridge in Kittery
- L.D. 1071 An Act To Allow the Use of Mini-trucks on Public Ways
- L.D. 1247 An Act To Specifically Define Reasonable Operating Expenses for the Maine Turnpike Authority in Accordance with Its Enabling Act
- L.D. 1340 Resolve, To Suspend Fuel Tax Rate Adjustments for the 2012-2013 Biennium (EMERGENCY)
- L.D. 1495 An Act To Allow 45 Days To Register a Newly Acquired Motor Vehicle

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

The Following Communication: S.C. 355

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

May 10, 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 bills out "Ought Not to Pass":

- L.D. 178 An Act Relating to Distribution of Revenues from Future Casinos
- L.D. 1180 An Act To Transfer Responsibility for Oversight of Games of Chance to the Gambling Control Board

We have also notified the sponsors and cosponsors of each bill listed 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.**

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

SENATE PAPERS

Bill "An Act To Reduce Energy Prices for Maine Consumers"
S.P. 501 L.D. 1570

Presented by Senator THIBODEAU of Waldo. (GOVERNOR'S BILL)
Cosponsored by Representative DUNPHY of Embden.

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

Sent down for concurrence.

Bill "An Act To Restore the White-tailed Deer Population and Improve Maine's Wildlife Economy and Heritage"
S.P. 502 L.D. 1569

Presented by President RAYE of Washington.
Cosponsored by Representative DAVIS of Sangerville and Senators: MARTIN of Kennebec, TRAHAN of Lincoln, Representatives: CRAFTS of Lisbon, ESPLING of New Gloucester, SHAW of Standish.

On motion by Senator **MARTIN** of Kennebec, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Regarding the Sale of Raw Milk"

H.P. 292 L.D. 366

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

Signed:

Senators:

SHERMAN of Aroostook
SCHNEIDER of Penobscot
THIBODEAU of Waldo

Representatives:

EDGECOMB of Caribou
BLACK of Wilton
CRAY of Palmyra
DILL of Old Town
FOSTER of Augusta
GIFFORD of Lincoln
TIMBERLAKE of Turner

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-194)**.

Signed:

Representatives:

KENT of Woolwich
McCABE of Skowhegan
O'BRIEN of Lincolnville

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Directing the Department of Education To Amend Its Rules Pertaining to the Statute of Limitations for Filing a Due Process Hearing Request Regarding Special Education
H.P. 492 L.D. 662

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

Signed:

Senators:

LANGLEY of Hancock
MASON of Androscoggin

Representatives:

RICHARDSON of Carmel
EDGECOMB of Caribou
JOHNSON of Greenville
MAKER of Calais
McCLELLAN of Raymond
McFADDEN of Dennysville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-188)**.

Signed:

Senator:

ALFOND of Cumberland

Representatives:

LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram
WAGNER of Lewiston

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Enhance Public Participation in Decisions Relating to the Large-scale Extraction and Transportation of Water"

H.P. 812 L.D. 1077

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

Signed:

Senators:

THIBODEAU of Waldo
BARTLETT of Cumberland
RECTOR of Knox

Representatives:

FITTS of Pittsfield
BEAVERS of South Berwick
CRAY of Palmyra
DION of Portland
DUNPHY of Embden
HAMPER of Oxford
HINCK of Portland
LIBBY of Waterboro
LUCHINI of Ellsworth

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

Signed:

Representative:

CORNELL du HOUX of Brunswick

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Establish Recreational Flats Where Commercial Shellfish Harvesting Is Prohibited"

H.P. 909 L.D. 1218

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

Signed:

Senators:

LANGLEY of Hancock
SULLIVAN of York

Representatives:

WEAVER of York
BELIVEAU of Kittery
CHAPMAN of Brooksville
KNAPP of Gorham
KRUGER of Thomaston
KUMIEGA of Deer Isle
MacDONALD of Boothbay

