

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

In Senate Chamber
Thursday
January 27, 2011

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

Prayer by Senator Garrett P. Mason of Androscoggin County.

SENATOR MASON: Let us pray. Dear Heavenly Father, we come before You today in thankfulness of who You are and what You do for us every day God. We come to You as legislators looking to do the best for our state. Lord, we hope that we can do what is right in Your eyes Lord. We also bring before You our President and our Congressional delegation Lord. We pray that You will be with them. Help them make the right decisions for America and for our state. Lord, in the bible it says that if we ask for wisdom You will give it to us in abundance. We hope to hold You to that promise today Lord. We ask this in the name of the one who came to save us, Jesus Christ. Amen.

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

Reading of the Journal of Tuesday, January 25, 2011.

Doctor of the day, Lewis Phillips, MD of Scarborough

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **COURTNEY** of York, the following Joint Order:
S.P. 53

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 1, 2011, at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Protect Private Enterprise from Tax-subsidized Competition by Imposing Requirements on Certain Postsecondary Institutions"

H.P. 100 L.D. 118

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

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

Bill "An Act To Eliminate the Restriction on Net Operating Loss Carry-forwards"

H.P. 123 L.D. 140

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **TAXATION.**

REFERRED to the Committee on **TAXATION** and ordered printed, in concurrence.

Bill "An Act To Increase the Retirement Age for New State Employees to 65 Years of Age"

H.P. 124 L.D. 141

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

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

Resolve, To Provide \$1,000,000 to the Fund for the Efficient Delivery of Local and Regional Services

H.P. 130 L.D. 147

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

On motion by Senator **ROSEN** of Hancock, **REFERRED** to the Committee on **TAXATION**, in **NON-CONCURRENCE.**

Sent down for concurrence.

Bill "An Act To Set Uniform Standards for School Construction"
H.P. 131 L.D. 148

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

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

Bill "An Act To Regulate the Use of Magnesium Chloride"
H.P. 127 L.D. 144

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

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

Bill "An Act To Require Drug Testing for Medicaid Recipients with Prescriptions for Scheduled Drugs"

H.P. 133 L.D. 150

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

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

Resolve, To Direct the Department of Inland Fisheries and Wildlife To Add One or More Moose Hunting Seasons in Wildlife Management District No. 8 (EMERGENCY)

H.P. 134 L.D. 151

Comes from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

Bill "An Act To Protect Homeowners Subject to Foreclosure by Requiring the Foreclosing Entity To Provide the Court with Original Documents"

H.P. 128 L.D. 145

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

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

Bill "An Act To Prohibit the Use of Mercury Amalgams in Dental Procedures for Children, Pregnant Women and Nursing Mothers"
H.P. 129 L.D. 146

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

Comes from the House, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES**.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act To Prohibit Employment Discrimination Based on a Prior Criminal Conviction"

H.P. 135 L.D. 152

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Reduction of the Size of the Legislature
H.P. 136 L.D. 153

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

Bill "An Act To Authorize Municipalities To Impose Service Charges on Tax-exempt Property Owned by Certain Nonprofit Organizations"

H.P. 132 L.D. 149

Comes from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** and ordered printed, in concurrence.

Bill "An Act Relating to Disability License Plates and Placards for People with Permanent Disabilities" (EMERGENCY)

H.P. 126 L.D. 143

Comes from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

Bill "An Act To Improve Party Status Requirements"
H.P. 125 L.D. 142

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

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed, in concurrence.

Joint Order

The following Joint Order:

H.P. 122

ORDERED, the Senate concurring, that Joint Rule 310 is amended by adding a new subsection 7 to read:

7. Addition of cosponsors. On any committee report of Ought to Pass, Ought to Pass as Amended or Ought to Pass in New Draft, the committee, by majority vote, may attach to the bill as a cosponsor the name of any Legislator who is a sponsor or cosponsor of a bill with a similar subject matter that is reported Ought Not to Pass by that committee.

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

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

Joint Resolution

WHEREAS, the Legislature has learned with deep regret of the death of:

Myles Henry, of Wells, co-owner of the Maine Diner. Mr. Henry was born in Biddeford and grew up in Nashua, New Hampshire. After graduating college, he began a renowned restaurant career. In 1983, Myles and his brother Dick became co-owners of the popular Maine Diner in Wells. Notably, Mr. Henry was recently honored as the 2010 Maine Restaurateur of the Year by the Maine Restaurant Association. He will be greatly missed and long remembered by his loving wife, Trisha Wilson Henry, his family and his many friends;

HLS 53

Comes from the House **READ** and **ADOPTED**.

