

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

In Senate Chamber
Wednesday
December 1, 2010

Pursuant to the Provisions of the Constitution and the laws of the State of Maine, the Senators-elect of the One Hundred and Twenty-Fifth Legislature convened in the Senate Chamber and were called to order by JUDITH DELFRANCO, Assistant Secretary of the Senate of the One Hundred and Twenty-Fourth Legislature.

Prayer by Rev. Dr. Patricia MacHugh of Bangor, District Superintendent for Northern Maine United Methodist Church.

REV. DR. MACHUGH: Let us be in the spirit of prayer. Almighty God, You are the Creator, Sustainer, and Redeemer of our world. In this week, after our Thanksgiving celebration, we pause again to thank You because we know that in all the activities of our lives You are already here waiting for us. We are entering a valued ritual now as the 125th session of the Maine State Senate begins. We come to You in gratitude, oh God, for the gifts of freedom and liberty which we are so fortunate to have. Thank You for all those who are responsible for maintaining those rights for us and guide them to follow Your path of justice and mercy. Oh God most high, You desire that all humanity should live in freedom and not in fear. We thank You for the ideals and principles of all those who have given of themselves on behalf of our state, our nation, and our world. Raise up great leaders among us, oh God, and make their vision pure and noble so that they will build on the sure foundations of honor and right.

Lord, we hold before You today all those who are in government. We pray for our President, Barack Obama; our Governor, John Baldacci; our Governor-elect, Paul LePage; our new President of the Senate, Kevin Raye; and all the past and present members of the Maine State Senate and Legislature. Indeed, Lord, we pray for all those in authority in our state, our nation, and our world. Remind us all, in the words of Margaret Chase Smith, 'Public service must be more than doing a job efficiently and honestly. It must be a complete dedication to the people and to the nation.' We pray for all of these, our elected leaders, as they deliberate over many serious issues for the 1.3 million people of our state. May their hearts be touched to engage in meaningful dialogue, cooperation, and action. We pray, Lord, that You guide us all to help in whatever ways we can, that all Your people might know the joy of abundant life in You. Almighty God, You have called these particular persons out for leadership among the people and we pray for each one. Guide them to do the very best they can to hear Your voice and to follow; to lead Your people from within; to be agents of change; and in the midst of that, oh God, to care for themselves and their families and one another.

Oh Lord, deliver us from any foolishness and pettiness and enable us to establish justice in this our state, that all persons may have what they need to stand erect and breathe the fresh air of freedom. Make us all walk with You, that our minds may be

filled with courage, our hearts with love, and our lives with righteousness.

Finally, dear God, bless and use each of these, our elected officials. May they feel uncomfortable with easy answers, half truths, and superficial relationships so that they will choose to live deep in their hearts. May they feel anger at injustice, oppression, and exploitation of people and the earth so that they will work for justice, equity, and peace. May they shed tears for those who suffer so that they will be led to reach out their hands to comfort them and change their pain to joy. Oh God, bless them with the foolishness to think that they can make a difference in the world so they will do the things which others say cannot be done. In all this we thank You as we pray to You today. Amen.

National Anthem performed by Honorable Richard A. Bennett of Oxford.

Pledge of Allegiance led by Senator-elect Garrett Paul Mason of Androscoggin County.

Honorary Doctor of the day, Dr. Ray Nichols, of Jonesport.

Doctor of the day, Dr. Charles Pattavina, MD, FACEP of Winterport.

Off Record Remarks

The Following Senate Communication: S.C. 1

**STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE**

December 1, 2010

To Joy J. O'Brien, Secretary of the Senate in the One Hundred and Twenty-fourth Legislature:

I, MATTHEW DUNLAP, Secretary of State, pursuant to the provisions of Title 3 MRSA, Section 1, hereby certify that the following are the names and residences of the Senators-elect to the One Hundred and Twenty-fifth Legislature, in accordance with the tabulation submitted to the Governor on November 22, 2010:

- District 1 Hill, Dawn, York
- District 2 Collins, Ronald F., Wells
- District 3 Courtney, Jonathan T.E., Sanford
- District 4 Sullivan, Nancy B., Biddeford
- District 5 Hobbins, Barry J., Saco
- District 6 Bartlett II, Philip L., Gorham
- District 7 Bliss, Lawrence, South Portland
- District 8 Alfond, Justin L., Portland
- District 9 Brannigan, Joseph C., Portland

District 10 Gerzofsky, Stanley J., Brunswick
 District 11 Woodbury, Richard, Yarmouth
 District 12 Diamond, G. William, Windham
 District 13 Hastings III, David R., Fryeburg
 District 14 Patrick, John L., Rumford
 District 15 Snowe Mello, Lois A., Poland
 District 16 Craven, Margaret M., Lewiston
 District 17 Mason, Garrett Paul, Lisbon
 District 18 Saviello, Thomas B., Wilton
 District 19 Goodall, Seth A., Richmond
 District 20 Trahan, A. David, Waldoboro
 District 21 McCormick, Earle L., West Gardiner
 District 22 Rector, Christopher W., Thomaston
 District 23 Thibodeau, Michael D., Winterport
 District 24 Katz, Roger J., Augusta
 District 25 Martin Jr., Thomas H., Benton
 District 26 Whittemore, Rodney L., Skowhegan
 District 27 Thomas, Douglas A., Ripley
 District 28 Langley, Brian D., Ellsworth
 District 29 Raye, Kevin L., Perry
 District 30 Schneider, Elizabeth Montgomery, Orono
 District 31 Rosen, Richard W., Bucksport
 District 32 Farnham, Nichi S., Bangor
 District 33 Plowman, Debra D., Hampden
 District 34 Sherman, Roger L., Hodgdon
 District 35 Jackson, Troy Dale, Allagash

SULLIVAN, THIBODEAU, THOMAS, TRAHAN,
WHITTEMORE, WOODBURY

EXCUSED: Senator-elect: SAVIELLO

34 Senators-elect having voted in the affirmative, with 1 Senator-elect being excused, the Assistant Secretary declared a quorum present.

Out of order and under suspension of the Rules, on motion by Senator-elect **COURTNEY** of York, the following Senate Order:
S.O. 1

Ordered, that a message be sent to Governor John E. Baldacci, informing him that a quorum of Senators-elect is present in the Senate Chamber, ready to take and subscribe to the oaths of office required by the Constitution to qualify them to enter upon the discharge of their official duties.

READ and PASSED.

The Chair appointed the Senator from York, Senator-elect **COURTNEY** to deliver the message to the Governor. The Senator-elect was escorted to the Governor's Office.

In Testimony Whereof, I have caused the Great Seal of the State to be affixed, given under my hand at Augusta this first day of December in the year Two Thousand and Ten.

S/MATTHEW DUNLAP
Secretary of State

READ and ORDERED PLACED ON FILE.

