

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

In Senate Chamber
Tuesday
June 28, 2011

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

Prayer by Senator John L. Patrick of Oxford County.

SENATOR PATRICK: Before I start I'd like to say that one of the biggest blessings I've had in the Legislature was to do the prayer, the opening prayer, in the House. I feel equally as blessed and I thank Senate President Raye for this opportunity. With that, I would say:

God, we thank You for this day, for it's beauty, and for the potential it offers. We thank You for calling us to serve You. Make us worthy of Your calling. Give wisdom and strength to those entrusted with the authority of government. Guide and bless the members of the Maine Senate, that we may enact laws which please You. Give them courage and foresight to provide for the needs of all peoples in the state of Maine. Fill them with the love of truth and righteousness. Save them from discord and confusion. Grant them grace to work together with mutual forbearance and respect. Lastly, bless them and their loved ones with joy, good health, and Your peace, which passes all understanding. We pray in the precious name of our Lord and Savior, Jesus Christ. Amen.

Pledge of Allegiance led by Senator Thomas B. Saviello of Franklin County.

Reading of the Journal of Thursday, June 16, 2011.

Doctor of the day, Kenneth Christian, MD of Holden.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 440

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

June 20, 2011

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

Dear Secretary Carleton,

Pursuant to my authority under 3 MRSA §168-B, I am pleased to appoint Representative Louis J. Luchini of Ellsworth to the Legislative Youth Advisory Council.

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

Sincerely,

S/Robert W. Nutting
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 441

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

20 June 2011

The 125th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 125th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 398, "An Act To Require Criminal History Record Information for the Licensure of Nurses."

This bill would require nurses to be fingerprinted and complete criminal background checks conducted as a condition for licensure. If this became law, nurses would be singled-out from all other health care professions for this treatment. With the number of people involved in the care of a patient through modern medicine, I do not understand what particular harm nurses present to patients that other health care providers do not.

Further, the Nurse Licensure Compact does not require Maine to adopt this policy. Our nurses will be free to practice across state lines regardless of whether this bill is adopted. Patient safety is already protected as nurse candidates are required to disclose any criminal convictions during the application process and again as they renew their licenses. Lastly, background checks are conducted routinely in the nursing field, both by employers and educators. Adding an additional

investigation by the State – which other health care professions do not receive – is unnecessary.

Senate called to order by the President.

For these reasons, I return LD 398 unsigned and vetoed. I strongly urge the Legislature to sustain it.

The Following Communication: S.C. 442

Sincerely,

S/Paul R. LePage
Governor

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

20 June 2011

The 125th Legislature of the State of Maine
State House
Augusta, ME

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

Dear Honorable Members of the 125th Legislature:

An Act To Require Criminal History Record Information for Licensure of Nurses

S.P. 111 L.D. 398
(C "A" S-249)

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 568, "Resolve, to Establish an Early Childhood Stakeholder Group."

The President laid before the Senate the following: "Shall this Bill become a law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

Despite the best intentions of the committee, I believe that creation of new government entities – including stakeholder groups – should be done only after an examination of existing entities which may already serve the same role. The studies that this Resolve seeks to implement are duplicative of on-going studies and examinations currently being made by existing entities. Indeed, the makeup of the Maine Children's Growth Council, proposed to be a member of this new stakeholder group, has a remarkably similar membership as the proposed new group. It is this layer upon layer style of legislating that led to the bloated and inefficient government we all seek to reform.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

The Doorkeepers secured the Chamber.
The Secretary opened the vote.

ROLL CALL (#279)

YEAS: Senators: None

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

Further, Resolves sap resources away from the primary business of government in these tight fiscal times and, in this instance, sends the departments themselves back to the drawing board from work that is currently on-going. The Commissioner of Education is taking a hard look at the Child Development Services program and will be developing reform proposals. Additionally, the Legislature's own Office of Program Evaluation and Government Accountability is conducting an investigation into CDS. With these energies focused at the issue, this further Resolve is unnecessary.

ABSENT: Senators: JACKSON, SULLIVAN

For these reasons, I return LD 568 unsigned and vetoed. I strongly urge the Legislature to sustain it.

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

Sincerely,

S/Paul R. LePage
Governor

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

READ and ORDERED PLACED ON FILE.

The accompanying Resolve:

Resolve To Establish an Early Childhood Stakeholder Group (EMERGENCY)

Senate at Ease.

S.P. 160 L.D. 568
(C "A" S-259)

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

The Following Communication: S.C. 443

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

23 June 2011

The 125th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 125th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 566, "An Act to Encourage Transparency in the Department of Education."

This bill would require the Departments of Education and Administrative and Financial Services to compile and produce monthly reports to several legislative committees detailing funding related to ongoing department activities, transfers of personnel, work contracted out and other administrative functions, among other mandates. These particularly stringent reporting requirements step over the line of legislating and oversight and into the management functions of the executive, violating the principle of separation of powers enshrined in Article III of the Maine Constitution.

Moreover, this bill would require expenditure of significant resources that might be used for educating children rather than producing a constant stream of reports. It ironically mandates publication of the "true cost" of all programs and services even while creating a convenient fiction that this significant work can be simply absorbed through "existing resources." In reality, the cost of this bill in personnel time is up to \$120,350. If the Legislature believes this information is essential to its lawmaking function, it should appropriate the funds necessary to do the job correctly or direct legislative staff to undertake the work rather than place an unfunded mandate on the Department.

I believe in transparency for all state agencies and programs, including the Department of Education. My Administration will be working to find ways to make our State more transparent for the Legislature and all Maine people going forward. We will be working on comprehensive, rather than piecemeal, approach to encompass all public business. In the meantime, if there are particular issues on which the Legislature would like to hear from any Executive agency, I would be happy to direct my Administration to provide the appropriate briefing upon request.

For these reasons, I return LD 566 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Encourage Transparency in the Department of Education

S.P. 158 L.D. 566
(S "A" S-315 to C "A" S-300)

The President laid before the Senate the following: "Shall this Bill become a law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#280)

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

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

ABSENT: Senator: JACKSON

13 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 1 Senator being absent, and 13 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

ORDERS OF THE DAY

On motion by Senator **COURTNEY** of York, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Emergency Resolve

Resolve, To Establish a Task Force on Franco-Americans
H.P. 486 L.D. 656
(C "A" H-88)

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

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 26, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-88)**, in concurrence.)

(In House, April 28, 2011, **FINALLY PASSED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-88)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-88), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-337) to Committee Amendment "A" (H-88) **READ** and **ADOPTED**.

Committee Amendment "A" (H-88) as Amended by Senate Amendment "A" (S-337) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-88) AS AMENDED BY SENATE AMENDMENT "A" (S-337) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **COURTNEY** of York, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Resolve, Directing the Commission on Governmental Ethics and Election Practices To Study Modifying the Maine Clean Election Act

S.P. 251 L.D. 848
(C "A" S-54)

Tabled - May 16, 2011, by Senator **COURTNEY** of York

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 5, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-54)**.)

(In House, May 16, 2011, **FINALLY PASSED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-54)**.

On further motion by same Senator, Senate Amendment "A" (S-332) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-54) AND SENATE AMENDMENT "A" (S-332), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **COURTNEY** of York, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Emergency Resolve

Resolve, Establishing the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts
S.P. 297 L.D. 951
(C "A" S-213)

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

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 1, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-213)**.)

(In House, June 3, 2011, **FINALLY PASSED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-213)**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-213).

On further motion by same Senator, Senate Amendment "A" (S-334) to Committee Amendment "A" (S-213) **READ** and **ADOPTED**.

Committee Amendment "A" (S-213) as Amended by Senate Amendment "A" (S-334) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-213) AS AMENDED BY SENATE AMENDMENT "A" (S-334) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

Off Record Remarks

On motion by Senator **COURTNEY** of York, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Resolve, To Establish the Blue Ribbon Commission on Affordable Housing

H.P. 638 L.D. 841
(C "A" H-511)

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

Pending - **FINAL PASSAGE**, in **NON-CONCURRENCE**

(In Senate, June 6, 2011 **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-511)**, in concurrence.)

(In House, June 7, 2011, **FAILED FINAL PASSAGE.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-511)**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-333) **READ** and **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-88) AND SENATE AMENDMENT "A" (S-333), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

On motion by Senator **COURTNEY** of York, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Resolve, To Study Allocations of the Fund for a Healthy Maine

H.P. 1144 L.D. 1558
(C "A" H-417)

Tabled - June 8, 2011, by Senator **PLOWMAN** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 6, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417)**, in concurrence.)

(In House, June 7, 2011, **FINALLY PASSED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-417), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-336) to Committee Amendment "A" (H-417) **READ** and **ADOPTED.**

Committee Amendment "A" (H-417) as Amended by Senate Amendment "A" (S-336) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417) AS AMENDED BY SENATE AMENDMENT "A" (S-336) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

On motion by Senator **COURTNEY** of York, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Emergency Resolve

Resolve, Creating the Advisory Committee on Maine's Health Insurance Exchange

H.P. 1165 L.D. 1582

Tabled - June 8, 2011, by Senator **PLOWMAN** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 7, 2011, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, June 8, 2011, **FINALLY PASSED.**)

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.

On motion by Senator **COURTNEY** of York, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Emergency Resolve

Resolve, To Review Issues Dealing with Regulatory Takings
H.P. 1086 L.D. 1477
(C "A" H-600)

Tabled - June 14, 2011, by Senator **PLOWMAN** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 10, 2011 **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-600)**, in concurrence.)

(In House, June 14, 2011 **FINALLY PASSED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-600)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-600), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-335) to Committee Amendment "A" (H-600) **READ** and **ADOPTED**.

Committee Amendment "A" (H-600) as Amended by Senate Amendment "A" (S-335) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-600) AS AMENDED BY SENATE AMENDMENT "A" (S-335) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **COURTNEY** of York, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Resolve, To Reform the Land Use and Planning Authority in the Unorganized Territory

H.P. 1126 L.D. 1534
(C "A" H-561)

Tabled - June 14, 2011, by Senator **PLOWMAN** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 10, 2011 **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-561)**, in concurrence.)

(In House, June 14, 2011 **FINALLY PASSED**.)

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

On motion by Senator **COURTNEY** of York, the Senate removed from the **SPECIAL STUDY TABLE** the following:

An Act To Amend the Maine Consumer Credit Code To Conform with Federal Law

S.P. 415 L.D. 1338
(C "A" S-311)

Tabled - June 16, 2011, by Senator **PLOWMAN** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, June 15, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-311)**.)

(In House, June 16, 2011, **PASSED TO BE ENACTED**.)

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

Senate at Ease.

Senate called to order by the President.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Provide Sales Tax Exemption or Refund on Parts and Supplies Purchased To Operate Windjammers

H.P. 52 L.D. 59
(S "A" S-122 to C "A" H-72)

Tabled - May 24, 2011, by Senator **KATZ** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, May 19, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-72) AS AMENDED BY SENATE AMENDMENT "A" (S-122)** thereto.)

(In House, May 24, 2011, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-72) AS AMENDED BY SENATE AMENDMENT "A" (S-122)** thereto, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-72) as Amended by Senate Amendment "A" (S-122) thereto.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "A" (S-122) to Committee Amendment "A" (H-72) and **INDEFINITELY POSTPONED** same.

Committee Amendment "A" (H-72) **ADOPTED**, in **NON-CONCURRENCE.**

On further motion by same Senator, Senate Amendment "A" (S-338) **READ** and **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-72) AND SENATE AMENDMENT "A" (S-338) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Include Independent Practice Dental Hygienists in MaineCare

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

Tabled - April 7, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 5, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-49)**, in concurrence.)

(In House, April 6, 2011, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-49)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-49), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-339) to Committee Amendment "A" (H-49) **READ** and **ADOPTED.**

Committee Amendment "A" (H-49) as Amended by Senate Amendment "A" (S-339) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-49) AS AMENDED BY SENATE AMENDMENT "A" (S-339) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

The President requested the Sergeant-At-Arms escort the Senator from York, Senator **COURTNEY** to the rostrum where he assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **JONATHAN T.E. COURTNEY** of York County.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Resolve

Resolve, Directing the Commissioner of Education To Adopt a Policy Regarding Management of Head Injuries in Youth Sports
H.P. 84 L.D. 98
(C "A" H-519)

Tabled - June 7, 2011, by Senator **ROSEN** of Hancock

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 6, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-519)**, in concurrence.)

(In House, June 7, 2011, **FINALLY PASSED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-519)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-519), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-340) to Committee Amendment "A" (H-519) **READ** and **ADOPTED.**

Committee Amendment "A" (H-519) as Amended by Senate Amendment "A" (S-340) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-519) AS AMENDED BY SENATE AMENDMENT "A" (S-340) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency

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)

Tabled - April 7, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 5, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-35) AS AMENDED BY HOUSE AMENDMENT "A" (H-44)** thereto, in concurrence.)