READ.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, Myles Henry was the owner of the Maine Diner in Wells. It seems like every community or every town in Maine, particularly in Maine, has a local eatery, a local restaurant, that is the place with local and State politics are always discussed, sometimes in heated debates. I've been part of many there in that restaurant, the Maine Diner. Myles was very much involved in his community. He was always the guy you went to when you needed a favor or needed a donation. He and his brother, Richard, owned the Maine Diner which had a fine reputation for quality food and sometimes a heated and clouded atmosphere with the politics that were discussed there. Nevertheless, any time I needed to know what was going on in my community in the town of Wells I would go to the Maine Diner and I found out very quickly what was going on in my community. Myles was on vacation in Florida, played a couple of rounds of golf, was at a local restaurant in Florida, and something happened and he passed away. He was just a mere 54 years old. He will be sadly missed by many, particularly in my community, the town of Wells. Thank you.

ADOPTED, in concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 43

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

January 24, 2011

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 John Morris of Gardiner, for appointment as the Commissioner of the Department of Public Safety.

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 3 Mason of Androscoggin,
 Gerzofsky of Cumberland,
 Whittemore of Somerset

 Representatives 9 Plummer of Windham,
 Blodgett of Augusta, Burns of
 Whiting, Clarke of Bath,
 Haskell of Portland, Lajoie of
 Lewiston, Long of Sherman,
 Morissette of Winslow,
 Sanderson of Chelsea

NAYS 0

ABSENT 1 Rep. Hanley of Gardiner

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **John Morris** of Gardiner for appointment as the Commissioner of the Department of Public Safety was **CONFIRMED**.

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

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber our new Commissioner, John Morris. Would you please step forward and accept the greetings of the Senate.

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 John Morris of Gardiner, for appointment as the Commissioner of the Department of Public Safety be confirmed.

The Following Communication: S.C. 47

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

Signed,

S/Garrett P. Mason
Senate Chair

S/Gary E. Plummer
House Chair

January 25, 2011

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

READ and ORDERED PLACED ON FILE.

Dear Mr. President:

The President laid before the Senate the following: "Shall the recommendation of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** be overridden?"

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 Environment & Natural Resources has had under consideration the nomination of Darryl N. Brown of Livermore Falls, for appointment as the Commissioner of the Department of Environmental Protection.

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 125th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

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:

The Secretary opened the vote.

ROLL CALL (#6)

YEAS: Senators: None

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

ABSENT: Senator: BRANNIGAN

YEAS Senators 2 Saviello of Franklin, Sherman
 of Aroostook

 Representatives 7 Hamper of Oxford, Ayotte of
 Caswell, Duchesne of
 Hudson, Knapp of Gorham,
 Long of Sherman, Nass of
 Acton, Parker of Veazie

NAYS Senators 1 Goodall of Sagadahoc

 Representatives 3 Harlow of Portland, Innes of
 Yarmouth, Welsh of Rockport

ABSENT 0

Nine members of the Committee having voted in the affirmative and four in the negative, it was the vote of the Committee that the nomination of Darryl N. Brown of Livermore Falls, for appointment as the Commissioner of the Department of Environmental Protection be confirmed.

Signed,

S/Thomas B. Saviello
Senate Chair

S/James M. Hamper
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 45

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

January 25, 2011

The Honorable Kevin Raye
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Raye,

This is to inform you that I am today nominating Joseph Ponte of Franklin for appointment as Commissioner of the Department of Corrections.

Pursuant to Title 34-A, MRSA §1401, this nomination will require review by the Joint Standing Committee on Criminal Justice and Public Safety.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 46

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

January 25, 2011

The Honorable Kevin Raye
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Raye,

This is to inform you that I am today nominating David B. Bernhardt of Vassalboro for appointment as Commissioner of the Department of Transportation.

Pursuant to Title 23, MRSA §4205, this nomination will require review by the Joint Standing Committee on Transportation.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Resolve, To Establish a Stakeholder Group To Review the Maine State Grant Program

S.P. 59 L.D. 209

Presented by Senator ALFOND of Cumberland.
Cosponsored by Representative NELSON of Falmouth and
Senators: BARTLETT of Cumberland, KATZ of Kennebec,
Representatives: LUCHINI of Ellsworth, MAKER of Calais,
McFADDEN of Dennysville, ROTUNDO of Lewiston, STRANG
BURGESS of Cumberland, WEBSTER of Freeport.

On motion by Senator **LANGLEY** of Hancock, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act To Improve the Water Quality of Hall Pond in Paris"
S.P. 61 L.D. 211

Presented by Senator HASTINGS of Oxford.
Cosponsored by Representative TIMBERLAKE of Turner and
Representative: HAYES of Buckfield.