QUORUM CALL

The Assistant Secretary noted the absence of the Senator-elect from Franklin, Senator **SAVIELLO** and further excused the same Senator-elect from today's Quorum Call.

The Doorkeepers secured the Chamber.

The Assistant Secretary called the roll with the following results:

ROLL CALL (#1)

PRESENT: Senators-elect: ALFOND, BARTLETT, BLISS, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, FARNHAM, GERZOFSKY, GOODALL, HASTINGS, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, ROSEN, SCHNEIDER, SHERMAN, SNOWE-MELLO,

Senate at Ease.

Senate called to order by the Assistant Secretary.

Subsequently, the Senator from York, Senator-elect **COURTNEY** reported that he had delivered the message with which he was charged.

ORGANIZATION OF THE SENATE

The Honorable John Elias Baldacci, Governor of the State of Maine, enters and addresses the Senate. (Amid applause, the Members rising)

GOVERNOR BALDACCI: This is a pleasant surprise, to have Governor McKernan here also. I don't know if you know this, I've been taking golfing lessons from him as I get ready for my transition. He never gives me enough strokes though. He's always one better than I am. It's great to have him here. It's a pleasure to see Senator Rick Bennett. Congratulations to all of you. Senator Raye, congratulations on your leadership. Senator Courtney and Senator Hobbins, your leadership teams, congratulations. You've got a lot of responsibilities in front of you.

I think most importantly about today is your families. They are really the unsung heroes in each one of our efforts and they are there, back at the home front, tending those fires while you are down here doing this work. As I remember when I was elected to the State Senate so many years ago and my family joined with me, this day should be about celebrations and enjoyment with them. I honor your families today.

Congratulations to all of them and all the sacrifices and hard work that they put up and will continue to put up with so we can do the work that we do for the people of Maine. Congratulations to them today.

I didn't notice, is the Chief Justice here today? I didn't want to leave out any dignitaries that are here today. I'd like to ask the Senate-elect if they would please rise to take the oath of office.

The Senators-elect take and subscribe to the oaths of office required by the Constitution.

The Governor withdraws from the Senate Chamber. (Amid applause, the Members rising)

Off Record Remarks

ELECTION OF SENATE OFFICERS

THE ASSISTANT SECRETARY: Nominations are now in order for the Office of President of the Senate of the 125th Legislature.

Senator **COURTNEY** of York **NOMINATED** Senator **KEVIN L. RAYE** of Washington for the Office of President of the Senate of the 125th Legislature.

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

Senator **COURTNEY:** Thank you Madame Secretary. Men and women of the Senate, it is my distinct honor to place in nomination for Senate President Kevin Raye. From Washington County to Washington D.C., Kevin Raye has repeatedly shown his leadership skills, not by the offices he has held but by the actions of a dedicated public servant. From a young volunteer for State Representative Olympia Snowe to the Chief of Staff for U.S. Senator Olympia Snowe, Kevin has worked tirelessly to improve the lives of Maine people. As a small business person, along with his wife, Karen, Kevin knows the challenges facing many Mainers today. He also knows that the only way to save our economy is through job creation and that we must remove the impediments to help create jobs. He knows state government needs to be a partner in job creation and not an impediment.

Kevin has been tested. His grace was tested when he lost a close Congressional race to Mike Michaud. Rather than be discouraged, Kevin Raye looked forward and arrived in the Maine Senate two years later, determined to change the way they do business in Augusta, not through bravado but through compassion and thoughtful deliberation. Not by fighting, but finding out where commonality exists and searching for ways to enhance it. Not by saying no, but by offering commonsense solutions for the people of Maine.

It was always expected that Kevin would rise to a leadership position in this caucus, but he did not seek leadership. He was called by the members of the caucus after what many felt was time for a new direction. With this charge from the caucus we set a new direction for dealing with the Majority. We made a commitment that we would work together to govern and, rather

than throw bombs across the hall, we would settle our differences quietly and respectfully.

The last two years have been the most financially challenging of our lifetime. The times have been too precarious for politics as usual. When differences did arise we did it respectfully and we honored the decorum of the Senate. We knew there would be ample differences to campaign on during the election cycle, but we were determined not to govern based on the next election.

I can tell you, serving along with Kevin Raye the last two years as Assistant Minority Leader, I have seen a leader that is compassionate, thoughtful, pragmatic, and inclusive. He listens respectfully even when he does not share that person's perspective. He is patient and respects all points of view. He has an ability not to react to a challenge but look at the entire picture. Kevin has proven again, over and over, that these traits are not a sign of weakness but a sign of inner strength. Kevin is a leader that can see beyond our immediate circumstances. Probably one of the most telling traits about Kevin Raye, and many of you have been there, is when he is sitting in a meeting and the phone rings. He sees that it's a call from Washington County and he always answers the phone. We all can sit and wait. We're very glad to do that because he really knows what is important in life. He's grounded and he's never forgotten where he came from.

Kevin has shown us he has the temperament to be Senate President. No better example of this is his respectful dealings with the transition process. His compassion for the previous staff during this difficult time is an example of how he treats people, regardless of party. It is my sincere hope that this example will become the standard for those who come after us. Madame Secretary, it is truly my honor to place in nomination the name of Kevin Raye for Senate President. Thank you.

THE ASSISTANT SECRETARY: The name of Kevin Raye has been placed in nomination for the Office of President of the Senate. Is there a second?

Nomination seconded by Senator **HOBBS** of York.

THE ASSISTANT SECRETARY: The Chair recognizes the Senator from York, Senator Hobbs.

Senator **HOBBS:** Thank you Madame Secretary. Men and women of the Senate, I rise today to second the nomination of my friend and colleague from Washington County to be the next President of the Maine Senate. A lot of things have changed since the Senate adjourned just a few months ago. One thing is the view from where I sit now. It is not nearly as good as where I sat before. One thing has not changed and that is the awesome responsibility entrusted by the voters to the 35 men and women who make up the Maine Senate. In just a few minutes we are going to elect an intelligent, passionate, and committed man to serve as the leader of this Body. Kevin has dedicated his life to public service. He has fought hard for the things he believes in and he has always remained committed to inclusion and bipartisanship. Those attributes, coupled with his skills as a policymaker, make him the right leader for this Body during these difficult times. We gather today under difficult circumstances. The budget forecast, while improving, remains grim.

Unemployment is too high and too many people have lost the economic security that they have worked for all their lives. Let there be no doubt that the two parties will come at these problems from vastly different places, but it is also true that every person in

this chamber, regardless of party, wants these problems solved. In Senator Kevin Raye you will have a Senate President who will conduct the chamber's business in a manner that keeps us on track regardless of how hot the debate or how divisive the issue. Senator Raye's experience and temperament makes him uniquely suited for a position whose greatest responsibility is to bring people together to solve the very difficult problems that face our state. I'm honored to second the nomination of Kevin Raye for the position of President of the Senate.

On motion by Senator **PLOWMAN** of Penobscot, nominations ceased.