(In House, April 6, 2011, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-35) AS AMENDED BY HOUSE AMENDMENT "A" (H-44)** thereto, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-35) as Amended by House Amendment "A" (H-44) thereto, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** House Amendment "A" (H-44) to Committee Amendment "A" (H-35) and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, Senate Amendment "A" (S-341) to Committee Amendment "A" (H-35) **READ** and **ADOPTED.**

Committee Amendment "A" (H-35) as Amended by Senate Amendment "A" (S-341) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-35) AS AMENDED BY SENATE AMENDMENT "A" (S-341) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations

S.P. 55 L.D. 205
(C "A" S-90)

Tabled - May 18, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 16, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-90).**)

(In House, May 18, 2011, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-90).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-90).

On further motion by same Senator, Senate Amendment "A" (S-342) to Committee Amendment "A" (S-90) **READ** and **ADOPTED**. Committee Amendment "A" (S-90) as Amended by Senate Amendment "A" (S-342) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-90) AS AMENDED BY SENATE AMENDMENT "A" (S-342) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency

An Act Regarding the Saltwater Recreational Fishing Registry
S.P. 60 L.D. 210
(S "B" S-147 to C "A" S-136)

Tabled - June 7, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 3, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-136) AS AMENDED BY SENATE AMENDMENT "B" (S-147)** thereto.)

(In House, June 7, 2011, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-136) AS AMENDED BY SENATE AMENDMENT "B" (S-147)** thereto.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-136) as Amended by Senate Amendment "B" (S-147) thereto.

On further motion by same Senator, Senate Amendment "C" (S-343) to Committee Amendment "A" (S-136) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you Mr. President. The amendment as presented, S-343, strikes the appropriation in FY 11 and FY 12, putting the bill in a posture, if approved on final enactment, to go into effect for the current season. Thank you.

On motion by Senator **ROSEN** of Hancock, Senate Amendment "C" (S-343) to Committee Amendment "A" (S-136) **ADOPTED**.

Committee Amendment "A" (S-136) as Amended by Senate Amendments "B" (S-147) and "C" (S-343) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-136) AS AMENDED BY SENATE AMENDMENTS "B" (S-147) AND "C" (S-343) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Regarding the Southern Maine Veterans Memorial Cemetery

S.P. 88 L.D. 299
(C "A" S-14)

Tabled - April 6, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 29, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-14)**.)

(In House, April 5, 2011, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-14)**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-14).

On further motion by same Senator, Senate Amendment "A" (S-344) to Committee Amendment "A" (S-14) **READ** and **ADOPTED**.

Committee Amendment "A" (S-14) as Amended by Senate Amendment "A" (S-344) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-14) AS AMENDED BY SENATE AMENDMENT "A" (S-344) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Regarding Pharmacy Reimbursement in MaineCare
H.P. 272 L.D. 346
(C "A" H-563)

Tabled - June 14, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 10, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563)**, in concurrence.)

(In House, June 14, 2011, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-563), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-345) to Committee Amendment "A" (H-563) **READ** and **ADOPTED.**

Committee Amendment "A" (H-563) as Amended by Senate Amendment "A" (S-345) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563) AS AMENDED BY SENATE AMENDMENT "A" (S-345) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Require the Inclusion of a Financial Statement on School Administrative Unit Bond Obligations When Voting on a School Construction Project

H.P. 275 L.D. 349
(C "A" H-124)

Tabled - May 11, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 5, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-124)**, in concurrence.)

(In House, May 10, 2011, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-124)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-124), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-346) to Committee Amendment "A" (H-124) **READ** and **ADOPTED.**

Committee Amendment "A" (H-124) as Amended by Senate Amendment "A" (S-346) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-124) AS AMENDED BY SENATE AMENDMENT "A" (S-346) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Reform Telecommunications Taxation
H.P. 334 L.D. 441
(C "A" H-477)

Tabled - June 7, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 6, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-477)**, in concurrence.)

(In House, June 7, 2011, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-477)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-477), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-347) to Committee Amendment "A" (H-477) **READ** and **ADOPTED.**

Committee Amendment "A" (H-477) as Amended by Senate Amendment "A" (S-347) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-477) AS AMENDED BY SENATE AMENDMENT "A" (S-347) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Appropriate Funds for the Maine Downtown Center
S.P. 176 L.D. 584
(C "A" S-37)

Tabled - April 28, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 26, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-37).**)

(In House, April 28, 2011, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-37).**

On further motion by same Senator, Senate Amendment "A" (S-348) **READ** and **ADOPTED.**
PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-37) AND SENATE AMENDMENT "A" (S-348), in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Modify the Process Regarding the Return of Unfit Tobacco Products

S.P. 198 L.D. 617
(C "A" S-125)

Tabled - May 25, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 23, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-125).**)

(In House, May 25, 2011, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-125).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-125).

On further motion by same Senator, Senate Amendment "A" (S-349) to Committee Amendment "A" (S-125) **READ** and **ADOPTED.**

Committee Amendment "A" (S-125) as Amended by Senate Amendment "A" (S-349) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-125) AS AMENDED BY SENATE AMENDMENT "A" (S-349) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Establish Multidistrict Online Classes in Maine
S.P. 206 L.D. 675
(C "A" S-304)

Tabled - June 15, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 14, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-304).**)
(In House, June 15, 2011, **PASSED TO BE ENACTED.**)

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

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Make Certain Synthetic Cannabinoids Illegal
H.P. 673 L.D. 914
(C "A" H-293)

Tabled - May 26, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 24, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-293)**, in concurrence.)

(In House, May 26, 2011, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-293)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-293), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-351) to Committee Amendment "A" (H-293) **READ** and **ADOPTED.**

Committee Amendment "A" (H-293) as Amended by Senate Amendment "A" (S-351) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-293) AS AMENDED BY SENATE AMENDMENT "A" (S-351) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Regarding the Use of Methadone by Operators of Commercial Motor Vehicles

H.P. 710 L.D. 966
(C "A" H-254)

Tabled - May 26, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 23, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-254)**, in concurrence.)

(In House, May 26, 2011, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-254)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-254), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-352) to Committee Amendment "A" (H-254) **READ** and **ADOPTED.**

Committee Amendment "A" (H-254) as Amended by Senate Amendment "A" (S-352) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-254) AS AMENDED BY SENATE AMENDMENT "A" (S-352) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Provide Administrative Support to the Citizen Trade Policy Commission

H.P. 716 L.D. 972
(C "A" H-249)

Tabled - May 23, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 19, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-249)**, in concurrence.)

(In House, May 23, 2011, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-249)**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-353) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-249) AND SENATE AMENDMENT "A" (S-348), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Provide a Property Tax Exemption for Family Burying Grounds

H.P. 816 L.D. 1081
(C "A" H-476)

Tabled - June 7, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 3, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-476)**, in concurrence.)

(In House, June 7, 2011, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-476)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-476), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-354) to Committee Amendment "A" (H-476) **READ** and **ADOPTED**.

Committee Amendment "A" (H-476) as Amended by Senate Amendment "A" (S-354) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-476) AS AMENDED BY SENATE AMENDMENT "A" (S-354) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Amend the Motor Vehicle Laws
H.P. 835 L.D. 1123
(C "A" H-291)

Tabled - June 4, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 24, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-291)**, in concurrence.)

(In House, May 26, 2011, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-291)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-291), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-355) to Committee Amendment "A" (H-291) **READ** and **ADOPTED**.

Committee Amendment "A" (H-291) as Amended by Senate Amendment "A" (S-355) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-291) AS AMENDED BY SENATE AMENDMENT "A" (S-355) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Amend Standards for Participation in Certain Public School Services by Students Who Are Homeschooled
H.P. 888 L.D. 1197
(C "A" H-571)

Tabled - June 9, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 8, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-571)**, in concurrence.)

(In House, June 8, 2011, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-571)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-571), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-356) to Committee Amendment "A" (H-571) **READ** and **ADOPTED.**

Committee Amendment "A" (H-571) as Amended by Senate Amendment "A" (S-356) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-571) AS AMENDED BY SENATE AMENDMENT "A" (S-356) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Prohibit Bullying and Cyberbullying in Schools
H.P. 928 L.D. 1237
(C "A" H-570)

Tabled - June 10, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 8, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570)**, in concurrence.)

(In House, June 9, 2011, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-570), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-357) to Committee Amendment "A" (H-570) **READ** and **ADOPTED.**

Committee Amendment "A" (H-570) as Amended by Senate Amendment "A" (S-357) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570) AS AMENDED BY SENATE AMENDMENT "A" (S-357) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Increase the Fee Paid to a Funeral Home To Transport a Body at the Request of the State Medical Examiner
H.P. 955 L.D. 1303
(C "A" H-239)

Tabled - May 23, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 18, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-239)**, in concurrence.)

(In House, May 23, 2011, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-239)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-239), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-358) to Committee Amendment "A" (H-239) **READ** and **ADOPTED.**

Committee Amendment "A" (H-239) as Amended by Senate Amendment "A" (S-358) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-239) AS AMENDED BY SENATE AMENDMENT "A" (S-358) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Create Consistency and Fairness in Maine's Bottle Bill
H.P. 970 L.D. 1324
(S "A" S-275 to C "A" H-316)

Tabled - June 10, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 8, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-316) AS AMENDED BY SENATE AMENDMENT "A" (S-275)** thereto.)

(In House, June 10, 2011, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-316) AS AMENDED BY SENATE AMENDMENT "A" (S-275)** thereto, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-316) as Amended by Senate Amendment "A" (S-275) thereto, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "A" (S-275) to Committee Amendment "A" (H-316) and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, Senate Amendment "B" (S-359) to Committee Amendment "A" (H-316) **READ** and **ADOPTED**.

Committee Amendment "A" (H-316) as Amended by Senate Amendment "B" (S-359) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-316) AS AMENDED BY SENATE AMENDMENT "B" (S-359) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Implement the Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes

H.P. 1028 L.D. 1399
(C "A" H-618)

Tabled - June 15, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 14, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-618)**, in concurrence.)

(In House, June 15, 2011, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-618)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-618), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-360) to Committee Amendment "A" (H-618) **READ** and **ADOPTED**.

Committee Amendment "A" (H-618) as Amended by Senate Amendment "A" (S-360) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-618) AS AMENDED BY SENATE AMENDMENT "A" (S-360) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve

Resolve, To Enhance Agriculture and Farming
H.P. 1058 L.D. 1444
(C "A" H-533)

Tabled - June 8, 2011, by Senator **KATZ** of Kennebec

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 7, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-533)**, in concurrence.)

(In House, June 8, 2011, **FINALLY PASSED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-533)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-533), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-361) to Committee Amendment "A" (H-533) **READ** and **ADOPTED**.

Committee Amendment "A" (H-533) as Amended by Senate Amendment "A" (S-361) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-533) AS AMENDED BY SENATE AMENDMENT "A" (S-361) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency

An Act To Prohibit the Sale or Possession of So-called Bath Salts Containing Dangerous Synthetic Drugs
H.P. 1147 L.D. 1562
(C "A" H-586)

Tabled - June 10, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 9, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-586)**, in concurrence.)

(In House, June 10, 2011, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-586)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-586), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-362) to Committee Amendment "A" (H-586) **READ** and **ADOPTED**.

Committee Amendment "A" (H-586) as Amended by Senate Amendment "A" (S-362) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-586) AS AMENDED BY SENATE AMENDMENT "A" (S-362) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by President Pro Tem **JONATHAN T.E. COURTNEY** of York County.

On motion by Senator **COLLINS** of York, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act To Improve Driver Education Licensing
H.P. 555 L.D. 748
(C "A" H-227)

Tabled - May 23, 2011, by Senator **COLLINS** of York

Pending - **ENACTMENT**, in concurrence

(In Senate, May 18, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-227)**, in concurrence.)

(In House, May 23, 2011, **PASSED TO BE ENACTED**.)

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

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Provide Funding for the Fish Stocking Program
S.P. 64 L.D. 213
(C "A" S-110)

Tabled - May 23, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 18, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-110).**)

(In House, May 23, 2011, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompany papers **COMMITTED** to the Committee on **INLAND FISHERIES AND WILDLIFE**, in **NON-CONCURRENCE**.

Sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Provide a Sales Tax Exemption to Commercial Horticulturists
H.P. 187 L.D. 234
(C "A" H-153)

Tabled - May 16, 2011, by Senator **KATZ** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, May 11, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-153)**, in concurrence.)

(In House, May 16, 2011, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompany papers **COMMITTED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

Sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Reduce Deer Predation
H.P. 298 L.D. 372
(C "A" H-311)

Tabled - May 23, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 24, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-311)**, in concurrence.)

(In House, May 26, 2011, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompany papers **COMMITTED** to the Committee on **INLAND FISHERIES AND WILDLIFE**, in **NON-CONCURRENCE**.

Sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Provide Funding for the World Acadian Congress
S.P. 157 L.D. 565
(C "A" S-184)

Tabled - June 6, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 2, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-184).**)

(In House, June 6, 2011, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompany papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Require Certain Changes to Sales and Use Tax Policy Application or Practice
H.P. 448 L.D. 590
(H "A" H-496 to C "A" H-434)

Tabled - June 7, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 6, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-434) AS AMENDED BY HOUSE AMENDMENT "A" (H-496)** thereto, in concurrence.)

(In House, June 7, 2011, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompany papers **COMMITTED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

Sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Increase the Amount Tagging Agents Receive for Tagging Game

H.P. 467 L.D. 637
(C "A" H-105)

Tabled - May 11, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 5, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-105)**, in concurrence.)

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

On further motion by same Senator, Bill and accompany papers **COMMITTED** to the Committee on **INLAND FISHERIES AND WILDLIFE**, in **NON-CONCURRENCE**.

Sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve

Resolve, To Direct the Department of Education To Contract for an Independent Review of the Essential Programs and Services Model

H.P. 702 L.D. 958
(C "A" H-604)

Tabled - June 14, 2011, by Senator **ROSEN** of Hancock

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 10, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-604)**, in concurrence.)

(In House, June 14, 2011, **FINALLY PASSED**.)

On further motion by same Senator, Bill and accompany papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Require That Law Enforcement Officials Collect DNA Samples from Persons Arrested for Certain Crimes

H.P. 849 L.D. 1143
(C "A" H-576)

Tabled - June 10, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 8, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-576)**, in concurrence.)

(In House, June 9, 2011, **PASSED TO BE ENACTED**.)

On further motion by same Senator, Bill and accompany papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in **NON-CONCURRENCE**.

Sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Promote School Attendance and Increase School Achievement

S.P. 473 L.D. 1503
(C "A" S-287)

Tabled - June 14, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 10, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-287)**.)

(In House, June 14, 2011, **PASSED TO BE ENACTED**.)

On further motion by same Senator, Bill and accompany papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down forthwith for concurrence.

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

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

RECESSED until 2:00 in the afternoon.

After Recess

Senate called to order by President Pro Tem
JONATHAN T.E. COURTNEY of York County.

ORDERS OF THE DAY

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

Resolve To Establish an Early Childhood Stakeholder Group
(EMERGENCY)

S.P. 160 L.D. 568
(C "A" S-259)

Tabled - June 28, 2011, by Senator **ALFOND** of Cumberland

Pending - **CONSIDERATION**

(In House, June 8, 2011, **FINALLY PASSED**.)

(In Senate, June 16, 2011, **FINALLY PASSED**, in concurrence.)

(In Senate, June 28, 2011, Veto Communication (S.C. 442)
READ and **ORDERED PLACED ON FILE**.)

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

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I briefly want to speak on why I hope everyone joins with me to override the Governor's veto. I know he thinks very highly of this issue. It's something that concerns the Chief Executive very, very much, as well as those of us on the Education Committee, those of us who serve on the Appropriations Committee, and, frankly, it should concern every single person in this Body. There are 70,000 birth to 5 year olds in the state of Maine. Those 70,000 birth to 5 year olds all get funneled into many different programs in the state of Maine. What this bill would do, or what this study group would entail, is looking at the programs from birth to 5 in the state of Maine, look at the strengths and weaknesses, look at how do we look beyond the programs and silos and how we create a unified system, and present a plan to the Legislature next session. This is costing state government zero. It's all private dollars that would go into the stakeholders group. The reasoning by the Governor is this stakeholders group is duplicative and I would argue it's not. I think an OPEGA study is warranted and it's going to go after and look at CDS. I think that the Children's Growth Council has a very big mission and one of it is to serve as the voice of early childhood in Maine, but this would direct their energies and attention towards a subject area that they've been vying for and looking towards for a while. I truly believe this is something that this Body needs to act on today. It's not something that we can keep kicking the can. It's not something that, when we show up in January, we hope we have an idea or a plan or that some OPEGA report, that's very isolated to CDS, is going to solve why we don't have a unified system. I know there is Race to the Top

funds available. Why wouldn't we want to give the Department of Education every possible scenario, every possible plan, to make our birth to 5 system better? I know the Children's Growth Council exists, but what is the downside of this stakeholders group? It costs no money. It's giving the Children's Growth Council and others, including six parents, a great opportunity to engage in a subject area that they are qualified for and have a big stake in. I hope that the Body follows my light and overrides this veto. Thank you, Mr. President.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I rise in support of the sentiments of the Senator from Cumberland, Senator Alfond, and to emphasize the fact that, from my perspective, I do not think this should be, in any way, a partisan bill. I come from the perspective of having sat this year on the Appropriations Committee where I learned that there are a number of agencies that deal with kids 0 - 5 in this state; Child Development Services, our Head Start programs, our Pre-K programs in our public schools, and also the agency that organizes the provision of daycare centers around the state. There are three things I think I learned in 15 minutes of sitting there. The first one was that these agencies are staffed by good people who have the best motivation to service the youngest of the young, particularly those who have some sort of difficulties. Secondly, again as a freshman, it was somewhat disheartening to see the tremendous overlap. That more than one agency might be providing the same service in the same area for different costs with little motivation to cooperate or coordinate with others providing the same services. The result was that I came away shaking my head and absolutely convinced that we were wasting money on duplication and redundancy. With all the areas we struggle to try to find enough money to do something, when we see an area, particularly dealing with kids 0 - 5 who have no voice, that has waste and duplication, we should be doing something about it as quickly as possible. I understand this is the jurisdiction of the Children's Growth Council, an organization of which I know almost nothing except that in the years of their existence, apparently, they haven't seen this as a major problem or they would have done something about it. This bill, I think, is simply a way to figure out how to serve our youngest kids better and cheaper. I have no doubt, based on the little I saw, that we can serve those kids better and we can save money to boot. I do appreciate the reasoning of the Chief Executive to want to avoid duplication, but I would remind people, as Senator Alfond pointed out, of two things. One, this comes at no expense to the State. Two, this working group will have a fixed life of about four months or so, of five months. This group will disband come December and they will be issuing a report suggesting ways in which we can more effectively, and in a more coordinate way, supply these services to these kids. I don't see the down side. I really, really don't. We're not setting up another agency. We're not talking about spending a single dollar of public funds. If it's somewhat duplicative of something someone is going to do anyways, maybe they'll come up with a different approach and a better idea on part of it. I am sad that this is coming to us in the context of a Governor's veto. I think this is good public policy and I think we ought to stick by the guns of a unanimous Education Committee report and a unanimous vote of this Body. Thank you, Mr. President.

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

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

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

Senator **PLOWMAN:** Thank you Mr. President. To anyone who might answer; I understand this is going to be done with private funds. Can you tell me the source of the private funds, please?

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

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, as the Chair of the Education Committee, this bill came through us. It is true that it came with unanimous support through there and everybody recognizes the issues that are at hand, both from Senator Alfond and Senator Katz. When you sit and look at an agency that's in the State, the Maine Children's Growth Council, and you say, "Well, they are not doing what they are supposed to do so we're going to run another group beside them that's going to take over their responsibilities." I don't think that's a good precedent to set, every time you have a State agency that's not working properly to set up a parallel one to that and run with it. I do have a letter in front of me that is drafted by the Executive to the Maine Children's Growth Council that indicates that the contents of this particular bill are to be looked at and to be worked on. Pretty strong language and it has listed those areas listed in the bill. I think the second floor is really on to this in a very adamant way and would like to see that those agencies that are in place are doing the job they are supposed to. Thank you.

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

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

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

Senator **PLOWMAN:** Thank you Mr. President. Would someone tell me the source of funding that is going to be backing this report? I would like to know what the source of funding is, who the people are that are putting it forward, and if there is an agenda behind the money that is being put forward. Thank you, Mr. President.

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

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, the answer to that question is it's coming from private donors across the state of Maine.

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

Senator **PLOWMAN:** Thank you Mr. President. May I continue with questions?

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

Senator **PLOWMAN:** Thank you Mr. President. Will the money, people, and organizations who put forth the monies be made public? Is there a way of collecting this money? Who's going to be spending the money? The last time we had a privately run study that was not thoroughly discussed it was almost a pay to play on an environmental bill. I really will not vote for this unless there is some way of knowing ahead of time who these individuals or providers are. I do not think that we should be passing something where we do not know who the Legislature will be beholding to for the report. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The Senator from Penobscot, Senator Plowman poses several questions through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Alfond.

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, the answer is of course it would. The transparency of the funding and who is funding this private stakeholders group would be made public. Everyone who funds this stakeholders group, and I would hope any stakeholders group, would be proud to stand behind their support of a stakeholders group. I know that the folks who will be funding, or potentially will be putting in funds, for L.D. 568 would be transparent to all those in the state. Thank you, Mr. President.

The President Pro Tem laid before the Senate the following: "Shall this Bill become a law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#281)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFKY, GOODALL, HILL, HOBBS, KATZ, PATRICK, SCHNEIDER, SHERMAN, SULLIVAN, WOODBURY

NAYS: Senators: COLLINS, FARNHAM, HASTINGS, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY

ABSENT: Senator: JACKSON

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, and 16 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Improve the Maine Seed Capital Tax Credit
H.P. 14 L.D. 22
(C "A" H-217)

Tabled - May 26, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 23, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-217)**, in concurrence.)

(In House, May 26, 2011, **PASSED TO BE ENACTED**.)

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

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Amend the Laws Governing County Jail Budgeting for York County
H.P. 70 L.D. 82
(C "A" H-289)

Tabled - May 26, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 24, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-289)**, in concurrence.)

(In House, May 26, 2011, **PASSED TO BE ENACTED**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#282)

YEAS: Senators: COLLINS, DIAMOND, FARNHAM, GERZOFKY, HASTINGS, HILL, HOBBS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DILL, GOODALL, PATRICK, SCHNEIDER

ABSENT: Senator: JACKSON

26 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Make Permanent the Direction of Fines Derived from Tribal Law Enforcement Activities to the Passamaquoddy Tribe and the Penobscot Nation
H.P. 171 L.D. 194
(C "A" H-375)

Tabled - June 3, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 1, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-375)**, in concurrence.)

(In House, June 2, 2011, **PASSED TO BE ENACTED**.)

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

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Amend the Gift Card Laws
H.P. 200 L.D. 247
(C "A" H-442)

Tabled - June 7, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 6, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-442)**, in concurrence.)

(In House, June 7, 2011, **PASSED TO BE ENACTED**.)

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

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Expand Eligibility of Certain Municipal Landfills To Participate in the State's Remediation and Closure Program
H.P. 215 L.D. 262
(C "A" H-30)

Tabled - March 31, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 29, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-30)**, in concurrence.)

(In House, March 31, 2011, **PASSED TO BE ENACTED**.)

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

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Schedule for Redistricting
H.P. 387 L.D. 494
(C "A" H-76; H "B" H-565)

Tabled - June 16, 2011, by Senator **ROSEN** of Hancock

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 15, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-76) AND HOUSE AMENDMENT "B" (H-565)**, in concurrence.)

(In House, June 16, 2011, **FINALLY PASSED**.)

This being a Constitutional Amendment, in accordance with the provisions of Section 4 of Article X of the Constitution, 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 Members present and voting, was **FINALLY PASSED** and having been signed by the President Pro Tem, was presented by the Secretary to the Secretary of State for his approval.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency

An Act To Protect Owners of Private Property against Trespass
H.P. 442 L.D. 559
(C "A" H-312)

Tabled - May 26, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 25, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-312)**, in concurrence.)

(In House, May 26, 2011, **PASSED TO BE ENACTED**.)

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

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Use a Portion of the Sales and Use Tax for the Protection of Maine's Fish and Wildlife
S.P. 155 L.D. 563
(S "C" S-284 to C "A" S-154)

Tabled - June 15, 2011, by Senator **ROSEN** of Hancock

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 8, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-154) AS AMENDED BY SENATE AMENDMENT "C" (S-284)** thereto.)
(In House, June 15, 2011, **FINALLY PASSED**.)

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

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

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

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

Senator **WOODBURY:** Thank you Mr. President. As we're proceeding to decide whether to apportion part of the budget to the Inland Fisheries and Wildlife Department as part of the Constitution, it's clearly a very important concern of the Body that we fund this adequately. My question is; what level have we funded it in the current budget for this biennium?

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

Senator **WOODBURY:** Thank you Mr. President. If I could just ask a follow up question through the Chair since apparently I did not get an answer to my previous question.

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

Senator **WOODBURY:** Thank you Mr. President. The follow up question is; the Constitutional Amendment would have a certain level that's required that we fund the department. If we don't know the exact amount in the current budget, is it above or below the level that Constitution would require?