On motion by Senator **SAVIELLO** of Franklin, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

Sent down for concurrence.

Bill "An Act Regarding the Membership of the Midcoast Regional Redevelopment Authority Board of Trustees"

S.P. 54 L.D. 204

Presented by Senator GERZOFKY of Cumberland.
Cosponsored by Representative PRIEST of Brunswick and Senators: GOODALL of Sagadahoc, MASON of Androscoggin, RECTOR of Knox, TRAHAN of Lincoln, Representatives: CLARKE of Bath, CORNELL du HOUX of Brunswick, MARTIN of Eagle Lake, WEBSTER of Freeport.

Bill "An Act To Amend the Laws Regarding Tips Used in Payment of Service Employees"

S.P. 57 L.D. 207

Presented by Senator LANGLEY of Hancock.
Cosponsored by Senators: MASON of Androscoggin, THIBODEAU of Waldo, TRAHAN of Lincoln, Representatives: KNIGHT of Livermore Falls, MORRISON of South Portland.

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

Sent down for concurrence.

Bill "An Act Regarding the Saltwater Recreational Fishing Registry" (EMERGENCY)

S.P. 60 L.D. 210

Presented by Senator TRAHAN of Lincoln.
Cosponsored by Speaker NUTTING of Oakland and Senators: COLLINS of York, LANGLEY of Hancock, President RAYE of Washington, SCHNEIDER of Penobscot, SNOWE-MELLO of Androscoggin, Representatives: CLARK of Millinocket, SANDERSON of Chelsea, TILTON of Harrington.

On motion by Senator **SNOWE-MELLO** of Androscoggin, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

Sent down for concurrence.

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

S.P. 55 L.D. 205

Presented by Senator GERZOFKY of Cumberland.
Cosponsored by Representative WEBSTER of Freeport and Senators: ALFOND of Cumberland, GOODALL of Sagadahoc, Representatives: CLARKE of Bath, CORNELL du HOUX of Brunswick, KNIGHT of Livermore Falls, PRESCOTT of Topsham, PRIEST of Brunswick.

On motion by Senator **TRAHAN** of Lincoln, **REFERRED** to the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

Resolve, Directing the Department of Transportation To Repair and Maintain the Red Iron Bridge Crossing the Saco River in the Town of Fryeburg

S.P. 56 L.D. 206

Presented by Senator HASTINGS of Oxford.
Cosponsored by Representative RANKIN of Hiram and Representative: SARTY of Denmark.

Resolve, To Establish a Study Commission To Examine the Maine Turnpike

S.P. 58 L.D. 208

Presented by Senator THOMAS of Somerset.
Cosponsored by Senator SAVIELLO of Franklin, Representative KNIGHT of Livermore Falls and Senators: COLLINS of York, HILL of York, MARTIN of Kennebec, THIBODEAU of Waldo, TRAHAN of Lincoln, Representatives: CRAY of Palmyra, McKANE of Newcastle.

On motion by Senator **COLLINS** of York, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

Sent down for concurrence.

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (1/20/11) Assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide 4-year Terms and a Term Limit of 2 Terms for Legislators

H.P. 95 L.D. 113

Tabled - January 20, 2011, by Senator **ALFOND** of Cumberland

Pending - **REFERENCE**, in concurrence

(In House, January 20, 2011, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.)

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

The Chair laid before the Senate the following Tabled and Later (1/25/11) Assigned matter:

Bill "An Act To Encourage Access to Health Care in Maine"
S.P. 50 L.D. 157

Tabled - January 25, 2011, by Senator **McCORMICK** of Kennebec

Pending - **REFERENCE**

(Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.)

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

Off Record Remarks

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.

Senate at Ease.

Senate called to order by the President.

RECESSED until 11:00 in the morning.

After Recess

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

House Paper

Bill "An Act To Prohibit the Sale of Russian Olive and Other Invasive Terrestrial Plants"

H.P. 159 L.D. 182

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Promote Fiscal Transparency in State Government"

H.P. 158 L.D. 181

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

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Require a Medical Examiner To Determine whether an Autopsy Is Needed in the Case of the Death of a Prisoner in a Correctional Facility"

H.P. 145 L.D. 168

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

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Provide Full Funding for Advanced Placement Courses"

H.P. 144 L.D. 167

Bill "An Act To Exempt School Administrative District No. 24 and School Administrative District No. 32 from the Laws Requiring School Administrative Unit Consolidation" (EMERGENCY)

H.P. 148 L.D. 171

Bill "An Act To Promote the Financial Literacy of High School Students"

H.P. 161 L.D. 184

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Relating To Net Energy Billing for Solar Energy Users" (EMERGENCY)