On further motion by same Senator, one ballot was cast, on the part of the Senate, in favor of Kevin L. Raye of Washington for the Office of President of the Senate for the 125th Legislature.

This being done, Senator **KEVIN L. RAYE** of Washington was duly elected President of the Senate of the 125th Legislature.

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

ORDERS

Senate Order

On motion by Senator **COURTNEY** of York, the following Senate Order:

S.O. 9

Ordered, that a message be sent to Governor John E. Baldacci, informing him that Senate President-elect Kevin L. Raye is present in the Senate Chamber, ready to take and subscribe to the oaths of office required by the Constitution to qualify him to enter upon the discharge of his official duties.

READ and PASSED.

The Chair appointed the Senator from Penobscot, Senator **PLOWMAN** to deliver the message to the Governor. The Senator was escorted to the Governor's Office.

Senate at Ease.

Senate called to order by the Assistant Secretary.

Subsequently, the Senator from Penobscot, Senator **PLOWMAN**, reported that she had delivered the message with which she was charged.

Subsequently, the Governor John E. Baldacci., Governor of the State of Maine, entered and addressed the Senate. (Amid applause, the Members rising.)

Senator **KEVIN L. RAYE** of Washington took and subscribed to the oaths of office required by the Constitution to qualify him to discharge his duties as President of the Senate, pursuant to the Rules of the Senate.

The Governor withdrew from the Senate Chamber. (Amid applause, the Members rising.)

THE PRESIDENT: Allow me to express my heartfelt thank you, colleagues, for the confidence you have placed in me to serve as the 114th President of the Maine Senate. I am deeply touched. It is both a tremendous honor and so very humbling to be entrusted to lead this Body as we prepare for the work that lays ahead over the next two years. Thank you especially to my friend, the Senator from York, the Majority Leader, for his gracious and generous words in nominating me. It has been a pleasure to work closely with the Senator from York, Senator Courtney, since we both arrived in the Senate six years ago, and particularly these last two years in leadership together. I have been impressed with the thoughtful approach that Senator Courtney employs. He brings to bear a passionate commitment to his principles combined with a respectful ability to listen and to seek common ground, traits that will make him an excellent Majority Leader. Likewise, I thank the Senator from York, the Minority Leader, for the spirit of bipartisanship embodied in his kind and generous seconding of my nomination. Senator Hobbins has a long history in the Legislature and has shown an ability to forge consensus in his work on the Judiciary and Utilities and Energy Committees. I know that he will bring that spirit to his work in his new post and with so much important and difficult work ahead the positive and constructive working relationship that we have forged over the years will serve this Body and this state well. With my longtime friend, the Senator from Penobscot, Senator Plowman, and the good Senator from Cumberland, Senator Alford, rounding out the new leadership teams we have strong and talented people in place to help guide the work of the Senate.

I want to extend a warm welcome to all of our family and friends who are gathered here with us on this very special day and in all of our lives. Your presence makes this day even more special for all of us. I know that this is a day of great pride for each of you as you see your loved ones assume office as Senators. For me, personally, it is wonderful to have members of my family here. My wife, Karen, without whose love and support I would not be here today. My mother, Francis Raye, a teacher whose 38 years of devotion to her students inspired my passion for education. My in-laws, Barbara and Stan Howard, who are like another mother and father to me. Two of my brothers and their wives. My sister-in-law and her husband. Many nieces and nephews and cousins and friends. Thanks to each of you for being here. I want to thank also my friend, former Senate President Rick Bennett, for being here and for gracing this Chamber with his stirring rendition of the National Anthem. Thank you, Mr. President, for your service in this Body and helping to make this day so memorable for all of us. I'd like to especially acknowledge my good friend, former Governor John R. McKernan Jr. Jock is here not only as our former Governor who provided strong and courageous leadership during difficult times but he is also representing his roommate, our Senior United States Senator, my dear friend, former boss, and long time mentor, Olympia Snowe who is unable to be here due to votes in the United States Senate. Governor, thank you so much for being here. We are all honored by your presence.

Welcome to all of our Senators, both those who are returning for another term and those, more than one-third of this Chamber, who are beginning your first term today. For those of you who are just beginning your service in Augusta, you will find that while the headlines may shout about our disagreements most of what is done here in Augusta is done in bipartisan harmony. Where principle differences divide us, it need not be characterized by bitter recriminations and verbal bombs because, despite our different views, you will come to understand that each person who serves here is motivated to do so by a love of this state and a sincere desire to make it a better place. Together, working with the other Body and with the new Chief Executive, we will face many challenges over the next two years. While recent projections suggest that the shortfall over the 2012-2013 biennium will be \$365 million less than previously estimated, the fact is we still face a very significant budget shortfall that will require hard decisions. We face a business climate weakened by a burdensome and confusing array of regulations as well as taxes, energy costs, and healthcare premiums significantly higher than our neighbors in New Hampshire. We face an embarrassing \$400 million debt to our hospitals that must be paid to preserve jobs and secure access to quality health care across the state. We face a precipitous drop in funding for education, exacerbated by a one-time infusion of federal funding that led many school districts to avoid more gradual spending reductions that could have provided a softer landing this year. We face unfunded liabilities, including the need for reform of the Maine State Retirement System. We face transportation needs that will require innovated new thinking and new approaches to squeeze more money out of existing resources because we cannot raise taxes on the hard working families of Maine. We possess important tools that will allow us to meet these challenges head on; determination, focus, thoughtfulness, mutual respect, and Downeast common sense. You know, Winston Churchill once said, 'A pessimist sees the difficulty in every opportunity. An optimist sees the opportunity in every difficulty.' We must face today's difficulties with optimism because we do have an opportunity to make the responsible decisions that will make Maine a stronger state in the long run. As we move forward together, I am looking forward to working with each of you as we craft a budget that establishes thoughtful priorities, maintains a commitment to education and to the most vulnerable among us, including our frail elderly and the severely disabled. We must work to put Maine on a stronger foundation for the future by improving our business climate. We must help make it possible for Maine's young people and working families to carve out a bright future and successful careers without pulling up stakes. That is why one of our first acts will be the creation of the Joint Select Committee on Regulatory Reform to consider L.D. 1, a measure to ease the regulatory burdens on Maine's job creators and signal that Maine is open for business. Soon after his inauguration our new Governor will be unveiling a proposal to provide a more detailed framework for the committee's work. In the wake of this historic election, we need to challenge the status quo, so the Joint Select Committee on Rules will be taking a careful look at how this Legislature does business and how we can work smarter and better. We must also share in the sacrifice that is required to secure a balanced budget without raising taxes. That is why I have already taken steps to ensure that the budget in the President's Office and in the Senate's partisan offices will be reduced from previous levels. The people of Maine will be watching us and we will lead by example. That also includes

taking steps to heal the divisions between the two Maines by demonstrating sensitivity to the concerns of parts of this state that have felt left behind by policies pursued here in Augusta. We must recognize that as long as any region of this great state does not share fully in prosperity and opportunity we are all diminished. We will strive for thoughtful balance, balance between preserving vital services and achieving a smaller and more efficient government, balance between rural and urban, balance between preserving our cherished environment and preserving jobs, and balance between the needs of our workforce and ability of employers to continue to provide jobs. Together we can help change the culture of state government. Together we can help create a Maine State Government that is caring and responsible, efficient and affordable, and transparent and effective. Thank you and God bless you. Enjoy this day with your families and friends.