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

Senator **TRAHAN:** Thank you Mr. President. In answer to the question, the amount that is currently in the budget would be far less than what the Constitutional Amendment would propose. I would answer the question; I think what you was getting at earlier in the first question was around the level of General Fund monies that go to the department now. Having been on that committee now for 10 years, 2 years prior to that on the Advisory Council, I know this budget inside and out. What has happened in the past is a program like Search and Rescue has to be funded. We're not going to do away with Search and Rescue. What happens is money will get allocated to the department for Search and Rescue, but what ends up happening is, because of things like savings and attrition initiatives that go on, this agency is then susceptible to the same cuts as everyone else. That General Fund money is wiped out by savings initiatives like attrition, like leaving positions open, and whatnot. Just a little history on the way the budget is structured. The reason I believe this bill is before you is there is a Constitutional Amendment currently for Inland Fisheries and Wildlife.

This is what has really irritated me during the last few days because I sponsored this bill and have been attacked relentlessly. This bill has been called everything by the bloggers from evil to an attack on our Constitution. Sorry, folks, but that evil and that constitutional attack has already occurred in 1992. Article 9, Section 22, Revenue Generated by Inland Fisheries and Wildlife Management. That Constitutional Amendment is intended to make sure, because past Legislatures had raided the funding of this agency which if fee based, the fees raised by sportsmen, at least the equivalent, would go to this department. What has happened is this department has had other responsibilities piled on it that are not fishermen related; things like endangered species protection and permit review from municipalities. You name it. There's a whole number of General Fund programs that should be funded. What happens is, when you have no General Fund money, sportsmen end up subsidizing those General Fund programs. It would be nice that we would not have to go to this extreme to try to secure funding for critical programs like endangered species protection, but it's been two decades and this issue persists. What we have is a fundamental lack of protection for our resources. There was no other intent by the sponsor of this bill, which is me, to do anything else but ensure that our resources are protected.

One last thing before we vote. This state is going through a transformation. We are going to see more development in the state of Maine. Our economy, I believe, will see more businesses coming to Maine. One of the critical elements of wildlife management is a balance between development and wildlife sustainability. We all know we're being inundated with energy projects from wind to off-shore wind. I believe you'll see a real pressure on Northern Maine for development. You need some level of sustainability and some level of balance. This bill is in anticipation of a much more aggressive impact on our environment and our resources as well as insuring that those General Fund programs are funded. Thank you, Mr. President.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I, of course, think that funding this is important, but I also think it's really important to acknowledge that, for example, the Department of Economic and Community Development now is currently funded by .03 of 1%. Not even one half of a percent of the entire State budget goes to our economic and community development department. When I look at that, coupled with the fact that the people approved 55% for education and we still have not funded that, how can I, in good conscience, vote for this? A carve out. I cannot see it. I think that as we lose more and more jobs, Barber Foods just laid off, I think, another 82 people, I think we'd better start focusing on businesses and growing business in this state and economic development. It's not that I'm not in favor of this. I think it's important, but I think that there are other initiatives that rise to the level of equal importance in this state. I just cannot see putting this into our Constitution when we have not met our educational requirements by the people. The people voted for that 55%. We still haven't done it. We neglect very important departments. Perhaps one of our most important departments is put at the bottom of the heap, Economic and Community Development. I'd love to support this and put my vote for this because I know there are a lot of people

who really would like to see this happen, but in good conscience I simply cannot do it.

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

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I would hope that this might ease the previous speaker's concerns around economic development. The industries that are connected to this agency, through sightseeing, through animal watching, and through tourism, generate \$2.4 billion annually to the state of Maine in economic activity. There are 15,790 jobs related to this little agency and the work that it does. There is \$109 million in state and local tax revenue generated from the activities of this little agency. What I will tell you is when we don't properly invest in our resources what does happen? You have an industry like deer, in particular, that creates over \$280 million worth of economic activity. Our deer herd crashed over three really poor Winters. More than that, the reason it crashed was because this little department was doing its aerial surveys as it should have been doing, mapping its deer yards, knowing where the deer populations were, and managing the predators that were beating away at our deer herd. What happened over time was exactly what naturally happens when you don't pay attention. Bad things can happen. What happened is that we lost sight of the ball and our deer herd paid for it. It's just a matter of time, ladies and gentlemen.

We have one industry that I'll give an example of, moose. People come to Maine to view and to see them. We also have an aggressive hunting season that we deploy in the Fall. We don't have a single moose biologist in the state to know what our moose population is. We can't even survey. Our wardens are way down from what they were two decades ago. Who's out there making sure that our animals aren't being poached? I had an interesting call from my brother last Fall. "At 11 o'clock at night I heard three shots," he said. The next day they found the remains of three deer that had been poached. The game warden didn't show up until the next day. It is too late a day after something like this happens.

I will tell you one more story that I think, for me, nails it. I was on the committee when we were in the worst of the Bald Eagle decline in population. It was my committee, through endangered species protection, and that department that helped bring the Bald Eagle back to Maine. Without the people and the resources in place, it does affect your economy. People don't come to Maine to see a picture of a Bald Eagle. They come to Maine to see the Bald Eagle.

One last thing. Any of you ever held a Great Horned Owl? I have. You know why I held him? He was in an animal rehabilitation center. Inside his abdomen was a cluster of bands off endangered species birds that he had ingested. Who do you think has the skills to go out and catch a Great Horned Owl and relocate it? I know I don't. It is the biologists and the wardens with specialized resources to go out and make sure that our endangered species are protected. I hope that the bands from those birds in the stomach of that Great Horned Owl eventually have a healthy population, but the only chance that they have rests in a little tiny agency just down the road.

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

Senator **BARTLETT:** Thank you Mr. President. When I talk to constituents about my work in Augusta I often talk to them about the budget and the importance of that document. The budget represents the core values and priorities that we have as the State of Maine. That's why it takes us so long to do it. That's why it requires everybody to be engaged in it. That's why we work so hard to come together to find a budget that earns two-thirds support. What I find astonishing about this discussion is that it wants to bi-pass that important part of what we do here in Augusta and simply say that, irrespective of the budget choices that this institution makes, we're going to now have a Constitutional Amendment to force us to do what we just chose not to do. We just passed a budget. We chose not to increase the funding to cover these expenses because we didn't feel we had the resources to do it or because there were other priorities that we thought might be even more important than the very articulate priorities that have just been outlined for this department. Having decided, collectively, that we couldn't afford to spend more, we're now going to go and ask people to put handcuffs on us and force us to spend more in this area. Let's also ask them if they'd like us to fund 55% of education in the Constitution. Let's ask them if we should make sure that every child has health care and put that in the Constitution. Let's ask them if they think the role of the Public Utilities Commission and the Department of Agriculture and the Department of Economic and Community Development should be in the Constitution. They are all priorities that we have. They are all incredibly important to the future of this state. At the end of the day, it is up to us, collectively, to decide, as part of the budget process, what we're going to fund and how we're going to fund it and how we manage the very difficult balancing act. The reality is that there isn't enough money for the priorities that we have. There isn't. We've just seen that over the last few months. This is particularly important when you look at what we did include in the budget, which was hundreds of millions of dollars in tax cuts. We decided that those tax cuts were more important than spending more on things like education, Inland Fisheries and Wildlife, and all the other important priorities that we have. We made that decision. Now we want to add, apparently, a greater structural gap to the next budget cycle so it'll be funding additional tax cuts that we've already pushed forward and any number of other priorities that we passed here off the Appropriations Table that will have a tail into the future. Now we're going to ask for a Constitutional Amendment to fund another piece and take that money off the top. We should be doing our jobs here collectively and balancing the priorities. If we're going to send something out to the voters, let's ask them to rank all of the priorities that we have. Let them do the same juggling act that we do instead of asking them to take one little piece and vote on that without considering all the other priorities that we have to balance. Thank you, Mr. President.

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

Senator **GERZOFSKY:** Thank you Mr. President. If I might pose a question through the Chair?

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

Senator **GERZOFSKY**: Thank you Mr. President. Does this amendment to the Constitution only involve the Department of IF&W or does it involve any other departments of natural resources of any sort?

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

Senator **TRAHAN**: Thank you Mr. President. Ladies and gentlemen of the Senate, the answer to that question is no. The Department of Marine Resources will receive 10% of the revenues, if approved by the voters. That 10% will go to the Sea Run Fisheries Program. For those who have coastal districts, what that program does is it employs several biologists that restore fish passage to our salt water rivers. For those folks that have lobstermen in their districts, it is a great assistance to the lobstermen when it comes to bait. Our recreational fisheries, like smelt, shad, and striped bass, depend on river access. There are tens of thousands of obstacles on our salt water streams that need to be removed for fish passage to be restored to our rivers. That's what the 10% funds.

Also I'd like you to take a look at your registers. You would think that this change in policy was the end of the world. Our Constitution has been amended 171 times and there are many different financial items that are in our Constitution, including mining exercise tax trust fund that's protected, limitation on the expenditure of motor vehicle fuel revenues, and payment of unfunded liabilities in the Maine State Retirement System, which is my favorite, by the way, because I want you to just think about what we just did in the budget. Because of the constitutional language that requires the unfunded actuarial liability to be paid off, it forced the Legislature to do pension reforms necessary to meet that obligation. It wasn't just out of the blue that such an amendment was proposed. It was because the Legislature failed to do its job in the past. I suspect that that's why there are protections on fuel taxes and whatnot, because the Legislature has not been able to make those tough decisions to fund what are the priorities to Maine people.

One last thing and I'm hoping that this won't be prolonged any further. What this actually does is allows Maine people to weigh in on whether they want to do this. This isn't the end of the game. A majority of Maine people have to approve this change. One little thing that has bothered me, and has been said to me repeatedly by many legislators, is that if we don't kill this in the Senate or in the House we know the Maine people are going to approve it. To me, that is disturbing and it's not good government. All I'm asking for is to let Maine people weigh in on this subject.

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

Senator **DILL**: Thank you Mr. President. Men and women of the Senate, just in response to the recent comments about what we just did in the budget with regard to pension reform. I would suggest that what we did in the budget had nothing to do with pension reform, but rather had more to do with funding close to \$400 million in unfunded future liabilities. I think the facts bear that out. While you may slap yourself on the back for what we did in the budget, I would suggest that the budget is presenting to the

people of Maine a bill, going forward, for close to \$400 million that isn't paid for. By passage of this bill, it suggests to the voters that we are, in fact, not able to responsibly deal with budgets and that it's inviting future legislatures to grapple with unfunded future liabilities. There is just no doubt about it. To suggest that somehow the budget addressed pension reform because of what past legislatures didn't have the courage or the will to do is simply in error. The Legislature has been paying the bill for the pension. This budget goes above and beyond the cost of meeting the 2028 Constitutional requirement and funds tax cuts for a total of close to \$380 million. I just heard it from OFPR. I just want the record to reflect that fact. Thank you very much, Mr. President.

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

Senator **BARTLETT**: Thank you Mr. President. Not to prolong this needlessly, but I do want to make one point in response to some of the debate. One is that I think there is a big difference between an amendment that is protecting a non-General Fund source of revenue from being taken to be used in the General Fund to fund other things. This proposal is taking money out of the General Fund to pick one particular priority over all others. I think that is a huge distinction. Secondly, what we seem to have heard is that this amendment is necessary because we, as a Legislature, have failed in our budgeting to meet a priority. It is stunning on the heels of a budget that we just passed. From what I understand from this debate is that if we support this we are saying to the people of Maine that we failed. The budget that we just passed is a failure. I don't know why we would want to do that and why we don't trust legislators to make these decisions. Thank you, Mr. President.

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

Senator **SULLIVAN**: Thank you Mr. President. Men and women of the Senate, I had voted for this in the past and actually, when listening to the conversation, am going to vote against it. I'm going to vote against the pending motion. The reason why? I'm thinking of those people who are out of jobs. I'm thinking of those students. I do see a head shaking that's very upset with me right now. However, I do need to tell you that we've been doing this to our students all the time. I've heard in a different realm, 28 years of it, how children are our most important natural resource. The only way we're ever going to get ahead is to fund education at 55%. We haven't funded it. We got up to 52% or so several years ago. We're back down to 42% or so. Special ed. Those are human beings. They feel. They are our future. I love animals. I used to love camping, the ground's a little hard now, don't know what happened. I can't support this. We just passed a budget. We gave up all kinds of things that we thought were important in order to make it. We're not even into July 1st, darned close to it, but not into it. Here we are saying we're going to make sure we put something out that says we're going to forget our commitments to the elderly. We are the grayest state in the union. Go figure. I would have assumed Florida or Arizona. It's Maine, per population, per capita. Those needs are there. Our children. You want to know why Maine kids don't stay here. We have an obligation. You know what? We need to make tough choices. I've heard that for 13 years. I'm making a tough choice.

