

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

In Senate Chamber  
Tuesday  
February 21, 2012

Senate called to order by David R. Madore, Assistant Secretary of the Senate.

Prayer by Rev. Anne Roundy of the East Monmouth United Methodist Church and the United Church of Monmouth.

**REVEREND ROUNDY:** Good morning. Let us be in an attitude of prayer. Eternal and Holy One, we give You thanks for the gift of this new day. Too often we forget that each day, each breath, is a gift from You. Keep us mindful of our abundant blessings, blessings that we receive from You in spite of difficult times. All the more blessed because of difficult times. Yes, Creator of All, these are difficult times and we have many challenges before us. Guide each one here as they deliberate issues that will affect the lives of all of Maine's people. Help each to hear Your still small voice calling to a vision of a brighter future to caring for all Your children and of maintaining the status of Maine, the way life should be. We are grateful for the opportunity to be here today. In spite of differences of opinion, and we acknowledge that with groups of people there will always be differences of opinions, help us to hear one another fully, so together we may serve the common good. It is right and good to have young people as pages with us today, serving in the process, learning about how democracy works. May their time here be enriching and may they go home with a sense of pride, knowing they have made a difference in the day of the Senators of the state of Maine. We call on You this morning to be with Karen Raye and with Kevin, as Karen is in the hospital with tests. Make Your presence known to them and give them hope and healing. We request that You bless our beloved state and its people. Bless also the service of the men and women in this Chamber. Keep their minds and hearts open to Your will, that their service may be good and faithful. You have blessed each of us richly by putting us in this place and in this time. May we, as we serve the people of Maine, serve You as well. To You be all honor and glory. Amen.

Pledge of Allegiance led by Senator John L. Patrick of Oxford County.

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

**COMMUNICATIONS**

The Following Communication: S.C. 716

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

February 21, 2012

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

Dear Secretary Carleton:

Pursuant to my authority under Senate Rule 201.3, I am pleased to appoint the Senator from York, Senator Courtney to serve as President Pro Tempore. With this appointment Senator Courtney will serve as President Pro Tempore for the regularly scheduled session on February 21, 2012.

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

Sincerely,

S/Kevin L. Raye  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

The Assistant Secretary 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 Senate called to order by President Pro Tem Jonathan T.E. Courtney of York County.

Reading of the Journal of Thursday, February 16, 2012.

Doctor of the day, Richard Fein, DO of Manchester.

Off Record Remarks

**PAPERS FROM THE HOUSE**

House Paper

Bill "An Act To Change the Statutes of Limitations on Prosecution for Crimes of Sexual Abuse and for Civil Actions for Sexual Abuse When the Actor Is a Person in a Position of Authority"  
H.P. 1346 L.D. 1825

Representatives 10

Flood of Winthrop, Chase of Wells, Clark of Easton, Fredette of Newport, Keschl of Belgrade, Martin of Eagle Lake, Rotundo of Lewiston, Stevens of Bangor, Webster of Freeport, Winsor of Norway

Presented by Representative HASKELL of Portland.  
Cosponsored by Senator SAVIELLO of Franklin and Representatives: KNAPP of Gorham, MONAGHAN-DERRIG of Cape Elizabeth.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

NAYS 0

ABSENT 1 Sen. Katz of Kennebec

Comes from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Brian H. Noyes of South Freeport, for appointment to the Maine Public Employees Retirement System Board of Trustees be confirmed.

On motion by Senator **PLOWMAN** of Penobscot, **TABLED** until Later in Today's Session, pending **REFERENCE**.

Signed,

S/Richard W. Rosen  
Senate Chair

S/Patrick S. Flood  
House Chair

**COMMUNICATIONS**

The Following Communication: S.C. 714

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS**

February 16, 2012

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 125th Maine Legislature, the Joint Standing Committee on Appropriations and Financial Affairs has had under consideration the nomination of Brian H. Noyes of South Freeport, for appointment to the Maine Public Employees Retirement System Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 2 Rosen of Hancock, Hill of York

**READ and ORDERED PLACED ON FILE.**

On motion by Senator **PLOWMAN** of Penobscot, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION**.