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

Senator **COURTNEY**: Thank you Mr. President. Men and women of the Senate, I'd like to start out by congratulating my good friend from York, Senator Hobbins, and my good friend from Cumberland, Senator Alford, on their leadership positions. I've thoroughly enjoyed working with them in the past two years, and the past six years with the Senator from York, Senator Hobbins. I am looking forward to continuing that.

It's with great humility and a sense of duty that I stand before you today. Two years ago Senate Republicans committed to work together with a Democrat majority to solve some of the most difficult challenges of our lifetime. We knew that we could not simply look to the next election for if we did we would be doing a disservice to the people who sent us here. We choose a new direction. Together, with our caucus, we transformed our party from the party of no to one that offered common sense solutions. Instead of walking away from the table when times got tough we persevered and forced ourselves to find common ground. We did this not by compromising our principles but by working respectfully, even when we disagreed.

We've had a lot of time in the Minority to learn some very important lessons. We learned that even though you may have the votes it's better to work together because the other side might come up with an idea that's a better solution than either side thought possible and one should never dismiss an idea just because it comes from a Minority member. Under Senator Raye's leadership the bar for the loyal opposition has set very high. We have all been sent to govern and govern we shall. We will always endeavor to work together to put people before politics.

When I was in the other Body as a Freshman I got bumped from my seat. The Senator from York, Senator Collins, wanted his seat back, so I got bumped to the end of the line in the next to the last row. I was the last Republican actually. I got to sit next to an experienced Democratic legislator, someone who is in this Body today, the Senator from Cumberland, Senator Gerzofsky. He shared a lesson with me that I've tried to live by. Although the first lesson he taught me was how to vote. I knew if I voted opposite of him I would always vote right. Probably the lesson that has lasted with me to this day is that he told me to fight for my beliefs but not to take the debate personal. In some strange twist of faith, the Senator from Cumberland, Senator Gerzofsky,

may be one of the reasons why I am standing here today. Don't be too tough on him in the caucus, he really is a good guy. In all seriousness, I think that just sets the tone and it's a tone that, especially for the incoming members, you can't just turn on and off. You've come off a campaign. We've all come off campaigns. Now is the time to govern. If we try to live by that creed I think we will do the people of Maine a good service.

We're also grateful for the cooperation and grace that has been shown during this transition. We understand that you are not accustomed to being in the Minority. We are not accustomed to being in the Majority. We will both make mistakes on our new journey, but let us resolve together to work through the mistakes and put the people of Maine first. Thank you Mr. President.

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

Senator **HOBBS**: Thank you Mr. President. Men and women of the Senate, that is going to be a very tough act to follow. My best wishes to you, the gentleman from York, Senator Courtney, and the Senator from Penobscot, Senator Plowman. We look forward to working with you.

As Democrats sitting on this side of the aisle we find ourselves playing a new role. We have heard the voters and we respect what they had to say. Our new status means that we no longer have the votes to pass our preferred legislation, but being in the Minority does not give us carte blanche to be a bone in the throat of the Majority Party. Rather it means that we will offer constructive criticism, an alternative vision, and collective knowledge to help forge important public policy. It is important that both parties operate with a spirit of bipartisan cooperation. We must work together in good faith to solve the State's financial problems, to make government smarter and more efficient, and to create an environment more conducive to job creation. Bipartisanship and good faith cooperation does not mean we will agree on everything or that every vote will be unanimous. There will be issues that cut fundamentally at who we are as people and on those issues the Democratic caucus will stand strong as the loyal opposition. We will fight to protect against austere cuts to services to the elderly, the disabled, and the very young. We will stand up when legislation threatens the civil rights of any Maine person and we will never fail to give a voice to every person who goes to work every day in an effort to provide for their families. Like the people of Maine, we know that we can move Maine forward but only by working together. Divisiveness and petty politics may serve short term political gain, but they do not provide a service. They provide a disservice to the people of this state. As I said earlier, the voters have placed with us a tremendous amount of trust. Only by extending that trust to one another will we be able to meet the extraordinary challenges that face us at this time. I look forward to working with all of you in the Maine Senate. I join with my able members of the caucus, the Democratic caucus, and my able Assistant Leader. We look forward to forging a better Maine. Thank you very much.

At this point, the President noted the presence in the Senate Chamber of Senator-elect **SAVIELLO** of Franklin. In accordance with a long-standing and unique tradition of the Maine Senate, the

Senator-elect from Franklin was absent to attend to and stoke the furnace. The President requested the Senator from Lincoln, Senator **TRAHAN**, along with four former Senators from Franklin, Senator **WEBSTER**, Senator **BENOIT**, Senator **WOODCOCK**, and Senator **GOOLEY**, to escort the Senator-elect from Franklin, Senator-elect **SAVIELLO**, to the Governor's Office for the purpose of taking and subscribing to the oaths of office required by the Constitution.

The Senators and Senator-elect were escorted to the Governor's Office.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Subsequently, the Senator from Lincoln, Senator **TRAHAN**, reported that he had attended to the duties with which he was charged and was pleased to report the Senator from Franklin, Senator **SAVIELLO** had, before the Governor, taken and subscribed to the oaths of office required by the Constitution. Thereupon, Senator **SAVIELLO** of Franklin took his seat in the Senate Chamber.

THE PRESIDENT: Nominations are now in order for the Office of Secretary of the Senate of the 125th Legislature.

Senator **COLLINS** of York **NOMINATED JOSEPH G. CARLETON JR.** of Wells for the Office of Secretary of the Senate of the 125th Legislature.

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

Senator **COLLINS**: Thank you Mr. President. Ladies and gentlemen of the Senate, I've known Joe Carleton for well over 20 years. Joe has a law practice in the town of Wells. During his tenure there he has also been the moderator of our town meetings. Joe was my predecessor in the House. He did his four terms in the House. I'm not sure for what reason, he took a fancy to Mason's Rules of Order and those are the rules of order we follow here in the Maine Legislature along with many other state legislatures. He made a study out of it. It is very important to us to have a Secretary who is very well versed in Mason's Rules of Order. Like I said previously, I've known Joe for well over 20 years and we are both members of our local Rotary Club. I know Joe is probably going to be missing some meetings since he'll be

up here. I also will be missing a few meetings. Nevertheless, we need Joe's input. He is considered by many to be an expert on Mason's Rules of Order and we need his knowledge. I look forward to working with Joe. I thank you very much for your kind attention and hope you agree with me that Joe will make a great Secretary of the Senate. Thank you.