It's a tough choice, but I'm putting people first. That's how I ran and that's how I'll end my time in the Senate. Thank you.

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

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen, I want to take one more shot at this before I sit down and watch it go down in flames. We have a state law right now on the books that says it is the intent of the Legislature to fund the 18.5% of the department's budget that is General Fund related. We just not withstand it every two years. What I want the record to show, and history, I believe, will be on my side, is the reason I put this in was because this little department, in the absence of the courage to cut search and rescue and to cut endangered species, what happens is that this little committee in the Legislature invents new ways to raise money. I'm ashamed to say that it was this close to passing, to have an outdoor access card in the state of Maine. I can tell you that we are not Russia. We're not Communists. We shouldn't have an outdoor access card to go outside, but that is what was being proposed. Then we had another proposal to register canoes and kayaks to create the money to pay for this. Very, very unpopular. Didn't pass. What did we do? We turned our moose lottery system into a joke. We sell multiple chances for the moose lottery for only one purpose. There are no extra charges. There are no greater odds to win if you buy more. The odds are zero. It just generates more money. We've come up with idea after idea after idea to take away people's rights to use the outdoors to fund something we don't have the stomach to pay for. That's why this amendment is before us. For those who think that they are losing a right somehow in the Constitution, the rights are being taken away every single day; one little slice at a time. I challenge each and every one of you to go down to the Fiscal Office and look at the taxes and fees raised over the last 9 years. That list is 22 feet long. The cost of state government has been shifted all over state government in the creation of fees and increased fees for one purpose, to fund a government that we don't have the stomach to cut. You wanted an honest debate on this one. I did this for my future, and for the future of children that are unborn, to have the opportunity to use the outdoors.

For those that say that education comes first, I've got a little more frank discussion to have for you. That EPS school funding formula has been loaded with spending not even associated with education to make it look good. It's 55% of what? Senator Alford knows exactly what because he helped me pass a bill to try to stop it. Why? Because we didn't have the stomach to cut or raise taxes to pay for it. The load up the school funding formula, it gives the appearance there is all kinds of new money going to the local communities when it's not. It's just a gimmick.

THE PRESIDENT PRO TEM: Would the Senator defer. The Chair would ask for what reason the Senator rises?

Senator **SULLIVAN:** Thank you Mr. President. I would question why we're talking about EPS and all of that when we're debating this bill?

THE PRESIDENT PRO TEM: Thank you. I think the Chair has shown great leeway with a number of Senators thus far. I would just encourage the Senator to focus on the issue before us. The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN:** Thank you Mr. President. The reason I did address that is because the previous speaker brought up school funding and I just wanted to point out that that's not as clear cut as the 55% being funded.

Just one last thing. I did this for the future generations that are going to have their rights taken away. Remember two years ago when people brought forward a salt water fishing license? Another loss of great freedom, to use the ocean. Do you know why that came forward? It was because the Sea Run Fisheries Program, EMR, was not funded and they needed revenue to fund it. Not because it was going to help recreational salt water fishermen, but simply to pay for a State program we couldn't pay for. My point is that we continue to lose our rights to use our resources simply to pay for a government we don't have the stomach to cut.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you Mr. President. Men and women of the Senate, I simply want to explain that I will be opposing the bill and really for a very simple reason. I just philosophically am opposed to placing an amendment in the Constitution that would provide funding in a component of the budget above everything else and to set aside one agency, one department, a portion of the budget and say that they are constitutionally protected to receive the money off the top first, before we enter into debate, before the Legislature that is duly elected has the discussion and goes through the argument of developing priorities. I don't disagree, really, with any of the items that the Senator from Lincoln, Senator Trahan, has put forward. What you are hearing is, of course, a very sincere frustration of his time advocating on behalf of the beneficial impacts of this department and the people that they serve throughout the state. I'm finishing my fourth term as a member of the Appropriations Committee and have watched this process unfold in times when, believe it or not, we had a \$300 million surplus, when we've had shortfalls, when we've had many recessions and when we've had major recessions, and when we've had major developments when the federal government comes in with money that wasn't expected or legislation was passed that impacted us. I marvel at the process. The voters of Maine, every 24 months, have the opportunity to elect an entirely new Legislature. That Legislature sets about setting its priorities through the bills that it passes and the budgets it develops. I'm supportive of that process. I think that in the past the history of Constitutional Amendments, even when they protect special revenue, could be argued by some that they even prove to backfire in time. Past Constitutional Amendments have protected special sources of revenue for portions of government spending. At the time they were passed they seemed as a floor but they became a ceiling over time as well. Sometimes they can even become a trap. Those are the reasons. I think I could make the same argument for parks and historic sites or any other number of elements of the day to day functions of state government. I would add though, responding to some of the other comments that I heard, that I think this Legislature voted to support, and ultimately enact, a very good budget. I don't agree with the dire predictions of enormous shortfalls in the future. I think that we will prove that this will not be the case. I think we'll see a much rosier outcome than people are predicting today. I think it's a balanced document. I think it represents both the best that comes out of

the process as well as the priorities of the membership at large. For all those reasons, I will not be supporting the motion that's before us.

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

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I find myself in a little bit of an odd situation in that I wanted to answer a couple of questions. I think the issue that the last, most recent, budget negotiation had been a failure, or at least that they hadn't done the job, I think really they have. What's really wrong with our system is the system. If you look at the Highway Fund and the General Fund you will see that our system really does not come together and sometimes you have to take the system by the lapels and shake it, like this bill is going to do, and say, "Look, we need some money." We don't have a lot of power and influence, evidently, as a group that is interested in a specific group or legislative committee that has interest in and responsibility for our wildlife. Sometimes you have to do something about that. I think this bill does it. It is a little bit contrary to my usual philosophy in that you do not, in advance, dictate where money is going to go. As I said, we have not done it with the Highway Fund. The Highway Fund usually comes out on the end. We're now in a big hole with the Highway Fund. I really would not want to see this happen to a key part of our state, the part that funds our wildlife. Again, I don't think it necessarily has much to do with the budget. The budget was done well this time, or better than many times in the past. I think it has to do with the system we're working under. We do need to shake that system up. This will send it out to the voters saying that yes, indeed, we think it's very important and what do they think. I think we ought to go with what they say, which we will. Let's send it out and see what they have to say about it. Thank you, Mr. President.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, there are lots of things that the people of the state of Maine would like us to fund. The reason why education was brought up was that we still have neglected to fund education. Putting this out to the people and saying that the people should make the decision of whether or not we fund this, they may say yes. The fact of the matter is; where is that funding going to come from when we decide we are not going to raise revenues? I would argue that it could very well come from education or from the less than one-half of 1% that we're funding our economic and community development, which we were all sent here to promote jobs and the economy. I would argue that this is the wrong direction for us to go. We deal with this in the budget and we should continue to work on it in the budget negotiations. To make this rise to the level above education and above health and human services. By the way, how many of you have gone to fundraisers for schools or for people who are dying of cancer? I'm sorry, but we simply have some priorities and it's perhaps the reason why this has not gotten funded to where some of us would like it to be funded. We have other priorities. Perhaps our priorities, at least for the moment, are set in the right direction. I would hope that you would vote against the pending motion for those reasons. Thank you very much.

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

Senator **DILL:** Thank you Mr. President. Men and women of the Senate, I just wanted to briefly present to the Body, and for the record for those of you who are listening, the source of my earlier statements about future budget deficits. In particular, I'm referencing the summary of the 2012 - 2013 biennial budget bills as enacted report dated June 27, 2011, appendix B. It specifically addresses the shortfall in revenue as a result of the tax package contained in the budget for fiscal years 2014 and 2015 to be roughly \$400 million. Information I have from the OFPR is that the other legislation that we've passed has a tail of \$1.5 million. My point is simply that it's irresponsible for us to suggest to the voters, by putting this question out, that we have funding available for this kind of amendment when we haven't adequately funded our future responsibilities. Thank you.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, this will be my fourth term on Transportation and the Highway Trust Fund is protected in the Constitution. I shudder to think what the roads would look like if that fund wasn't protected. There are days when I wondered if we'd have money enough to plow the roads in some parts of the state. We do need to invest in our economy. In my district, the better the fishing is and the better the hunting is, the more people are going to come visit us. The more money they are going to spend, the more tax revenue that we're going to have, and the more money we're going to have to spend on education. I see this as seed corn. We can plant those seeds and we can harvest the crop and then we'll have more money to go around for everyone, or we can eat the seed corn.

THE PRESIDENT PRO TEM: The pending question before the Senate is Final Passage. 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 (#283)

YEAS: Senators: COLLINS, DIAMOND, FARNHAM, GERZOFKY, GOODALL, HASTINGS, HILL, HOBBS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, SAVIELLO, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DILL, ROSEN, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, WOODBURY

ABSENT: Senator: JACKSON

This being a Constitutional Amendment, in accordance with the provisions of Section 4 of Article X of the Constitution, having received the affirmative vote of 22 Members of the Senate, with 12 Senators having voted in the negative, and 22 being less than two-thirds of the Members present and voting, **FAILED FINAL PASSAGE**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require Approval by a 2/3 Vote of Each Branch of the Legislature in Order To Raise a Tax or Impose a New Tax
S.P. 183 L.D. 603
(C "A" S-230)

Tabled - June 8, 2011, by Senator **KATZ** of Kennebec

Pending - **FINAL PASSAGE**, in **NON-CONCURRENCE**

(In Senate, June 6, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-230).**)

(In House, June 7, 2011, **FAILED FINAL PASSAGE.**)

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

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

Senator **BRANNIGAN:** Thank you Mr. President. Men and women of the Senate, it seems to me that what this is is minority rule. If this were to pass it would only take a minority to put it into effect. That's huge areas of taxation. I guess I would have to say that the only people who will vote for this are people who feel they will be in the minority ongoing. I don't think it's a good way to run a country or run a state. I cannot believe that we will allow this. What are elections for? Elections are to choose a majority. Some of us have relished the majority for many, many years. It's easy over here. We don't have anything to do. For those of you who have been running committees and working very hard, I'm sure you feel that staying in the majority, and doing the taxing and non-taxing, is something you would like to do. I believe, Mr. President, we should vote this down big time. Thank you very much.

Off Record Remarks

THE PRESIDENT PRO TEM: The pending question before the Senate is Final Passage in Non-Concurrence. 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 (#284)

YEAS: Senators: COLLINS, FARNHAM, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RAYE, RECTOR, SAVIELLO, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFISKY, GOODALL, HASTINGS, HILL, HOBBS, PATRICK, ROSEN, SCHNEIDER, SHERMAN, SULLIVAN, WOODBURY

ABSENT: Senator: JACKSON

This being a Constitutional Amendment, in accordance with the provisions of Section 4 of Article X of the Constitution, having received the affirmative vote of 17 Members of the Senate, with 17 Senators having voted in the negative, and 17 being less than two-thirds of the Members present and voting, **FAILED FINAL PASSAGE**, in concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Allow School Administrative Units and Educational Advisory Organizations To Participate in the State's Group Health Plan

S.P. 200 L.D. 619
(C "A" S-64)

Tabled - June 10, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 10, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-64).**)

(In House, June 10, 2011, **PASSED TO BE ENACTED.**)

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

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Require a Person Who Commits a Sex Offense against a Dependent or Incapacitated Adult To Register under the Sex Offender Registration and Notification Act of 1999

S.P. 205 L.D. 624
(C "A" S-286)

Tabled - June 14, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 10, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-286).**)

(In House, June 14, 2011, **PASSED TO BE ENACTED.**)

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

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Enhance Long-term Care Services for Maine Citizens
H.P. 510 L.D. 683
(C "A" H-502)

Tabled - June 7, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 6, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-502)**, in concurrence.)

(In House, June 7, 2011, **PASSED TO BE ENACTED.**)

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

Senator **RAYE** of Washington 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 President Pro Tem **JONATHAN T.E. COURTNEY** of York County.

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Penobscot, Senator **PLOWMAN** to the rostrum where she assumed the duties as President Pro Tem.

The Senator from York, Senator Courtney, returned to his seat on the floor.

The Senate called to order by President Pro Tem **DEBRA D. PLOWMAN** of Penobscot County.

ORDERS OF THE DAY

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Amend the Maine Historic Preservation Tax Credit
S.P. 235 L.D. 742
(S "A" S-116 to C "A" S-89)

Tabled - May 23, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 19, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-89) AS AMENDED BY SENATE AMENDMENT "A" (S-116)** thereto.)

(In House, May 23, 2011, **PASSED TO BE ENACTED.**)

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

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

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Further Restrict the Availability of Methamphetamine and Amphetamine Pills
H.P. 580 L.D. 773
(C "A" H-252)

Tabled - May 23, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 19, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-252)**, in concurrence.)