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

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

OLSEN of Phippsburg
PARRY of Arundel
TILTON of Harrington

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Make Changes to Boards and Commissions Concerning Membership, Appointments and Terms"

H.P. 663 L.D. 904

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-182).**

Signed:

Senator:
SULLIVAN of York

Representatives:
COTTA of China
BOLAND of Sanford
BOLDUC of Auburn
CASAVANT of Biddeford
GRAHAM of North Yarmouth
KAENRATH of South Portland

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

Signed:

Senators:
THOMAS of Somerset
COLLINS of York

Representatives:
CELLI of Brewer
HARVELL of Farmington
MOULTON of York
TURNER of Burlington

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-182).**

Reports **READ.**

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Shorten the Legislative Sessions"

H.P. 717 L.D. 973

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

Signed:

Senator:
SULLIVAN of York

Representatives:
COTTA of China
BOLAND of Sanford
BOLDUC of Auburn
CASAVANT of Biddeford
CELLI of Brewer
GRAHAM of North Yarmouth
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-190).**

Signed:

Senators:
THOMAS of Somerset
COLLINS of York

Representatives:
HARVELL of Farmington
TURNER of Burlington

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

Reports **READ.**

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

Senate

Ought to Pass

Senator THIBODEAU for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Authorize the Public Utilities Commission To Exercise Jurisdiction over Private Natural Gas Pipelines To Ensure Safe Operation" (EMERGENCY)
S.P. 492 L.D. 1545

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator McCORMICK for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Create an Evidence-based Study and Comprehensive Plan for HIV and AIDS Services in Maine

S.P. 213 L.D. 724

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-98)**.

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

READ ONCE.

Committee Amendment "A" (S-98) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations"

S.P. 55 L.D. 205

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-90)**.

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

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

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

Signed:

Representatives:

BENNETT of Kennebunk
BURNS of Alfred
WATERHOUSE of Bridgton

Reports **READ**.

On motion by Senator **TRAHAN** of Lincoln, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-90) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Eliminate the Sunset Date of the Maine Historic Preservation Tax Credit"

S.P. 235 L.D. 742

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-89)**.

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

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

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

Signed:

Representatives:

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

Reports **READ**.

Senator **TRAHAN** of Lincoln moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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

Resolve, To Change Rules Concerning Landfill Gas and Odor Management from Routine Technical Rules to Major Substantive Rules (EMERGENCY)

H.P. 157 L.D. 180

Bill "An Act To Amend the Authority of the Washington County Development Authority" (EMERGENCY)

H.P. 839 L.D. 1127

Bill "An Act To Promote Fairness in Negotiations between Health Insurance Carriers and Health Care Service Providers"

H.P. 913 L.D. 1222

Bill "An Act To Amend the Washington County Development Authority"

H.P. 983 L.D. 1342

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

House As Amended

Bill "An Act To Create a Short-term All-terrain Vehicle Registration System" (EMERGENCY)

H.P. 152 L.D. 175
(C "A" H-195)

Bill "An Act To Change the Qualifications of Certain Members of the Board of Pesticides Control"

H.P. 254 L.D. 321
(C "A" H-187)

Resolve, Directing the Department of Environmental Protection To Amend Its Rules Regarding Snow Dumps

H.P. 266 L.D. 333
(C "A" H-156)

Bill "An Act To Exempt Boilers in Municipalities and Schoolhouses from State Inspection Requirements"

H.P. 301 L.D. 375
(C "A" H-176)

Bill "An Act To Amend the Laws Dealing with Limitation of Actions"

H.P. 375 L.D. 482
(C "A" H-192)

Bill "An Act To Allow a Waiver for On-premise Signs"

H.P. 403 L.D. 520
(C "A" H-201)

Bill "An Act To Update the Radon Registration Act"

H.P. 461 L.D. 631
(C "A" H-143)

Bill "An Act To Permit Disposal of Abandoned Manufactured Housing"

H.P. 487 L.D. 657
(C "A" H-183)