THE PRESIDENT: The name of Joseph G. Carleton Jr. of Wells has been placed in nomination for the Office of Secretary of the Senate. Is there a second?

Nomination seconded by Senator **HILL** of York

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

Senator **HILL:** Thank you Mr. President. Ladies and gentlemen of the Senate, I want to share with you that I was delighted to be asked to do this nomination because I met Mr. Carleton 30 years ago, after graduating law school and having moved to Maine. While I was preparing for the Bar he offered me a part-time job, which worked out beautifully. During that time I did get to work closely with him and I wanted to point out a few things that I came to like very much about Mr. Carleton. First of all, he makes a fine mentor, which we will need from the Secretary of the Senate. Secondly, while I worked with him he gave great attention to detail and he had great patience in making sure that I paid great attention to detail. He was always a pleasure to work with. I do want to say I run into him over the years. It's kind of weird. Every once in a while we cross paths. Voila, here he is at the Senate. When I heard that he was running the one thing that popped in my mind first and foremost from my past experience with him is that he approaches everything with a sense of humor. You know how that can get you through the worst of days. I am proud and honored to nominate Joseph G. Carleton for Secretary of the Senate.

On motion by Senator **PLOWMAN** of Penobscot, nominations ceased.

On further motion by same Senator, one ballot was cast, on the part of the Senate, in favor of Joseph G. Carleton Jr. of Wells for the Office of Secretary of the Senate for the 125th Legislature.

This being done, **JOSEPH G. CARLETON JR.** of Wells was duly elected Secretary of the Senate of the 125th Legislature.

THE PRESIDENT: Nominations are now in order for the Office of Assistant Secretary of the Senate of the 125th Legislature.

Senator **HASTINGS** of Oxford **NOMINATED BONNIE S. GOULD** of South Berwick for the Office of Assistant Secretary of the Senate of the 125th Legislature.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **HASTINGS:** Thank you Mr. President. Men and women of the Senate, I first want to extend my thanks to the outgoing Assistant Senate Secretary who is here with us today, Judi

DeFranco, and I want to thank her for the fine job she has done in her years of service here and wish her well.

I am very pleased to nominate Bonnie Gould as the new Assistant Secretary of the Maine Senate because I know that Bonnie has the knowledge, the skill, and the personality to continue the operation of the Secretary's Office at the high level that we have become accustomed to. Bonnie brings to us a great resume. Bonnie's a former legislator. It was a pleasure serving with her on the Judiciary Committee and she was an outstanding member. She brings a solid knowledge of the legislative process to the office. Bonnie's an attorney. Near and dear to my heart. Bonnie brings her knowledge of the law. Skill at running an office, much like the Senate Secretary's Office, and the ability to multi-task and to work under pressure and deadlines. Bonnie has experience as a Maine Senate staffer, serving as the Communications Director for the Senate Republican Office in the last legislature, a job she performed with distinction. Finally, Bonnie Gould is just a nice person who always has a smile and always a good humored word. Men and women of the Senate, I know that Bonnie Gould will work equally hard for all members of this Senate, on both sides of the aisle, and I ask for your support to elect Bonnie Gould as Assistant Secretary and to complete the new firm of Carleton and Gould. Thank you, ladies and gentlemen.

THE PRESIDENT: The name of Bonnie S. Gould of South Berwick has been placed in nomination for the Office of Assistant Secretary of the Senate. Is there a second?

Nomination seconded by Senator **HOBBS** of York.

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

Senator **HOBBS:** Thank you very much Mr. President. Men and women of the Senate, it is a real honor and a privilege for me to have been asked to second the nomination of Bonnie Gould. I am confident that Bonnie will serve with distinction, as has Judi DeFranco who I also had the honor of seconding the nomination for her during the 122nd and 123rd legislatures for the position of Assistant Secretary of the Senate. I have known Bonnie Gould professionally as a prominent attorney, a skilled legislator, as a diligent member of the Judiciary Committee, where we served together along with the Senator from Oxford, Senator Hastings, as committee members, and personally as a friend. She is a good person. We also share some common educational backgrounds. We both had the same advisor at the University of Maine, where she excelled and graduated with highest distinction. Her class standing was a little bit higher than mine. Maybe I'm exaggerating. It was a lot higher than mine. We also articulated at the Franklin Pierce Law Center and both of us received a Juris Doctorate degree. Don't ask me what year I graduated and don't ask her what year she graduated because I'd be a little embarrassed. Later we also found out that her favorite law school advisor and mentor was also my favorite law school professor and mentor. It should also be noted that Bonnie was a hard working, inquisitive law student who ranked extremely high in her law school class. Again, do not ask me my ranking. Bonnie also taught legal studies at the college level. I know first hand, from some of her past students, that she prepared them very well for their legal careers. Finally, Bonnie and myself share the same birthday, May 17th, but Bonnie wants to inform you all

that it was couple of decades apart. I am extremely confident that Bonnie Gould will bring the same work ethic and competence to the position of Assistant Secretary of the Senate which we are used to and we ask you all to support this nomination of Bonnie Gould to the position of Assistant Secretary of the Senate. Thank you.

On motion by Senator **PLOWMAN** of Penobscot, nominations ceased.

On further motion by same Senator, one ballot was cast, on the part of the Senate, in favor of Bonnie S. Gould of South Berwick for the Office of Assistant Secretary of the Senate for the 125th Legislature.

This being done, **BONNIE S. GOULD** of South Berwick was duly elected Assistant Secretary of the Senate of the 125th Legislature.

The Chair requested the Senator from York, Senator **COLLINS**, the Senator from York, Senator **HILL**, the Senator from Oxford, Senator **HASTINGS**, and the Senator from York, Senator **HOBBS**, escort the Secretary-elect and the Assistant Secretary-elect to the Governor's Office for the purpose of taking and subscribing to the necessary oaths of office required by the Constitution to qualify them to enter upon the discharge of the duties of the office of Secretary of the Senate and Assistant Secretary of the Senate.

The Senators, Secretary-elect, and Assistant Secretary-elect were escorted to the Governor's Office.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Subsequently, the Senator from Oxford, Senator **HASTINGS**, reported that they had attended to the duties with which they were charged and were pleased to report that **JOSEPH G. CARLETON JR.** of Wells and **BONNIE S. GOULD** of South Berwick had, before the Governor, taken and subscribed to the necessary oaths of office to qualify them to enter upon the discharge of the duties of the Secretary and Assistant Secretary of the Senate of the 125th Legislature.

On motion by Senator **PLOWMAN** of Penobscot, the following Senate Order:

S.O. 2

Ordered, that a committee of seven be appointed by the President to whom the returns of votes for Senators for the political years of 2011 and 2012 shall be referred for examination and report.

READ and PASSED.