(In House, May 23, 2011, **PASSED TO BE ENACTED.**)

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

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Resolve

Resolve, To Foster Energy Efficiency Improvements and Other Needed Renovations at Residential Care Facilities Funded by MaineCare

S.P. 219 L.D. 790
(C "A" S-127; H "A" H-371)

Tabled - June 1, 2011, by Senator **ROSEN** of Hancock

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 31, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-127) AND HOUSE AMENDMENT "A" (H-371).**)

(In House, June 1, 2011, **FINALLY PASSED.**)

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 Pro Tem, was presented by the Secretary to the Governor for his approval.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Promote the Establishment of an Adult Day Health Care Program for Veterans in Lewiston

S.P. 277 L.D. 873
(C "A" S-128)

Tabled - June 3, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 23, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-128).**)

(In House, May 25, 2011, **PASSED TO BE ENACTED.**)

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

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a Two-thirds Vote To Approve the Issuance of a Bond or Security by the Maine Governmental Facilities Authority
H.P. 728 L.D. 984
(C "A" H-304; S "A" S-182)

Tabled - June 13, 2011, by Senator **ROSEN** of Hancock

Pending - **FINAL PASSAGE**, in **NON-CONCURRENCE**

(In Senate, May 31, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-304) AND SENATE AMENDMENT "A" (S-182).**)

(In House, June 10, 2011, **FAILED FINAL PASSAGE.**)

This being a Constitutional Amendment, in accordance with the provisions of Section 4 of Article X of the Constitution, having received the affirmative vote of 20 Members of the Senate, with 14 Senators having voted in the negative, and 20 being less than two-thirds of the Members present and voting, **FAILED FINAL PASSAGE**, in concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Provide Limited Reciprocity for Nonresidents Operating Snowmobiles in This State

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

Tabled - June 7, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 3, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-364) AS AMENDED BY HOUSE AMENDMENT "A" (H-426)** thereto, in concurrence.)

(In House, June 7, 2011, **PASSED TO BE ENACTED.**)

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

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Amend the Laws Governing the Deadline and Conditions for Municipal Approval of a Second Racino and To Allow a Tribal Racino in Washington County

I.B. 2 L.D. 1203
(C "A" H-400)

Tabled - June 13, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 9, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-400)**, in concurrence.)

(In House, June 10, 2011, **PASSED TO BE ENACTED**.)

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

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

Senator **PATRICK:** Thank you Madame President. Ladies and gentlemen of the Senate, colleagues and friends, I would hope that you vote against this bill. I probably could go on for another half an hour, but I'm not going to. I just want to touch upon one thing that happened to me along the way. This bill, as you know, as any casino bill, always has an awful lot of lobbying to it. This bill is no exception. They probably spent in the millions of dollars lobbying this issue. What disturbs me is that at the start of this issue we had a bill prior to this that had to do with 100 mile radius. I had asked the head of the Biddeford Downs organization to make darned sure one lobbyist stayed the heck away from me. I actually said it very forcefully. I've always prided myself and this Body on the degree of civility we extend to each other. While we debate issues vigorously and have strong differences of opinions at time, and this is certainly one such example, we have always maintained an appropriate degree of decorum and respect for one another, which I think we have done during this issue. At the end of the vote, when I actually gave my 20 something minute speech, I had the good fortune to have a lobbyist approach me after, while I was talking to two other people in the hallway, by the name of Ed McCall. He actually jumped right in and very condescendingly said to me, "I just want to thank you so very much for everything you've done to help us pass this." I'll tell you one thing right now, I've never been so disgusted and humiliated in all my life. I hope that this doesn't happen to anyone else because I think it's totally disrespectful to us, as Senators in this Body. I'm not going to belabor it any more, but I wanted to get that on the record because I'm very disappointed that that happened and I'm hoping that this bill goes down flames. Thank you very much, Madame President.

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

Senator **SULLIVAN:** Thank you Madame President. Men and women of the Senate, I almost agreed to go along with what the good Madame President Pro Tem and I discussed. He who speaks tonight loses. We both know we're tired. We all know that June 28th, we probably shouldn't be here, but we are. I'm going to answer that. You'd better learn to grow thick skin when you're here because I can tell you about what lobbyists have said to me and about how they have turned one person against another person, even on this. I don't know why we think that it's one lobbyist from one place or another place.

I'm going to tell you how I feel real quickly about this. This is a Biddeford issue, for us. We're one of those towns that has seen

mill after mill close. Downsizings. West-Point Stevens, my husband was employed almost 25 years. It was the first one to be downsized. We have venture capital. I served on BRED for years, both in the House and here. We talked about how if we could only find people to believe in Maine. Believe in us. Put their money here. We have somebody willing to do that and build a hotel of the Samoset quality, Wentworth by the Sea, Bar Harbor where the President stayed last year. We have that money here to go. We don't have to wait for financing. We have a city that wants them and we've turned our nose up at it. We turn our nose up at these things over and over again. LNG energy, wind power, or whatever it is. It turns out that one group of Mainers don't want what somebody else has. Vote it up or down. I never had hope that anything would go down in flames, regardless of who put in. You have a lot of people in Biddeford. It's your fifth largest city. You basically just heard to let it go down in flames. So what? The so what is that those people have families to feed. That community needs some help and somebody was willing to invest in them, other than MERC. You have Washington County. We're going to help the tribes out every time we're here. The tribes haven't gotten what they wanted. They followed all the rules time after time, and they don't get it. Let us take control. Let us honestly say we want jobs for here, whether it's lumber for our workers in Aroostook County, whether it's our tribe in Washington County, or what Oxford County has. Tourism. Maybe we should shut down all the beaches too, because Aroostook County doesn't have a beach. All we want is a chance and we have somebody who says that they believe in Maine and they believe in Biddeford. Those people coming are to the likes of the Samoset. How many times have you been to Samoset for a conference? I've been there several times for lots of different reasons, either in teaching or whatever. I've been trying to think, but I have not seen anybody out sleeping on the grounds around the Samoset. I haven't seen people with backpacks. They seem to have the money to pay for those rates. This is quality. Why are we afraid of bringing money into Maine? Why do we cry how poor we are, but every time we want wind development, we want that LNG natural gas, or every time we have somebody with quality, we turn our nose up at it? I don't get it. I do not understand how you can cry poor and then totally sit in judgment of every single business that comes here. I'll tell you, I'd rather have a racino of high quality, that has something to do with the history of this state, take a look at our seal if you think it's wrong. Sailor and farmer. Horses. All of that. That's our seal. That's our heritage. We've decided our heritage isn't good enough. It isn't good enough. Tell that to the people in Biddeford. Tell that to the veterinarians that will be servicing these horses. Tell that to the horse farms, DuPree in Saco. It's not DuPree any more. I'm going to my back days. I went to school with his sister. Tell that to the people. Say, "You know what city of Biddeford and York County, we decided what is good for your community. We decided that a top rate company, with the venture capital to be able to build something here, isn't good enough for your community. You keep taking the MERC. You keep taking the Tim Horton's, McDonald's, or Burger King." No one questions how many of those we build. I asked somebody one day, "How come you haven't been concerned about supply and demand here? We have more of these fast food places than even I can keep going to." They said, "Well, it's not about gambling." Now we're at the crux of it. We've decided it's about gambling. We want it. You've decided what this community can do. We just spent \$34 million to build a school, to renovate a school. Our

rates are going up. Our businesses are closing. We have the same problems that many of you sit here and tell me about in your communities. You ask me to vote for your community. I have some colleagues who hope this goes down in flames. May I never say that about any of your bills, that are important to your community. Thank you.

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

Senator **PATRICK:** Thank you Madame President. Ladies and gentlemen of the Senate, colleagues and friends, probably the use of go down in flames wasn't the best use of words and I apologize for that. What basically I'm saying is that it's not over if we vote this down. What this vote is; is do you want to have two racinos in the state of Maine to go with the one that is here, which is contrary to the original racino legislation back in 1993, or do you want to send it out to the people? This isn't about who has the most money to build the best horse racing track or who builds the best hotels, motels, or golf courses. The quality of a racino or casino isn't the problem or issue at hand. It's whether or not you want to expand gaming by 3,000 more slot machines in the state of Maine. We just, for better words, let Lewiston go down in flames to a vote of 22 to 6, or something like that. It was a pretty big decisive vote. That was for a casino, which isn't much different, from what I understand. Those that have racinos now want table games to make them casinos as well. I've also actually supported them whole heartedly, myself, on every aspect of what this bill brings forward. I've supported harness racing. I've supported the farmers. I've supported all the different entities and stuff like that. I've also stood before the people of Rumford and said, "I'm going to smoke your bill because the right thing to do is to actually send it out to the people." I've had tons and tons of e-mails from all over the state of Maine asking me about the moral factor with gaming that gaming brings into the state. We already have a racino in Bangor. We have a casino in Oxford that's not even up and running yet. Now we want to double that and there's the possibility of adding a fifth one. This vote right here, whether it passes or fails, is about do we want to send this out to the people of the state of Maine so they have an opportunity. With the factors that have been presented here, I have no doubt whatsoever. Just like when the Oxford casino went out to the people, they were able to bring to the people of the state of Maine the reasons why it was going to be a good deal. If this is such a great deal, they'll have no problems convincing the state of Maine that this should be built. I would ask you to not support this Enactment. Thank you.

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

Senator **DIAMOND:** Thank you Madame President. Ladies and gentlemen of the Senate, regarding the derogatory comments that were made about Ed McCall, he has been a friend of mine for 15 years. He's a man of integrity. A man of his word. He's a gentleman. A man of high character. I just want that on the record. I take exception to his reputation and person being treated as it was in this debate. Thank you, Madame President.

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

Senator **CRAVEN:** Thank you Madame President. Men and women of the Senate, I just wanted to get up briefly to explain my forthcoming vote. I think that we all come here to represent our own communities. This has been a painful process for me because I certainly support jobs in the state of Maine, and Lewiston certainly needs jobs. A lot of jobs. All kinds of jobs. I also believe in equal treatment and I feel like it's my responsibility to represent my district, to try to equalize the footing for racinos and casinos. It is, indeed, with some regret that I won't be supporting the current motion. Thank you, Madame President.

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

Senator **SNOWE-MELLO:** Thank you Madame President. Ladies and gentlemen of the Senate, I stand here today also to explain the change of vote that I will have to make. It's amazing when you go home and you meet with all your people. You visit with them and they call you and they talk to you. You hear so much more than when you're up here every single day. This has been a long and difficult process. I agree with the good Senator from Androscoggin, from Lewiston, Senator Craven. I think that we need to be fair. I think we need to send this out for the people to vote. I do support my horsemen and women. I have a few in my district. They are wonderful people. I just think we need to be fair and send this out for a vote, for the people to make the decision. Thank you.

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

Senator **DILL:** Thank you Madame President. I would like to just also state on the record that Mr. McCall is one of my constituents. He also is one of my first bosses, as a young attorney in Portland. I understand completely that he is a zealous advocate and at times can be very strong minded, but he has two exceptional kids and I would hope everyone would judge him by the job he's done raising his children. I just wanted to say for the record that Ed's a good guy. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you Madame President. I rise very briefly. As I said when we debated this issue earlier, this has been an 18 year journey for the people of Washington County and for the people of the Passamaquoddy tribe. During this session, as the Senator from Washington County and someone who has endeavored long and hard on behalf of the Washington County racino, I voted in this Chamber for the Lewiston slots. I voted in this Chamber for table games for Bangor. I did it because I know what it feels like to come here and advocate for your community, to advocate for economic development and jobs that are badly needed, and to be rejected. I understand why my two colleagues from Androscoggin stood a few moments ago and talked about the feeling of seeing the Lewiston measure be defeated. Frankly, I think that was a regrettable outcome. It's not the outcome that I voted for, the outcome that I supported. There is a lot at stake here. There is a lot at stake for the communities of Biddeford and Washington County. There is a lot at stake for the horsemen. There is a lot at stake in terms of jobs and economic development, which I believe is something that most of us are

committed to first and foremost. There is a lot at stake for the Passamaquoddy people. Again, remember, 18 years. This entire debate was introduced to the state of Maine in 1993 by the Passamaquoddy people and the people of Washington County. Eighteen years later we've seen two facilities approved; one in Bangor and one in Oxford County. The Passamaquoddy people and the people of Washington County are still on the outside looking in. I have no quarrel with Hollywood Slots in Bangor. I have no quarrel with the soon to be facility in Oxford County. I wish them well. I hope that they are successful. On the same token I don't subscribe to a theory of monopolies.