Bill "An Act To Amend the Process of Federal Aviation Administration Airport Improvement Program Grants"

H.P. 585 L.D. 778
(C "A" H-193)

Bill "An Act To Revise the Laws on Tournament Games"

H.P. 718 L.D. 974
(C "A" H-179)

Bill "An Act To Provide a Remedy to Property Owners When a Tenant Defaults on a Lease" (EMERGENCY)

H.P. 742 L.D. 1006
(C "A" H-180)

Bill "An Act To Require a Mortgagee To Provide the Original Release of Mortgage to the Mortgagor after the Release Is Recorded"

H.P. 748 L.D. 1012
(C "A" H-202)

Bill "An Act To Reduce Unnecessary Reporting Requirements for the Department of Environmental Protection"

H.P. 751 L.D. 1015
(C "A" H-199)

Bill "An Act To Amend the Law Concerning Overboard Discharge Systems"

H.P. 758 L.D. 1022
(C "A" H-151)

Bill "An Act To Amend the Laws Governing Land Surveyors"

H.P. 760 L.D. 1024
(C "A" H-203)

Bill "An Act To Increase the Availability of Independent Medical Examiners under the Workers' Compensation Act of 1992"

H.P. 791 L.D. 1056
(C "A" H-204)

Bill "An Act To Protect the Privacy of Maine Residents under the Driver's License Laws"

H.P. 803 L.D. 1068
(C "A" H-177)

Bill "An Act To Enable Prosecutions for Criminal Invasion of Computer Privacy"

H.P. 863 L.D. 1165
(C "A" H-185)

Bill "An Act To Make Changes to the Maine College Savings Program"

H.P. 871 L.D. 1173
(C "A" H-208)

Bill "An Act To Require the Correct Motor Vehicle Registration for Antique Autos and Custom Vehicles"

H.P. 958 L.D. 1306
(C "A" H-200)

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

Bill "An Act To Make Disputed Ballots in State Elections Public"

H.P. 225 L.D. 277
(C "A" H-178)

READ A SECOND TIME.

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

Bill "An Act To Reduce Noise Pollution by Requiring Mufflers on Motorcycles" (EMERGENCY)

H.P. 370 L.D. 477
(C "A" H-144)

READ A SECOND TIME.

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence. (Roll Call Ordered)

Bill "An Act To Conform Business Expense Deductions to Federal Law"

H.P. 843 L.D. 1137
(C "A" H-155)

READ A SECOND TIME.

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

Bill "An Act To Amend Certain Insurance Provisions Relating to Variable Annuity Death Benefits and Multiple Employer Trusts"

H.P. 648 L.D. 881
(C "A" H-158)

READ A SECOND TIME.

On motion by Senator **WHITEMORE** of Somerset, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

Senate

Bill "An Act To Rename the Maine Fire Training and Education Program at Southern Maine Community College the Maine Fire Service Institute"

S.P. 400 L.D. 1286

Bill "An Act To Amend the Laws Concerning the School Revolving Renovation Fund"

S.P. 419 L.D. 1356

Bill "An Act Regarding the Powers of the Director of the Maine State Museum Commission"

S.P. 469 L.D. 1493

Bill "An Act To Support Maine State Museum Accreditation"

S.P. 470 L.D. 1494

READ A SECOND TIME and **PASSED TO BE ENGROSSED.**

Sent down for concurrence.

Senate As Amended

Bill "An Act To Ensure Regulatory Fairness and Reform"

S.P. 10 L.D. 1
(C "A" S-87)

Bill "An Act To Amend the Law Governing Sales Tax Exemptions for Certain Nonprofit Youth Organizations"

S.P. 109 L.D. 396
(C "A" S-88)

Bill "An Act To Clarify the Method of Appealing Decisions of the Executive Director of the Maine Commission on Indigent Legal Services"

S.P. 182 L.D. 602
(C "A" S-93)

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.