COMMUNICATIONS

The Following Communication: S.C. 2

**STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE**

December 1, 2010

To the President of the Senate in the One Hundred and Twenty-fifth Legislature:

I, MATTHEW DUNLAP, Secretary of State, in accordance with the Constitution and laws of the State of Maine, having tabulated the returns of the votes cast for State Senators at the General Election held on the second day of November in the year Two Thousand and Ten;

REPORT AS FOLLOWS; that the following named persons having received a plurality of the votes cast, appear to have been elected:

<u>District 1</u>	
Estes, Michael L., York	7,849
Hill, Dawn, York	8,623
<u>District 2</u>	
Burns, Richard J., Berwick	6,769
Collins, Ronald F., Wells	8,591
<u>District 3</u>	
Courtney, Jonathan T.E., Sanford	8,586
Stackpole, Robert G., Sanford	5,758
<u>District 4</u>	
Pickus, Owen Bruce, Biddeford	7,391
Sullivan, Nancy B., Biddeford	8,449
<u>District 5</u>	
Cushing, John W., Saco	6,976
Hobbins, Barry J., Saco	9,324
<u>District 6</u>	
Bartlett II, Philip L., Gorham	8,724
Mattingly, Matthew L., Gorham	7,942
<u>District 7</u>	
Bliss, Lawrence, South Portland	9,172
Palmieri, Joseph C., South Portland	9,097
<u>District 8</u>	
Alfond, Justin L., Portland	10,667
Doyle, Peter Ignatius, Portland	2,908
<u>District 9</u>	
Brannigan, Joseph C., Portland	9,603
Martin, Jeffrey Y., Portland	5,833

LEGISLATIVE RECORD - SENATE, WEDNESDAY, DECEMBER 1, 2010

District 10
Gerzofsky, Stanley J., Brunswick 10,168
Thomas, Scott L., Freeport 6,418

District 11
Bullens, Cynthia, Cumberland 2,472
Davis, Gerald M., Falmouth 7,963
Miller, Christopher F., Gray 897
Woodbury, Richard, Yarmouth 9,029

District 12
Diamond, G. William, Windham 10,063
Grenier, Ann-Marie, Windham 6,667

District 13
Hastings III, David R., Fryeburg 9,854
Ordway, Laura H., Bridgton 7,554

District 14
Millett Jr., H. Sawin, Waterford 7,342
Patrick, John L., Rumford 9,143

District 15
Simpson, Deborah L., Auburn 7,362
Snowe Mello, Lois A., Poland 8,467

District 16
Craven, Margaret M., Lewiston 6,286
Kase, Joel A., Lewiston 5,400

District 17
Mason, Garrett Paul, Lisbon 9,027
Nutting, John M., Leeds 7,153

District 18
Saviello, Thomas B., Wilton 11,194
Woloson, Ann L., Belgrade 6,703

District 19
Goodall, Seth A., Richmond 9,588
Kaler, David S., Bath 8,335

District 20
Johnson, Christopher K., Somerville 6,178
Schweitzer, Daniel James, Westport Island 1,794
Trahan, A. David, Waldoboro 10,909

District 21
McCormick, Earle L., West Gardiner 11,298
Putman, Patrice A., Winthrop 6,656

District 22
Rector, Christopher W., Thomaston 13,000

District 23
Piotti, John F., Unity 7,903
Thibodeau, Michael D., Winterport 9,365

District 24
Crockett, Patsy Garside, Augusta 5,803
Katz, Roger J., Augusta 10,239

District 25
Martin Jr., Thomas H., Benton 7,462
Trinward, Pamela Jabar, Waterville 6,398

District 26
Whittemore, Rodney L., Skowhegan 9,087
York, Gerald A., Fairfield 5,046

District 27
Mackey Andrews, Susan D., Dover-Foxcroft 6,271
Thomas, Douglas A., Ripley 8,908

District 28
Langley, Brian D., Ellsworth 9,633
Schatz, James M., Blue Hill 6,420
Williams, Lynne A., Bar Harbor 2,311

District 29
Raye, Kevin L., Perry 9,927
Whalen, F. James, Machias 3,967

District 30
Gauthier, Traci A., Lincoln 5,668
Schneider, Elizabeth Montgomery, Orono 7,767

District 31
Liebow, Paul Averill, Bucksport 5,893
Rosen, Richard W., Bucksport 10,776

District 32
Farnham, Nichi S., Bangor 7,394
Perry, Joseph C., Bangor 5,724

District 33
Leighton Jr., Sherman G., Dexter 5,116
Plowman, Debra D., Hampden 11,360

District 34
Gordon, Patrick H., Houlton 5,104
Sherman, Roger L., Hodgdon 8,038

District 35
Deveau, Daniel V., Cyr Plantation 5,620
Jackson, Troy Dale, Allagash 7,525

I, MATTHEW DUNLAP, Secretary of State, hereby certify that the foregoing report is a true tabulation of the votes cast for State Senators at the General Election, as reported to me on the returns from the cities, towns and plantations of the State.

S/MATTHEW DUNLAP
Secretary of State

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 3

**STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE**

November 24, 2010

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

Dear President Mitchell:

The following is a summary of the results of the June 8, 2010, Referendum Election, as derived from the accompanying copies of the Governor's Proclamations and the Secretary of State's Official Tabulation of the election results.

Question 1: People's Veto
Number of Votes in Favor 193,960
Number of Votes Opposed 124,928

Question 2: Bond Issue
Number of Votes in Favor 187,947
Number of Votes Opposed 129,435

Question 3: Bond Issue
Number of Votes in Favor 183,978
Number of Votes Opposed 132,439

Question 4: Bond Issue
Number of Votes in Favor 159,084
Number of Votes Opposed 155,224

Question 5: Bond Issue
Number of Votes in Favor 175,165
Number of Votes Opposed 140,442

Sincerely,

S/Matthew Dunlap
Secretary of State

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 4

**STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE**

November 24, 2010

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

Dear President Mitchell:

The following is a summary of the results of the November 2, 2010, Referendum Election, as derived from the accompanying copies of the Governor's Proclamations and the Secretary of State's Official Tabulation of the election results.

Question 1: Citizen Initiative
Number of Votes in Favor 284,493
Number of Votes Opposed 279,892*

*These are election night totals. A recount requested for this ballot measure is scheduled to begin December 2, 2010. At this time, the election remains in dispute.

Question 2: Bond Issue
Number of Votes in Favor 286,645
Number of Votes Opposed 270,705

Question 3: Bond Issue
Number of Votes in Favor 331,919
Number of Votes Opposed 227,182

Sincerely,

S/Matthew Dunlap
Secretary of State

READ and ORDERED PLACED ON FILE.