At some point we have to recognize that the issue of whether or not Maine is a gaming state is not the issue before us. Maine is a gaming state. The issue before us is; are we going to take the bull by the horns, as a Legislature, and lead and do what the people expect of us and make the decisions surrounding the future of gaming in the facilities in Maine or are we going to once again punt and send it out to the people and continue on with this sort of maddening, nonsensical things we've gotten into of just punting to the voters so that each one of these facilities, time and time again, will be decided by a statewide referendum? I can't think of anything else, any other issue, that any of us would think that that was the way to go. Let's just keep sending these out ad noisome rather than making the policy decisions that we were elected to make. I would point out that, with respect to the host communities, Biddeford had a vote. I believe it was almost 60%, it was 59% or 60%, in support of hosting the facility. In Washington County we've had several votes. The most recent one, the city of Calais, the residents of Calais, where the racino would be, voted 80% in support. The county as a whole voted 70% in support. Enormous numbers. Low and behold, that local support, that yearning for self determination, to give ourselves a shot, was rejected by the voters, I would submit that most of whom have never visited Calais and perhaps never will. I know this isn't an easy vote, but I know particularly so for the Senators from Androscoggin, it's not easy because I've walked many, many, many miles in those moccasins. I would appeal to people to think of how you would feel 18 years later if you were in this position. For me, it's an easy call. I recognize for many colleagues here, Madame President, it is not an easy call. The words that I heard from the Senator from York County, Senator Sullivan, I felt like I was listening to myself from past debates. The words that I heard from Senator Craven, likewise. I felt like I was listening to myself from past debates. I understand the difficult position it is for many people, but I would ask you to think before you hit your button. Think of the Passamaquoddy people who have been working for nearly two decades and, depending on how this vote goes, will be left wondering once again why. Thank you, Madame President.

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

Senator **SNOWE-MELLO:** Thank you Madame President. Ladies and gentlemen of the Senate, this issue of gambling is difficult for me to decide upon. I've finally decided to send it out to the people. I think that this gambling and broadening gambling needs to go out to the people. It's going to affect this state. It's going to affect this state in growing our bureaucracy. If all these casinos are passed, we will be a full blown gambling state. It is going to affect the bureaucracy of our committees and we're probably going to have to develop a committee that will solely

address gambling issues and gaming. Is this what we want for Maine? This past year I got elected to do my best to work on issues that will create business and jobs in this state. I don't think gambling is the type of job that I really want to create. I feel I have full faith and confidence that the wonderful things that we've done with health care reform, with tax relief for our people back home, and the many, many things that we've done. L.D. 1 and regulatory reforms. These, ladies and gentlemen, are the ways to get business to come to our state and be created. I think we're really missing the mark when we believe that gambling is the only way we're going to get jobs to this state. I do feel it is hard for me to know that voting against this that I'm voting against the possibility of allowing the Passamaquoddy tribe to be able to have some type of business that they can create and help them. They are hurting and I understand that. I truly, truly believe that the people must have a say in this critical issue. They need to be a part and have their voice say to us that this is the way they want Maine to go or not. It is fairness. My decision was based on that, yes, Lewiston failed, and that's going out to vote. To be fair, many people in my district came to me and said, "Please send this out for a vote. We want to have the opportunity to vote on this." The people from Poland, who worked very hard on the casino in Oxford, believe strongly in that project. That project is just getting going. I want to give that project a chance. As far as competition, I'm a strong supporter of competition. I think that the people of this state must make that decision. They need to say to us whether they think gambling is a way to create business or not. It is a difficult vote. Absolutely it is, but I feel it's the right vote. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is Enactment. 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 (#285)

YEAS: Senators: BRANNIGAN, DIAMOND, DILL, GERZOFISKY, KATZ, LANGLEY, MARTIN, MCCORMICK, RAYE, SAVIELLO, SCHNEIDER, SHERMAN, SULLIVAN, TRAHAN, WHITTEMORE

NAYS: Senators: ALFOND, BARTLETT, COLLINS, COURTNEY, CRAVEN, FARNHAM, GOODALL, HASTINGS, HILL, HOBBS, MASON, PATRICK, RECTOR, ROSEN, SNOWE-MELLO, THIBODEAU, THOMAS, WOODBURY, THE PRESIDENT PRO TEM - DEBRA D. PLOWMAN

ABSENT: Senator: JACKSON

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Improve the Energy Efficiency of Public Buildings and Create Jobs

S.P. 385 L.D. 1264
(C "A" S-244)

Tabled - June 7, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 6, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-244).**)

(In House, June 7, 2011, **PASSED TO BE ENACTED.**)

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

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve

Resolve, To Ensure Cost-effective Services for Persons Needing Neuropsychological Testing

H.P. 940 L.D. 1281
(C "A" H-624)

Tabled - June 15, 2011, by Senator **ROSEN** of Hancock

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 14, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-624)**, in concurrence.)

(In House, June 15, 2011, **FINALLY PASSED.**)

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

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Create a Consolidated Liquor License and Amend the Laws Governing Agency Liquor Stores

S.P. 403 L.D. 1300
(C "A" S-226)

Tabled - June 14, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 3, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-226).**)

(In House, June 14, 2011, **PASSED TO BE ENACTED.**)

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

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Create Innovative Public School Zones and Innovative Public School Districts

S.P. 466 L.D. 1488
(C "A" S-277)

Tabled - June 10, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 8, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-277).**)

(In House, June 10, 2011, **PASSED TO BE ENACTED.**)

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

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

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

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

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

Pending - **ENACTMENT**, in concurrence

(In Senate, June 2, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-447)**, in concurrence.)

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

Senator **SULLIVAN** of York requested a Division.

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

Senator **SULLIVAN:** Thank you Madame President. Men and women of the Senate, I suppose this is somewhat in reaction to the last speech, but I will tell you I'm concerned that we're going to be able to use I-95 and travel at a faster speed between Old Town and Houlton than down where the traffic is in Saco. I'd like

to have us vote and see if all of us should be able to vote to raise that up. Maybe even send this out to the voters along the way because certainly an interstate is a federally funded road. It is a road that has what is allowed for speed enforcement. It works fine down where I am at what we have now. I'm just curious why we would want to send it any place else and raise it, because I'd like to be able to get from one place to another faster too. I think I would ask for a division for this. I realize you may think I'm being facetious, but I just want you to realize how many times we vote to help other places out. This is why I'm asking for a division.

At the request of Senator **SULLIVAN** of York a Division was had. 29 Senators having voted in the affirmative and 3 Senators having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Senate at Ease.

Senate called to order by President Pro Tem **DEBRA D. PLOWMAN** of Penobscot County.

Off Record Remarks

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

REPORTS OF COMMITTEES

Senate

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act To Allow a Student Attending Private School Access to Public School Cocurricular, Interscholastic and Extracurricular Activities" H.P. 662 L.D. 903

Had the same under consideration and asked leave to report:

That the Senate **Recede** from **Passage to be Engrossed as Amended by Committee Amendment "A" (H-490) as Amended by Senate Amendments "A" (S-293) and "B" (S-307)** thereto. **Recede** from **Adoption** of Committee Amendment "A" (H-490) as Amended by Senate Amendments "A" (S-293) and "B" (S-307) thereto and **Indefinitely Postpone** same. **Read and Adopt** Committee of Conference Amendment "A" (S-331). **Pass the Bill to be Engrossed as Amended by Committee of Conference Amendment "A" (S-331), in Non-Concurrence.**

That the House **Recede** and **Concur** with the Senate.

On the Part of the Senate:

Senator **LANGLEY** of Hancock

Senator **MASON** of Androscoggin
Senator **HASTINGS** of Oxford

On the Part of the House:

Representative **McCLELLAN** of Raymond
Representative **CASAVANT** of Biddeford

Report **READ**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#286)

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

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

ABSENT: Senator: **JACKSON**

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, the Report **ACCEPTED**.

Sent down for concurrence.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Make Certain Prescription Drug Disclosure Laws Consistent with Federal Law" H.P. 530 L.D. 719

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-647)**.

Signed:

Senators:

McCORMICK of Kennebec
FARNHAM of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-648)**.

Signed:

Senator:

CRAVEN of Androscoggin

Representatives:

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-647)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-647)**.

Reports **READ**.

Senator **McCORMICK** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-647)** Report, in concurrence.

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

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

Senator **CRAVEN:** Thank you Madame President. Men and women of the Senate, I won't take a lot of time here because I know how to count, but I just want to say a few things about this bill. L.D. 719 would strike the laws relating to the reporting of marketing costs, price reporting, and the disclosure of clinical trials by manufacturers, labelers, and labeling prescription drug. We had a lot of conversation and a lot of information given to us about the repeal of these safeguards in our public hearing. I just wanted to quote a couple of things that came up. This is from the Department of Health and Human Services. It says, "Because pharmaceutical manufacturers are not required to disclose

information regarding representatives working in the state of Maine, the department is unable to identify which manufacturers are required to report their marketing expenditures." They must rely on self reporting." Some reports that were made in 2008 and 2007 and 2006. Marketing expenditures in 2008, there were 206 manufacturers representing 187 labelers reporting expenditures of \$90.6 million. This is just from marketing. This is a 24% increase from expenses reported in 2008. However, we also experienced an increase in the number of manufacturers who reported expenditures. There are over \$90 million spent in Maine only on marketing. The department further says, "Maine can assume that these expenditures directly affect prescribing habits as well as cost of health care to MaineCare and residents of the state." Because the department believes there is an impact on the cost of prescribing, the department is committed to promoting best practices and prescribing standards. I think that to allow drug manufacturers and marketers into the state of Maine without any oversight, without being required to do any kind of transparent reporting or any kind of disclosure of drug costs, it is always going to cost the consumer. I would urge you to vote for the Minority Report. Thank you, Madame President.

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

Senator **BRANNIGAN:** Thank you Madame President. Men and women of the Senate, we have been working over the years to try to help people who are needing the drugs and the whole industry. Some of the laws that this will take away are some of the laws that we put into effect in order to protect people. These are big, big outfits. In the information I've been reading, it says one of the reasons we don't need this any more is because the federal government is going to do these things. They are going to protect us. Well, I'd just soon stay with our protection, but if the feds are going to do it, if it's going to be duplicative, then it's going to be. This is way too premature. The feds have not done anything yet. If they do, their aim is, I believe, 2014 or 2015. It's years out. If this is duplicative then we can take care of it. Let's wait until they do their job and then we'll look at what we have done. I hope that you will vote against this.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Kennebec, Senator McCormick to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (H-647) 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 (#287)

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

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

ABSENT: Senator: JACKSON

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **McCORMICK** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-647)** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-647) **READ** and **ADOPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Repeal the Maine Certificate of Need Act of 2002"

H.P. 286 L.D. 360

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-625)**.

Signed:

Senator:
CRAVEN of Androscoggin

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-626)**.

Signed:

Senators:
McCORMICK of Kennebec
FARNHAM of Penobscot

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-625)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-625) AS AMENDED BY HOUSE AMENDMENT "A" (H-661)** thereto.

Reports **READ**.

On motion by Senator **MCCORMICK** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-625)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-626) **READ**.

House Amendment "A" (H-661) to Committee Amendment "A" (H-626) **READ**.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you Madame President. I'd just like to pose a question through the Chair regarding House Amendment "A" (H-626).

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

Senator **ROSEN:** Thank you Madame President. My question regarding House Amendment "A" is; as I read the amendment, will this result in an overall decrease in the number of nursing home beds or is it the intent of this amendment to leave the overall number the same?

THE PRESIDENT PRO TEM: The Senator from Hancock, Senator Rosen poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you Madame President. The beds will not be reduced, although there will be an opportunity to exchange beds in different regions to replace each other as needed.

House Amendment "A" (H-661) to Committee Amendment "A" (H-626) **ADOPTED**, in concurrence.

Committee Amendment "A" (H-626) as Amended by House Amendment "A" (H-661) thereto, **ADOPTED**, in concurrence.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Protect Legislative Intent in Rulemaking"
H.P. 426 L.D. 543
(C "A" H-546)

In Senate, June 8, 2011, **PASSED TO BE ENACTED**, in concurrence.

In Senate, June 16, 2011, **RECALLED** from the Governor's Desk pursuant to H.P. 1187, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-546) AS AMENDED BY HOUSE AMENDMENT "A" (H-671)** thereto, in **NON-CONCURRENCE**.

Senator **THOMAS** of Somerset moved the Bill and accompanying papers be **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Senate at Ease.

Senate called to order by President Pro Tem **DEBRA D. PLOWMAN** of Penobscot County.

Senator **THOMAS** of Somerset requested and received leave of the Senate to withdraw his motion to **COMMIT** the Bill and accompanying papers to the Committee on **STATE AND LOCAL GOVERNMENT**.

On motion by Senator **THOMAS** of Somerset, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in **NON-CONCURRENCE**.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Clarify the Responsibilities of the Maine Developmental Services Oversight and Advisory Board"
H.P. 827 L.D. 1115
(C "A" H-520)

In Senate, June 7, 2011, **FINALLY PASSED**, in concurrence.