The Following Communication: S.C. 715

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

February 16, 2012

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 125th Maine Legislature, the Joint Standing Committee on Criminal Justice & Public Safety has had under consideration the nomination of Honorable Vinton E. Cassidy of Calais, for appointment to the State Board of Corrections.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 2 Mason of Androscoggin,  
Gerzofsky of Cumberland  
  
Representatives 10 Plummer of Windham,  
Blodgett of Augusta, Burns of  
Whiting, Clarke of Bath,  
Hanley of Gardiner, Haskell  
of Portland, Lajoie of  
Lewiston, Long of Sherman,  
Morissette of Winslow,  
Sanderson of Chelsea

NAYS 0

ABSENT 1 Sen. Whittemore of Somerset

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Vinton E. Cassidy of Calais, for appointment to the State Board of Corrections be confirmed.

Signed,

S/Garrett P. Mason  
Senate Chair

S/Gary E. Plummer  
House Chair

**READ and ORDERED PLACED ON FILE.**

On motion by Senator **PLOWMAN** of Penobscot, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION.**

The Following Communication: S.C. 706

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

February 14, 2012

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

Dear President Raye and Speaker Nutting:

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

L.D. 1701 Resolve, To Establish a Pilot Program in Penobscot County for Assessment and Treatment of Individuals Arrested for Unlawful Possession of Drugs

L.D. 1707 An Act To Define, Prevent and Suppress Gang Activity in the State (EMERGENCY)

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

Sincerely,

S/Sen. Garrett P. Mason  
Senate Chair

S/Rep. Gary E. Plummer  
House Chair

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

The Following Communication: S.C. 707

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

February 10, 2012

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

Dear President Raye and Speaker Nutting:

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

L.D. 1614 An Act To Create Efficiency in E-9-1-1 Call Centers

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

Sincerely,

S/Sen. Michael D. Thibodeau  
Senate Chair

S/Rep. Stacey A. Fitts  
House Chair

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

The Following Communication: S.C. 713

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

February 8, 2012

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

Dear President Raye and Speaker Nutting:

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

L.D. 1716 An Act To Require Funds for Prearranged Funerals To Be Invested Subject to the Requirements of the Maine Uniform Prudent Investor Act and To Update Related Provisions

L.D. 1717 An Act To Establish a Preneed Life Insurance Producer License and Preneed Life Insurance Product for Prearranged Funeral Plans

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

Sincerely,

S/Sen. Rodney L. Whittemore  
Senate Chair

S/Rep. Wesley E. Richardson  
House Chair

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

The Following Communication: S.C. 708

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

February 16, 2012

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

Dear President Raye and Speaker Nutting:

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

L.D. 1606 An Act To Provide Magistrates To Assist the Court in Handling Small Claims and Landlord-tenant Cases (EMERGENCY)

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

S/Sen. David R. Hastings, III  
Senate Chair

S/Rep. Joan M. Nass  
House Chair

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

The Following Communication: S.C. 709

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

February 10, 2012

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

Dear President Raye and Speaker Nutting:

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

L.D. 1757 An Act To Require Agencies To Report the Costs of Pursuing Actions in Adjudicatory and Court Proceedings

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

Sincerely,

S/Sen. Douglas A. Thomas  
Senate Chair

S/Rep. H. David Cotta  
House Chair

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

L.D. 1656 An Act To Clarify the Registration Exemption of Tractors under the Motor Vehicle Laws

The Following Communication: S.C. 710

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

February 15, 2012

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

Dear President Raye and Speaker Nutting:

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

L.D. 1730 An Act To Require the Review of Proposed Tax Expenditures

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

Sincerely,

S/Sen. Jonathan T. E. Courtney  
Senate Chair

S/Rep. L. Gary Knight  
House Chair

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

The Following Communication: S.C. 711

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

February 10, 2012

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

Dear President Raye and Speaker Nutting:

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

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

Sincerely,

S/Sen. Ronald F. Collins  
Senate Chair

S/Rep. Richard M. Cebra  
House Chair

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

The Following Communication: S.C. 712

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

February 15, 2012

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

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on State and Local Government from the review and evaluation of the Capitol Planning Commission under the State Government Evaluation Act. In its review, the Committee found that the Capitol Planning Commission is operating within its statutory authority.

Sincerely,

S/Senator Douglas A. Thomas  
Senate Chair

S/Representative H. David Cotta  
House Chair

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

Senate at Ease.

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

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**SENATE PAPERS**

Bill "An Act To Protect Public Safety in the Operation of Casinos" (EMERGENCY)

S.P. 632 L.D. 1828

Presented by Senator FARNHAM of Penobscot. (GOVERNOR'S BILL)

Cosponsored by Senator: PATRICK of Oxford, Representatives: BEAULIEU of Auburn, CAREY of Lewiston, CROCKETT of Bethel, DAMON of Bangor, LONGSTAFF of Waterville, RUSSELL of Portland, WILLETTE of Presque Isle.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session, pending **REFERENCE**.