ORDERS

Senate Order

On motion by Senator **COURTNEY** of York, the following Senate Order:

S.O. 3

Ordered, that a message be sent to the House of Representatives proposing a Convention of the two branches of the Legislature in the Hall of the House, for the purpose of electing a Secretary of State for the political years 2011 and 2012, a State Treasurer for the political years 2011 and 2012, an Attorney General for the political years 2011 and 2012 at 2:00 in the afternoon.

READ and PASSED.

The Chair appointed the Senator from York, Senator **COURTNEY** to deliver the message to the House of Representatives. The Senator was escorted to the House of Representatives.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

On motion by Senator **PLOWMAN** of Penobscot, the following Senate Order:

S.O. 4

Ordered, that the Rules of Senate of the 124th Legislature shall be the Rules of the Senate of the 125th Legislature. Amendments to the Senate Rules may be adopted by a majority vote on or before the third Friday in January of 2011.

READ and PASSED.

On motion by Senator **HOBBS** of York, the following Senate Order:

S.O. 5

Ordered, that the Secretary of the Senate be authorized to invite the clergy to officiate as Chaplains of the Senate as requested by any member of the Senate; and be it further

Ordered, that all clergy acting as Chaplains of the Senate shall receive \$30 for each officiation. The same is to be approved by the Secretary of the Senate.

READ and PASSED.

On motion by Senator **COURTNEY** of York, the following Senate Order:

S.O. 6

Ordered, that all Bills and Resolves carrying or requiring an appropriation or involving a loss of revenue that are in order to be passed to be enacted, or finally passed, shall, at the request of a member of the Joint Standing Committee on Appropriations and Financial Affairs, be placed on a special calendar to be called up for consideration only by the same.

READ and PASSED.

At this point a message was received from the House of Representatives, borne by Representative CURTIS of Madison informing the Senate that the House concurred with the proposition for a Convention of the two branches of the Legislature to be held in the Hall of the House at 2:00 in the afternoon for the purpose of electing a Secretary of State for the political years 2011 and 2012, a State Treasurer for the political years 2011 and 2012, an Attorney General for the political years 2011 and 2012.

On motion by Senator **PLOWMAN** of Penobscot, the following Senate Order:

S.O. 7

Ordered, that all Bills and Resolves carrying or requiring an appropriation of highway revenue or involving a loss of highway revenue that are in order to be passed to be enacted, or finally passed, shall, at the request of a member of the Joint Standing Committee on Transportation, be placed on a special calendar to be called up for consideration only by the same.

READ and PASSED.

At this point, a message was received from the House of Representatives borne by Representative CUSHING III of Hampden, informing the Senate that the House had organized by the choice of ROBERT W. NUTTING of Oakland, as Speaker of the House, HEATHER J.R. PRIEST, of Augusta, as Clerk of the House, and SHAWN RODERICK, of Newport, as Assistant Clerk of the House of the 124th Legislature and was ready to transact such business as might come before the House.

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

S.O. 8

Ordered, that the President of the Senate is authorized, at his or her discretion, to permit radio or sound television film or live television, or any two or three of these communication media, on the floor of the Senate.

READ and PASSED.

Joint Orders

On motion by Senator **COURTNEY** of York, the following Joint Order:

S.P. 1

ORDERED, the House concurring, that the Joint Rules of the 124th Legislature shall be the Joint Rules of the 125th Legislature, except for the following changes.

Joint Rule 202 is amended by striking out all of the first paragraph and inserting in its place the following:

All requests for bills and resolves submitted by Legislators for a first regular session must be submitted in complete form, as provided in Joint Rule 208, to the Revisor of Statutes by 4:00 p.m. on Friday, January 7, 2011.

READ and PASSED.

Ordered sent down forthwith for concurrence.

On motion by Senator **PLOWMAN** of Penobscot, the following Joint Order:

S.P. 2

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Friday, December 17, 2010, at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

On motion by Senator **COURTNEY** of York, the following Joint Order:

S.P. 3

Ordered, the House concurring, that there be paid to the members of the Senate and the House of Representatives as advances on account of compensation established by statute, 12 payments on a biweekly basis commencing January 5, 2011, according to lists certified to the State Controller by the President of the Senate and Speaker of the House, respectively.

READ and PASSED.

Ordered sent down forthwith for concurrence.

On motion by Senator **HOBBS** of York, the following Joint Order:

S.P. 4

Ordered, the House concurring, that the Executive Director of the Legislative Council be authorized and directed to prepare weekly, from expense accounts to be submitted to him by the members of the Senate and House, expense rosters showing the entitlement of each member for meals allowance and lodging reimbursement and to obtain approval thereof by the President of the Senate and the Speaker of the House, respectively, and deliver the same to the State Controller for processing and payment, in the manner and form recommended by the Joint Interim Committee of the 101st Legislature created to study and report on a method of implementing the administration of the provision of law relating to the mileage and expenses for members of the Legislature; and be it further

Ordered, that the Executive Director of the Legislative Council be authorized and directed to provide the forms necessary for such purpose and provide suitable space in his office for the filing and safekeeping of all such expense accounts and other papers and records pertaining thereto.

READ and PASSED.

Ordered sent down forthwith for concurrence.

On motion by Senator **COURTNEY** of York, the following Joint Order:

S.P. 5

Ordered, the House concurring, that telephone service may be provided for each member of the Senate and House, and each Representative from the Indian Tribes at the Legislature, for a reasonable number of calls, of reasonable duration, as determined by the President of the Senate as to members of the Senate and the Speaker of the House as to members of the House of Representatives and Representatives from the Indian Tribes, to points within the limits of the State of Maine. The privilege granted to be a personal privilege not to be exercised by other than the members or representatives, that each member of the Senate and House, and each Representative from the Indian Tribes at the Legislature, may be provided with a prepaid phone card under the direction of the Secretary of the Senate and Clerk of the House, respectively; and be it further

Ordered, that the President of the Senate or Speaker of the House, may upon a finding of abuse of the privilege of telephone service by a member of the Senate or a member of the House, respectively, temporarily suspend or terminate the privilege of said telephone service to that member.

READ and PASSED.

Ordered sent down forthwith for concurrence.

On motion by Senator **PLOWMAN** of Penobscot, the following Joint Order:

S.P. 6

Ordered, the House concurring, that all printing and binding authorized by the Legislature shall be under the direction of the Secretary of the Senate and the Clerk of the House.

READ and PASSED.

Ordered sent down forthwith for concurrence.

On motion by Senator **COURTNEY** of York, the following Joint Order:

S.P. 7

Ordered, the House concurring, that the Secretary of the Senate and the Clerk of the House respectively, purchase such services, supplies and equipment as may be needed to carry on the business of the Senate and House, respectively.

READ and PASSED.

Ordered sent down forthwith for concurrence.

On motion by Senator **PLOWMAN** of Penobscot, the following Joint Order:

S.P. 8

Ordered, the House concurring, that a sufficient number of the Legislative Record for the 125th Legislature be printed, one copy for each of the members of the Senate and the House of Representatives who so desires, the Secretary of the Senate and the Clerk of the House. The remainder to be deposited with the State Law Librarian for exchange and library use; and be it further

Ordered, that suitable index be prepared for such Legislative Record, under the direction of the Secretary of the Senate and the Clerk of the House.