In Senate, June 16, 2011, **RECALLED** from the Governor's Desk pursuant to Joint Order H.P. 1189, in concurrence.

Comes from the House, Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**, in **NON-CONCURRENCE**.

On motion by Senator **McCORMICK** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1186

ORDERED, the Senate concurring, that, notwithstanding Joint Rule 353, the Commission to Reapportion Maine's Congressional Districts is established as follows.

1. Commission to Reapportion Maine's Congressional Districts established. The Commission to Reapportion Maine's Congressional Districts, referred to in this order as "the commission," is established.

2. Membership. The commission consists of 15 members appointed or invited as specified in this section.

A. The commission consists of the following appointed members:

Three members from the political party holding the largest number of seats in the House of Representatives, appointed by the Speaker of the House;

Three members from the political party holding the majority of the remainder of the seats in the House of Representatives, appointed by the floor leader of that party in the House;

Two members of the political party holding the largest number of seats in the Senate, appointed by the President of the Senate; and

Two members of the political party holding the majority of the remainder of the seats in the Senate, appointed by the floor leader of that party in the Senate.

B. The Speaker of the House shall invite the following to be members of the commission:

The chairs of each of the 2 major political parties in the State or their designated representatives; and

Three members from the public generally, one to be selected by each group of members of the commission representing the same political party and the 3rd to be selected by the other 2 public members.

3. Commission chair; quorum. The Speaker of the House shall organize the commission and is the chair pro tempore thereof until a permanent chair is selected by the commission members from among their own number. Action may not be taken by the commission without a quorum of 8 members present.

4. Appointments; convening of commission. All appointments must be made no later than 7 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chair of the commission shall call and convene the first meeting of the commission. If 7 days or more after the passage of this order a majority of but not all appointments have been made, the chair may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

5. Duties. The commission shall review the State's existing congressional districts. If the districts do not conform to Supreme Judicial Court guidelines, the commission shall reapportion the State into 2 congressional districts for the election of representatives to the United States Congress in accordance with the requirements contained in the Maine Revised Statutes, Title 21-A, section 1206, subsection 1. The commission shall hold public hearings on any plan for apportionment prior to submitting the plan to the Legislature.

6. Staff; compensation. The commission may hire staff determined necessary by the chair to complete the duties specified in section 5. Public members of the commission must receive the same rate of per diem that is paid to Legislators for every day's attendance at special sessions of the Legislature as specified in the Maine Revised Statutes, Title 3, section 2. All members of the commission must be reimbursed for actual travel expenses incurred in carrying out the business of the commission.

7. Report; legislative intent. The commission shall submit a report no later than August 31, 2011 that includes its recommendations, including a suggested reapportionment plan and emergency legislation to implement that plan, to the 125th Legislature. It is the intent of the Legislature that these recommendations be acted on by the 125th Legislature convened in special session prior to September 30, 2011.

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

READ.

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

Senator **WOODBURY:** Thank you Madame President. Men and women of the Senate, I certainly agree with this Joint Order. We need to establish a Reapportionment Commission. The concern I

have with this Joint Order is that out of a 15 member commission it appoints 7 members that are members of the political party holding the largest number of seats, 7 members from the party holding the next most number of seats, and only 1 member who probably is not affiliated with any party. Of course that could be a party person as well. I'm concerned that this does not appropriately weigh the 40% of the population that is in fact not enrolled in a political party. That's my objection to the Joint Order and for that purpose I intend to vote against it or request that it be reformed.

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

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

Senator **HOBBS:** Thank you Madame President. Men and women of the Senate, I would like to take this opportunity, as the Minority leader, to briefly review the history of our congressional redistricting. As a Body we have a tradition of holding ourselves to a high standard. We have set a precedent by putting fairness and transparency before partisan politics. Democrats hope and expect that this Body will continue to uphold this precedent no matter who holds the majority. From 1961 until 1983 Maine's congressional district lines did not move as federal election officials focused their efforts and attention more on the states in the southern portion of the United States. In 1983, as it became clear that the line could remain static no longer, the Maine Legislature, including myself as a member of the House of Representatives, voted to align the process of congressional redistricting through statute with legislative redistricting and mirrored the language of our Constitution defining how redistricting is done. This process requires a 2/3rd vote of the legislature to approve redistricting and if 2/3rd cannot be achieved then the process is sent to the State Supreme Judicial Court for resolution. It also ensures that each district formed a compact and contiguous territory and crosses political subdivisions the least number of times necessary to establish districts equally populated as possible. This process, which I'm describing, has worked for legislative redistricting and has worked for Maine for congressional redistricting since 1983. In fact, prior to this order before us today, this legislature already, in 2011, has affirmed our commitment to that constitutional process with our support of L.D. 494, sponsored by the Representative from Belgrade, Representative Keschl. We supported changing the timeline of our redistricting to the year in which the census data is received and putting the congressional redistricting in the Constitution as well, again with compact, contiguous districts, the 2/3rd vote of support required in both Bodies, and sending it to the Maine Supreme Judicial Court if agreement is not possible.

Why is this relevant to today's Joint Order before us? Since 1983 Democrats have been in the political Majority in this chamber except for the 107th Legislature, when the chamber was equally divided with 1 Independent, and except for the 120th Legislature in which the Republicans controlled the Body, and now in the 125th Legislature. Since 1983 congressional redistricting lived only in statute. Let me repeat, only in statute, as it does now. We were not constitutionally bound to honor the commission vote of 2/3rd of support or the resolution with the State Supreme Judicial Court. We could have done congressional redistricting with a majority vote. We could have

violated the spirit of Maine's Constitution, but we did not. We could have changed the statute by using the words "not withstanding" to bypass the statute, but we did not. We honored the Constitution, the bi-partisan transparent process, with public input and the appeal of the State's highest court that has worked for all of Maine all along because that was, and is, the right thing to do and it is in the spirit of our Constitution which we have all sworn an oath to uphold. Madame President, I rise to raise this point in order to point out, in case you haven't noticed, and I'm sure you have, that the Democrats no longer are in control of this Body or, in fact, the other Body. That should not matter when it comes to the process we use for something so important as congressional redistricting. While I know and believe it is our intention to honor the spirit of our Constitution and the history of redistricting in Maine, it is important that the legislative record that accompanies this Joint Order outline this history and, as much as possible, the intention of this legislature. Democrats will be active and willing participants in this short term congressional redistricting in months to come. We will work to achieve a unanimous vote of the Apportionment Commission and a 2/3rd legislative vote as we expect that if that is not achieved that the issue will be sent to the Supreme Judicial Court. We expect that the court will take into consideration the plans, the briefs file, the public input, and, if necessary, will make the apportionment. Although I have no reason to believe we will not be awarded the same ability to select staff as the Minority Party as in the past, since this is uncharted territory I wanted to make that expectation clear on the record as well. Madame President, we believe that it is not too much to ask. It's the way it has been done to respect all sides and, most of all, the people of Maine and the Constitution of Maine. Joint Orders are not designed to change the law and changing the rules should not be the intent of this Order. It should be strictly a method to move the provisions already in statute up to the timeline that is required of us this year. As with the rest of the best work that we have done this session, Madame President and men and women of the Senate, we look forward to working this work together and as it has been done so well in Maine for decades. Thank you very much.

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

Senator **COURTNEY:** Thank you Madame President. Men and women of the Senate, I want to thank my colleague from York for his comments. I think it's very important. Some of the points that he made with regards to the work that is going to be done by the Commission this Summer about contiguous compact district, I think, is very, very important and we do have a lot of work to do together. We're here today because there was a lawsuit because District 1 was under-represented. We have tried, we tried last session in a bi-partisan way but we couldn't fund it, to get in sync with the other 49 states. That's one of the reasons for where we are today. I think you've seen the commitment that this side of the aisle will do everything we can to make sure that we follow the tradition that's been established and I think we've proven already that we can work together and we do some of our best work, as the good Senator said, when we do it together and achieve consensus.

With regards to the staffing, I think this Joint Order is the exact Joint Order that was put out 10 years ago. It has the same make up of the commission and the exact same document that was presented 10 years ago. For the most part that worked out

pretty good, as I recall since I was on the Reapportionment Commission as a freshman in the other Body and had the honor of serving on the Commission, similar to my good friend 20 years earlier. I will say that my recollection, which I'll just share with you today, was that I think we came to an agreement on the House Districts and we came to an agreement on the congressional districts. The only thing we could not come to an agreement on was the Senate Districts, which was kind of ironic because that is probably why Senator Collins' district goes from Wells all the way around to Parsonsfield and some pretty weird juts in it. It's nothing but compact and contiguous. We try not to complain too much because the Senators from up North get a little excited when we do. We just grin and bear it. I do enjoy seeing Senator Collins drive right through downtown Sanford on his way to the other end of his district. I think you see that this is an example of how difficult this process really is.

As a reminder of how our districts are created, the Republicans came up with a plan and the Democrats came up with a plan and, unfortunately, we could not come to an agreement so we went to the Supreme Judicial Court and we presented the two plans. When we presented the two plans, the Democrats asked the court to accept the Republican plan, which I thought was a little easier because it certainly wouldn't have Senator Collins driving through my district all the time to go to the other end of his district. The court, ultimately, decided that they wanted to send a message to the legislature that we needed to agree, we needed to come up with a solution, or else they were going to do their plan. I think it's very, very important that we work very hard together, as we have on many issues this session, to come up with a plan that will address the concerns of both sides but also address the requirements in the Constitution of one man, one vote. Thank you, Madame President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Sherman.

Senator **SHERMAN:** Thank you Madame President. The reference to 10 years ago reminds me that I had to go to the Supreme Judicial Court to get Aroostook County, where John Martin was also going to have Houlton as part of his district, straightened out. We sort of got that straightened out. That was the only time I was before that court and my only win at the court.

THE PRESIDENT PRO TEM: The pending question before the Senate is Passage, in concurrence. 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 (#288)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFSKY, GOODALL, HASTINGS, HILL, HOBBS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, RAYE, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT PRO TEM - DEBRA D. PLOWMAN

NAYS: Senators: SCHNEIDER, WOODBURY

ABSENT: Senator: JACKSON

32 Senators having voted in the affirmative and 2 Senators having voted in the negative, with 1 Senator being absent, the Joint Order was **PASSED**, in concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

H.P. 1089 L.D. 1480
(H "A" H-657 to C "A" H-656)

In Senate, June 16, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656) AS AMENDED BY HOUSE AMENDMENT "A" (H-657)** thereto, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656) AS AMENDED BY HOUSE AMENDMENTS "A" (H-657), "B" (H-667), "C" (H-668), "D" (H-669), "E" (H-670) AND "F" (H-674)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **HASTINGS** of Oxford, the Senate **RECEDED** and **CONCURRED**.

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

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Androscoggin, Senator **MASON** to the rostrum where he assumed the duties as President Pro Tem.

The Senator from Penobscot, Senator Plowman, returned to her seat on the floor.

The Senate called to order by President Pro Tem **GARRETT P. MASON** of Androscoggin County.

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

ENACTORS

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

Acts

An Act To Provide for the 2011 and 2012 Allocations of the State Ceiling on Private Activity Bonds

H.P. 627 L.D. 830
(C "A" H-665)

An Act To Restore Market-based Competition for Pharmacy Benefits Management Services

H.P. 828 L.D. 1116
(C "A" H-608)

An Act To Create a Public Charter School Program in Maine

S.P. 496 L.D. 1553
(H "E" H-637 to C "A" S-301)

An Act To Allow Retired Dentists To Obtain a License To Practice in Nonprofit Clinics

H.P. 1155 L.D. 1573
(C "A" H-397; H "A" H-658)

An Act To Provide Oversight in Certain Negotiations

H.P. 1168 L.D. 1583
(C "A" H-662)

An Act To Provide Further Improvements to Maine's Health Insurance Law

H.P. 1185 L.D. 1587

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

An Act To Provide an Income Tax Credit for Persons Engaged in Commercial Forestry

S.P. 100 L.D. 338
(H "B" H-339)

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

An Act To Promote Fair and Efficient Resolutions in Tax Disputes

H.P. 1010 L.D. 1371
(H "A" H-660 to C "A" H-629)

The Senator from Sagadahoc, Senator **GOODALL**, requested and received leave of the Senate to be excused from voting pursuant to Senate Rule 401.3.

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

Senate at Ease.

Senate called to order by President Pro Tem
GARRETT P. MASON of Androscoggin County.

Resolves

Resolve, To Study the Cost of Providing Behavioral Health Care
and Substance Abuse Services

H.P. 711 L.D. 967
(H "A" H-663 to C "A" H-424)

Resolve, To Evaluate the All-payor Claims Database System for
the State

H.P. 1076 L.D. 1467
(C "A" H-655)

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

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

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

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

On motion by Senator **COURTNEY** of York, **ADJOURNED** to
Wednesday, June 29, 2011, at 10:00 in the morning.