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

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Off Record Remarks

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**REPORTS OF COMMITTEES**

**House**

**Pursuant to Joint Order**

The Committee on **TAXATION** on Bill "An Act To Review and Repeal Income Tax Return Checkoffs"

H.P. 1347 L.D. 1826

Reported that the same be **REFERRED** to the Committee on **TAXATION**, pursuant to Joint Order, H.P. 1324.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION**.

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

Bill and accompanying papers **REFERRED** to the Committee on **TAXATION**, in concurrence.

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**Divided Report**

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Create Fair and Open Competition in Line Extension Construction"

H.P. 695 L.D. 935

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-695)**.

Signed:

Senators:

THIBODEAU of Waldo  
BARTLETT of Cumberland  
RECTOR of Knox

Representatives:

FITTS of Pittsfield  
BEAVERS of South Berwick  
CORNELL du HOUX of Brunswick  
CRAY of Palmyra  
DION of Portland  
DUNPHY of Embden  
HAMPER of Oxford  
LUCHINI of Ellsworth

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-696)**.

Signed:

Representatives:

HINCK of Portland  
LIBBY of Waterboro

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-695)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-695)**.

Reports **READ**.

On motion by Senator **THIBODEAU** of Waldo, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-695)** Report **ACCEPTED**, in concurrence.

**READ ONCE**.

Committee Amendment "A" (H-695) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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**Senate**

**Ought to Pass**

Senator COURTNEY for the Committee on **TAXATION** on Bill "An Act To Promote Jobs in the Motor Coach Industry by Providing a Sales Tax Exemption for Certain Buses"

S.P. 594 L.D. 1735

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

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

**READ ONCE**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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**Ought to Pass As Amended**

Senator THOMAS for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Charter of the Lucerne-in-Maine Village Corporation" (EMERGENCY)  
S.P. 580 L.D. 1681

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-384)**.

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

**READ ONCE**.

Committee Amendment "A" (S-384) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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Senator COURTNEY for the Committee on **TAXATION** on Bill "An Act To Create a Sales Tax Exemption for the Sale and Delivery of Off-peak Electricity for Electric Thermal Storage Devices" (EMERGENCY)  
S.P. 554 L.D. 1655

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-383)**.

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

**READ ONCE**.

Committee Amendment "A" (S-383) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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

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**SECOND READERS**

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

**House**

Bill "An Act To Clarify the Minimum Wage Law as It Relates to People with Disabilities"

H.P. 1279 L.D. 1729

Resolve, Regarding Legislative Review of Portions of Chapter 41: Special Restrictions on Pesticide Use, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control (EMERGENCY)

H.P. 1281 L.D. 1734

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

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Bill "An Act To Modify the Alternative Organizational Structure Budget Approval Process"

H.P. 1248 L.D. 1696

**READ A SECOND TIME.**

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

On motion by Senator **PLOWMAN** of Penobscot, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**, in concurrence. (Roll Call Ordered)

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**House As Amended**

Bill "An Act To Enhance a Community's Ability To Establish or Update Its Veterans Honor Roll"

H.P. 1233 L.D. 1643  
(C "A" H-697)

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

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**Senate**

Bill "An Act To Remove the Repeal Date for Outcome-based Forestry" (EMERGENCY)

S.P. 597 L.D. 1740

Resolve, To Extend the Reporting Deadline of the Working Group on an All-payor Claims Database System

S.P. 628 L.D. 1818

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

Sent down for concurrence.

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

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**ENACTORS**

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

**Act**

An Act To Protect Legislative Intent in Rulemaking  
H.P. 426 L.D. 543  
(C "B" H-688)

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

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**Resolve**

Resolve, To Name Route 1-A between Brewer and Ellsworth the Korean War Veterans Memorial Highway  
H.P. 1198 L.D. 1593  
(C "A" H-693)

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

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Off Record Remarks

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**RECESSED** until the sound of the bell.

After Recess

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

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

**ENACTORS**

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

**Emergency Resolve**

Resolve, To Name 2 Bridges in the Town of Harmony  
S.P. 525 L.D. 1615  
(C "A" S-374)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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

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

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Senator **SCHNEIDER** of Penobscot was granted unanimous consent to address the Senate off the Record.

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

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On motion by Senator **PLOWMAN** of Penobscot, **ADJOURNED** to Wednesday, February 22, 2012, at 10:00 in the morning.