READ and PASSED.

Ordered sent down forthwith for concurrence.

On motion by Senator **COURTNEY** of York, the following Joint Order:

S.P. 9

WHEREAS, Maine was recently ranked by Forbes magazine as the worst state in the nation in terms of its business climate; and

WHEREAS, it is essential to improving the business climate in Maine that legislation providing real and meaningful regulatory fairness and reform be enacted prior to the adjournment of the First Regular Session of the 125th Legislature; and

WHEREAS, meaningful regulatory fairness and reform must, by definition, cut across the traditional jurisdictional boundaries of the different joint standing committees of the Legislature; and

WHEREAS, meaningful regulatory reforms must be developed in a coordinated manner, with full transparency and fairness and in the shortest possible time frame; now, therefore, be it

ORDERED, the House concurring, that the Joint Select Committee on Regulatory Fairness and Reform is established as follows.

1. Establishment. The Joint Select Committee on Regulatory Fairness and Reform, referred to in this order as "the committee," is established.

2. Membership. The committee consists of 15 members of the Legislature: 5 members of the Senate appointed by the President of the Senate and 10 members of the House of Representatives appointed by the Speaker of the House of Representatives. The President of the Senate shall appoint no more than 3 Senators from the party holding the largest number of seats in the Senate and no more than 2 Senators from the party holding the 2nd-largest number of seats in the Senate. The Speaker of the House of Representatives shall appoint no more than 6 Representatives from the party holding the largest number of seats in the House of Representatives and no more than 4 Representatives from the party holding the 2nd-largest number of seats in the House of Representatives. Nothing in this section

precludes the appointment of a member who is not a member of the party holding the largest number of seats or the 2nd-largest number of seats in the chamber. The first-named Senate and House members shall serve as cochairs of the committee.

3. Duties. The committee shall make recommendations on improving the business climate in the State and facilitating private-sector job creation by reforming the regulatory structure to ensure that the regulatory process is more efficient and less costly to the regulated community, eliminating duplicate or unnecessary regulatory procedures, streamlining and reducing the time required to obtain necessary business permits, ensuring that balanced, transparent and more predictable decision-making processes exist within the regulatory agencies and making any other necessary changes.

4. Authority. The committee shall hold public hearings and work sessions on any legislation referred to it and shall vote on and report out such legislation to the appropriate chamber in the manner prescribed in Joint Rule 310.

5. Meetings; staff assistance. The committee and any authorized subcommittees may meet on days and at locations, including locations across the State, jointly authorized by the President of the Senate and the Speaker of the House of Representatives. The Legislative Council shall provide staffing to the committee. The cochairs of the committee may request technical assistance from appropriate sources whenever necessary. The committee shall report out all legislation referred to it in accordance with deadlines established by the President of the Senate and the Speaker of the House of Representatives.

6. Termination. The committee terminates on June 15, 2011.

READ and PASSED.

Ordered sent down forthwith for concurrence.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Orders

The following Joint Order:

H.P. 1

ORDERED, the Senate concurring, that the Speaker of the House is authorized, at his discretion, to permit radio or television in the Hall of the House of Representatives during joint conventions of the Legislature.

Comes from the House, **READ** and **PASSED**.

READ and **PASSED**, in concurrence.

The following Joint Order:

H.P. 2

ORDERED, the Senate concurring, that any Town or City Clerk or Board of County Commissioners may, upon written request to the Clerk of the House, receive without charge, copies of all printed bills, so that there may be available to the public during the legislative session a complete and convenient file of all printed bills; and be it further

ORDERED, that any tax supported public library may upon written request to the Clerk of the House receive without charge copies of all printed bills, so that there may be available to the public during the legislative session a complete and convenient file of all printed bills.

Comes from the House, **READ** and **PASSED**.

READ and **PASSED**, in concurrence.

The following Joint Order:

H.P. 3

ORDERED, the Senate concurring, that there be prepared by the Legislative Information Office, under the direction of the Secretary of the Senate and the Clerk of the House, after adjournment of the present session, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve and that there be printed sufficient copies to meet the needs of the Legislature. A copy shall be mailed to each member and officer of the Legislature and the State Law and Legislative Reference Library.

Comes from the House, **READ** and **PASSED**.

READ and **PASSED**, in concurrence.

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

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

Off Record Remarks

RECESSED until 1:45 in the afternoon.

After Recess

Senate called to order by the President.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

After Convention

In Senate Chamber

Senate called to order by the President

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

ORDERS

Senate Order

On motion by Senator **PLOWMAN** of Penobscot, the following Senate Order:

S.O. 10

Ordered, that a message be sent to the House of Representatives, informing that Body that the Senate has organized by the choice of Kevin L. Raye of Washington County as President; Joseph G. Carleton of York County as Secretary of the Senate; and Bonnie S. Gould of York County as Assistant Secretary of the Senate of the 125th Legislature and is ready to transact such business as may come before the Senate.

READ and **PASSED**.

The Chair appointed the Senator from Penobscot, Senator **PLOWMAN** to deliver the message to the House of Representatives. The Senator was escorted to the House of Representatives.

Senate at Ease.

Senate called to order by the President.

Subsequently, the Senator from Penobscot, Senator **PLOWMAN**, reported that she had delivered the message with which she was charged.

Off Record Remarks

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

ORDERS

Joint Order

On motion by Senator **COURTNEY** of York, the following Joint Order:

S.P. 11

ORDERED, the House concurring, that the Joint Select Committee on Joint Rules examine the structure and jurisdiction of the joint standing committees as established in Joint Rule 301 and report back with recommendations necessary to the proper operation of the Legislature no later than 5:00 p.m. on Thursday, December 16, 2010.

READ and PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair would announce the following appointments to the Joint Select Committee on Rules:

- Senator **COURTNEY** of York
- Senator **PLOWMAN** of Penobscot
- Senator **HASTINGS** of Oxford
- Senator **BARTLETT** of Cumberland
- Senator **GERZOFKY** of Cumberland

Those will be the five Senate members of the Joint Select Committee on Rules.

Senate at Ease.

Senate called to order by the President.

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

SENATE PAPERS

Bill "An Act To Ensure Regulatory Fairness and Reform"
S.P. 10 L.D. 1

Presented by Senator RAYE of Washington.
Cosponsored by Representative NUTTING of Oakland.

On motion by Senator **COURTNEY** of York, **REFERRED** to the Joint Select Committee on **REGULATORY FAIRNESS AND REFORM** and ordered printed.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

Senate at Ease.

Senate called to order by the President.

On motion by Senator **COURTNEY** of York, **ADJOURNED**, pursuant to the Joint Order, to Friday, December 17, 2010, at 10:00 in the morning.