Off Record Remarks

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

To Kevin L. Raye, President of the Senate in the One Hundred and Twenty-fifth Legislature

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

I, Charles E. Summers, Jr., Secretary of State, in accordance with the Constitution and laws of the State of Maine, having tabulated the return of the votes cast for Senate District 7 at the Special Election held on the tenth day of May in the year two thousand and eleven;

RECESSED until 7:00 in the evening.

Report as follows; that the following named person having received a plurality of the votes cast, appears to have been elected:

After Recess

SPECIAL ELECTION – May 10, 2011
STATE SENATE DISTRICT 7

Senate called to order by the President.

DILL, CYNTHIA ANN, Cape Elizabeth 5,081
MAIETTA, LOUIS B., JR., South Portland 2,405

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

I, CHARLES E. SUMMERS, JR., Secretary of State, hereby certify that the foregoing report is a true tabulation of the votes cast for State Senate at the Special Election, as reported to me on the returns from the municipalities in State Senate District 7.

PAPERS FROM THE HOUSE

S/Charles E. Summers, Jr.
Secretary of State

House Paper

Bill "An Act To Amend the Laws Governing Workers' Compensation"

READ and ORDERED PLACED ON FILE.

H.P. 1154 L.D. 1571

Presented by Representative CUSHING of Hampden. Cosponsored by Senator COURTNEY of York and Senators: PLOWMAN of Penobscot, THIBODEAU of Waldo, Representatives: CURTIS of Madison, FITTS of Pittsfield, McKANE of Newcastle. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Senator **COURTNEY** of York reported the Senator from Cumberland, Senator **DILL**, had, before the Governor, taken and subscribed to the oaths of office required by the Constitution. Thereupon, Senator **DILL** of Cumberland was escorted to her seat in the Senate Chamber by the Sergeant-At-Arms.

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

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

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

Senator **COURTNEY**: Thank you Mr. President. On behalf of this side of the aisle and a couple of seats over there I would like to extend a warm welcome to the good Senator from Cumberland, Senator Dill. It is a pleasure to have you here. I came from the other Body, and you will learn not to use that name once you are here. I came from the other Body and it was a great experience because some of the friendships and relationships that we've developed here and being able to set aside differences and to enjoy each others company has been a wonderful gift for me. I hope that you have the opportunity to enjoy that gift as well. We are truly honored to have you here. Thank you.

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

COMMUNICATIONS

The Following Communication: S.C. 358

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

ORDERS OF THE DAY

May 11, 2011

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

HOUSE REPORTS - from the Committee on **MARINE RESOURCES** on Bill "An Act To Establish Recreational Flats Where Commercial Shellfish Harvesting Is Prohibited" H.P. 909 L.D. 1218

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought To Pass** (4 members)

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

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 11, 2011, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 12, 2011, Reports **READ**.)

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

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Make Changes to Boards and Commissions Concerning Membership, Appointments and Terms" H.P. 663 L.D. 904

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-182)** (7 members)

Minority - **Ought Not To Pass** (6 members)

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

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 11, 2011, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-182)**.)

(In Senate, May 12, 2011, Reports **READ**.)

Senator **THOMAS** of Somerset moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, I don't intend to have to do this very often because I have been able to agree with my Senate Chair almost all the time. We differ on this perhaps because of the fact that we have a serious problem with people who are appointed to boards that seem to be reappointed it's sort of like until death. You are

guaranteed you are there until whenever. Quite frankly, we've had a serious problem in the past with things that happened. In the past the Executive has been too busy, it seems, to appoint the people we need to run our boards. If they are important to run, and we need them, then we need to make sure that we appoint people on time. This simply says that if you run out you can't serve beyond a year of your appointment running out, in case it runs out when we're not in session or something like that. I think it's important that the Executive has a right to fill the boards with people that he, or hopefully someday she, would like to have representing them. All this is is something that says we're going to look at membership, we're going to look at vacancies, and we're going to try to keep them up to date. It's not a hill I want to die on but I think it's important and I think I needed to explain the reason for this. For me, it's very important that those boards be filled or we're really wasting money and energy, people's energy. Thank you.

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by Senator **THOMAS** of Somerset to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**. (Roll Call Ordered)

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Shorten the Legislative Sessions" H.P. 717 L.D. 973

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-190)** (4 members)

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

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 11, 2011, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 12, 2011, Reports **READ**.)

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

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

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Eliminate the Sunset Date of the Maine Historic Preservation Tax Credit"

S.P. 235 L.D. 742

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-89)** (9 members)

Minority - **Ought Not To Pass** (4 members)

Tabled - May 12, 2011, by Senator **TRAHAN** of Lincoln

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

(In Senate, May 12, 2011, Reports **READ**.)

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

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **TRAHAN** of Lincoln to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report. (Roll Call Ordered)

Senate at Ease.

Senate called to order by the President.

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Make Changes to Boards and Commissions Concerning Membership, Appointments and Terms"

H.P. 663 L.D. 904

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-182)** (7 members)

Minority - **Ought Not To Pass** (6 members)

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

Pending - motion by Senator **THOMAS** of Somerset to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE** (Roll Call Ordered)

(In House, May 11, 2011, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-182)**.)

(In Senate, May 12, 2011, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#68)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **THOMAS** of Somerset to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED**

Sent down for concurrence.

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

Bill "An Act To Reduce Noise Pollution by Requiring Mufflers on Motorcycles" (EMERGENCY)

H.P. 370 L.D. 477
(C "A" H-144)

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

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence (Roll Call Ordered)

(In House, May 10, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-144)**.)

(In Senate, May 12, 2011, **READ A SECOND TIME**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#69)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, CRAVEN, DIAMOND, DILL, FARNHAM, GOODALL, HASTINGS, HILL, KATZ, LANGLEY, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THOMAS, WHITTEMORE, WOODBURY

NAYS: Senators: COURTNEY, GERZOFOSKY, HOBBS, JACKSON, MARTIN, PATRICK, THIBODEAU, TRAHAN, THE PRESIDENT - KEVIN L. RAYE

26 Senators having voted in the affirmative and 9 Senators having voted in the negative, the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

Bill "An Act To Amend Certain Insurance Provisions Relating to Variable Annuity Death Benefits and Multiple Employer Trusts"
H.P. 648 L.D. 881
(C "A" H-158)

Tabled - May 12, 2011, by Senator **WHITTEMORE** of Somerset

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In House, May 5, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-158).**)

(In Senate, May 12, 2011, **READ A SECOND TIME.**)

On motion by Senator **WHITTEMORE** of Somerset, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-158), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-101) to Committee Amendment "A" (H-158) **READ.**

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

Senator **WHITTEMORE:** Thank you Mr. President. This is changing one line in regards to this amendment. It is a verification. The original line read, "the greater or stipulated payments paid under the contract and the value of the contract at the time of death". It has been changed to, "either the value of the contract at the time of death or the sum of the premiums less adjustments, withdrawals, from the policy, whichever is greater."

On motion by Senator **WHITTEMORE** of Somerset, Senate Amendment "A" (S-101) to Committee Amendment "A" (H-158) **ADOPTED.**

Committee Amendment "A" (H-158) as Amended by Senate Amendment "A" (S-101) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-158) AS AMENDED BY SENATE AMENDMENT "A" (S-101) thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (4/27/11) Assigned matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Relating to Selection of Constitutional Officers and the State Auditor"
S.P. 382 L.D. 1261

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-44)** (2 members)

Tabled - April 27, 2011, by Senator **THOMAS** of Somerset

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 27, 2011, Reports **READ.**)

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

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Allow Oak Grove Cemetery To Operate a Crematorium on a Parcel of Land Less than 20 Acres" (EMERGENCY)
H.P. 230 L.D. 286

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-142)** (10 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - May 11, 2011, by Senator **McCORMICK** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 10, 2011, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-142).**)

(In Senate, May 11, 2011, Reports **READ.**)

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

READ ONCE.

Committee Amendment "A" (H-142) **READ** and **ADOPTED**, in concurrence.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **COURTNEY** of York, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-142), in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-142), in concurrence.

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

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Decrease the Tax Burden on Maine's Seniors"
H.P. 601 L.D. 805

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-165)** (8 members)

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

Tabled - May 11, 2011, by Senator **TRAHAN** of Lincoln

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 10, 2011, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-165)**.)

(In Senate, May 11, 2011, Reports **READ**.)

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

Sent down for concurrence.

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

Bill "An Act To Amend Maine Law To Conform with Federal Law Regarding Employment Practices for Certain Minors"
S.P. 149 L.D. 516
(C "A" S-79)

Tabled - May 11, 2011, by Senator **PLOWMAN** of Penobscot

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-79)**

(In Senate, May 11, 2011, **READ A SECOND TIME**.)

On motion by Senator **SULLIVAN** of York, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-79).

On further motion by same Senator, Senate Amendment "C" (S-97) to Committee Amendment "A" (S-79) **READ**.

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

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, this is truly a simple amendment. It deals with the youth and the hours of working in the day. I was extremely concerned with the 10 o'clock versus 11 o'clock and I had originally put one in to mark it back down to 10 o'clock. A conversation I had with the Senator from Penobscot, Senator Plowman, explained her reason for that. This amendment changes the first amendment I was going to put in to 10:15. Actually the President was very helpful in having us come up with this solution. The concern of the Senator from Penobscot was that you could work until 10:00 and then continually not punch the clock out and there would be additional pay coming up and 10:15 puts us in the middle of where another additional piece would go. It would still get the kids home. I'm very happy with it. I think it's a good move. It shows our concern for kids and education and also the concern for the business community. I'm hoping that it will be accepted with this committee report. Thank you.

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

Senator **PLOWMAN:** Thank you Mr. President. Men and women of the Senate, I'd like to thank the Senator from York, Senator Sullivan, for what I consider a friendly amendment. I would ask you to support the motion. I, too, had some concerns regarding the testimony about our kids being out around 11 o'clock. We have this conversation at home when I'm asking kids what time they are coming home and the 10:15 gets us past the fact that time clocks work in 6 minute intervals. I've seen times when if you can get that one more interval in your paycheck it sometimes motivates kids to wait just long enough to get to that 10:06 or 10:12. If the penalty kicks in around 10:10 then it's a very expensive two minutes for an employer. It's still gets you past that point but it also takes into consideration that the employers sometimes need that time. They will have to schedule kids until 10 o'clock to make sure they are out of there but I think this is a very good amendment. I consider it a friendly amendment and I would ask you to support it. Thank you.

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

TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: None

On motion by Senator **SULLIVAN** of York, Senate Amendment "C" (S-97) to Committee Amendment "A" (S-79) **ADOPTED**.

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

Committee Amendment "A" (S-79) as Amended by Senate Amendment "C" (S-97) thereto, **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-79) AS AMENDED BY SENATE AMENDMENT "C" (S-97) thereto.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

An Act To Eliminate Duplication of Paint Disclosure and Radon Requirements

H.P. 427 L.D. 544

Tabled - May 11, 2011, by Senator **ALFOND** of Cumberland

Pending - **ENACTMENT** (Roll Call Ordered)

(In Senate, May 10, 2011, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, May 11, 2011, **PASSED TO BE ENACTED**.)

Senator **SNOWE-MELLO** of Androscoggin was granted unanimous consent to address the Senate off the Record.

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#70)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFISKY, GOODALL, HASTINGS, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS,

The following proceedings were conducted after 12:01a.m., Friday, May 13, 2011.

Off Record Remarks

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

Senator **COURTNEY**: Thank you Mr. President. Men and women of the Senate, I just want to make a few comments before we leave tonight. For years our party has toiled in the Minority and waiting around for four, five, or six or seven hours, or when I was a freshman in the other Body as much as twelve or fourteen or eighteen hours, wasn't unusual. This is a little bit bigger than

who has the hammer. This is about the people of Maine. There are two kinds of courage in Maine, two kinds of courage people have. You have the courage of the hammer or you have the courage of your convictions, your passions, and your beliefs. You value your beliefs so much and you believe in them and you are willing to put them to the test, put them to the test with your opponents so that they can join and understand why you have those beliefs. We value the tri-partisan compromise that we've achieved, not through forcing something through but through the diligence of answering questions and answering questions again. Some would say the goalpost has been moved. I think most people in our caucus feel it has been moved and we've continued to try to work together. We've continued to try to not respond to the delays. Even though we could have just ran this through we didn't. We saw the value and the contribution in a tri-partisan compromise. Many times in this building we've made major decisions and we've adjourned under darkness. Tonight is not one of those nights. We are committed to working together. As I said on day one, we're not accustomed to the Majority nor are you accustomed to the Minority and we make mistakes on both sides of the aisle but we don't walk away from the table. We persevere, we tell the truth, we keep our word, and we persevere to work together. We are not going to make a big decision tonight under darkness because we are confident that it will withstand the attacks and that the people of Maine will be better served because there is a new day in Augusta and we are going to make this decision under daylight. Thank you, Mr. President.

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

Senator **DIAMOND**: Thank you Mr. President. Ladies and gentlemen of the Senate, it's been a long, long evening. I would say at the start that Senator Sullivan and Senator Schneider really did have to go. Senator Sullivan has problems with her feet and Senator Schneider has not had much sleep in the last several days. That's the only reason they are not here, Mr. President. We, as the three Democrats who voted for this bill, thought very strongly about its value and we felt very strongly about what it could do for the people of Maine but we also felt that it was getting so late and so beyond some reasonable hour in the middle of May that the three of us met with the President and we met the Majority Leader and we expressed our concerns to both of these leaders. We had an extended discussion of our concerns. As you heard the Majority Leader say, the people of Maine, we felt, deserved better than where we felt we were headed. We respected and respect the Majority Party and simply said to the President and the Majority Leader that we would like to have this done Monday. We'd like to have this delayed so that people who have been here for so long, so many hours, including both Senators who are pretty much running out of steam, so they could go home and you all could go home and not have to do this at one or two or three o'clock in the morning. I have to tell you that we understood the President could be seen as letting us move the goalpost. He could be seen as someone who wouldn't stand up to the other side, but that is so far from the truth. He showed the type of leader he is. He took our message back to the Republican caucus and they then invited us, the three of us, in so we could tell them and you all in the Majority caucus our concerns. We were received with great respect and when we left

we left with great respect from the Republican caucus. We pledged to them and to you that we will be here bright and early Monday morning and share with our caucus what we are going to do. We're going to support the bill as we have before. We're going to support it and we will not be supporting any efforts to derail it or slow it down. The three of us, at least, are going to be doing what we said we would do. We're going to be standing for the bill, in this case we will be standing with all of those who vote for it. Again, I need to emphasize that this was something the three of us felt very strongly about and we did not know how this would all be received. We suspect there will be some in our caucus who will not be feeling too good about what we did, but we felt it was the right thing. We felt it was right to share our concerns with the President and Majority Leader. We felt it was right to share those concerns face to face with the Republican caucus and we thought it was right that I stand and tell you all exactly what happened now. Mr. President, we thank you for your willingness to listen to us, to show us the respect of our wishes to delay this until Monday morning. The three of us will be here, as will everybody else, with our same convictions but maybe, just maybe, a little more pride in you, Mr. President, and the leaders and all of us because I think as a result of this Maine will get a better product. Thank you, Mr. President.

On motion by Senator **COURTNEY** of York, **ADJOURNED**, pursuant to the Joint Order, to Monday, May 16, 2011, at 10:00 in the morning.