H.P. 160 L.D. 183

Bill "An Act To Bring a Green Data Center to Maine"

H.P. 169 L.D. 192

Bill "An Act To Improve Response to Gas Safety Emergencies"

H.P. 174 L.D. 197

Come from the House, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

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

H.P. 157 L.D. 180

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Require an Applicant for State Assistance To Show Proof of Legal Residence in the United States and Proof of Residency for at Least the Previous 90 Days in This State"

H.P. 170 L.D. 193

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Enhance Hunting for Maine Residents over 70 Years of Age"

H.P. 138 L.D. 161

Bill "An Act To Auction Off Moose Permits to Hunting Lodges"

H.P. 140 L.D. 163

Resolve, To Allow the Possession of an Unlimited Number of Game Birds

H.P. 150 L.D. 173

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

H.P. 152 L.D. 175

Bill "An Act To Provide Complimentary Any-Deer Permits to Persons 70 Years of Age and Older"

H.P. 177 L.D. 200

Come from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Require Divorce Actions To Go to Mediation"
H.P. 142 L.D. 165

Bill "An Act To Extend the Maximum Time Period for Powers of Attorney for Minors and Incapacitated Persons"
H.P. 147 L.D. 170

Bill "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

Bill "An Act To Modify Child Support Enforcement Procedures"
H.P. 179 L.D. 202

Come from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

REFERRED to the Committee on **JUDICIARY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Exempt Seasonally Restricted Cottages from the Newly Adopted Maine Uniform Building and Energy Code"
H.P. 143 L.D. 166

Bill "An Act To Require Licensed Veterinarians To Honor Prescriptions from Other Licensed Veterinarians"
H.P. 154 L.D. 177

Bill "An Act To Repeal Laws Prohibiting Certain Businesses from Operating on Sunday" (EMERGENCY)
H.P. 163 L.D. 186

Bill "An Act To Amend the Laws Regulating Dealers of Agricultural, Light Industrial and Forestry Equipment"
H.P. 164 L.D. 187

Bill "An Act To License Residential Builders and Register Specialty Contractors"
H.P. 165 L.D. 188

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

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

Resolve, To Require the Department of Agriculture, Food and Rural Resources and the Department of Public Safety To Develop a Consolidated License for Convenience Stores
H.P. 137 L.D. 160

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

On motion by Senator **RECTOR** of Knox, **REFERRED** to the Joint Select Committee on **REGULATORY FAIRNESS AND REFORM**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Amend the Law Governing Employment, Discipline and Dismissal of Chief Deputy Sheriffs"
H.P. 151 L.D. 174

Bill "An Act To Achieve Cost Savings by Eliminating Deputy Commissioner Positions throughout State Government" (EMERGENCY)
H.P. 166 L.D. 189

Come from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Extend the Dental Care Access Credit for Dentists Who Practice in Underserved Areas of the State" (EMERGENCY)
H.P. 141 L.D. 164

Bill "An Act Regarding Sales and Use Tax Audit Procedures and Enforcement"
H.P. 153 L.D. 176

Bill "An Act To Refund the Sales Tax Paid on Fuel Used in Commercial Fishing Vessels"
H.P. 162 L.D. 185

Bill "An Act To Define Lienholder Rights under the Maine Tree Growth Tax Law"

H.P. 168 L.D. 191

Bill "An Act To Provide Relief from Estate Tax Valuation Requirements for Surviving Spouses"

H.P. 172 L.D. 195

Come from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Exempt Antique Autos from the Law Requiring Mufflers"

H.P. 139 L.D. 162

Bill "An Act To Update Motor Vehicle Safety Inspection Laws"

H.P. 175 L.D. 198

Bill "An Act To Modernize and Reduce the Cost of Driver Education"

H.P. 178 L.D. 201

Come from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Exempt Nonprofit Organizations from the Laws Governing Serving Alcohol near a Church"

H.P. 149 L.D. 172

Bill "An Act Relating to Distribution of Revenues from Future Casinos"

H.P. 155 L.D. 178

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

H.P. 156 L.D. 179

Bill "An Act Regarding Unenrolled Candidates under the Maine Clean Election Act"

H.P. 173 L.D. 196

Bill "An Act To Strengthen Maine's Election Laws by Requiring Photograph Identification for the Purpose of Voting"

H.P. 176 L.D. 199

Bill "An Act To Assist Municipal Clerks by Providing Adequate Time To Register Voters"

H.P. 180 L.D. 203

Come from the House, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Allow Veterans Who Work for Employers with More than 50 Employees To Take Veterans Day Off with Full Pay"

H.P. 146 L.D. 169

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

On motion by Senator **FARNHAM** of Penobscot, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Pursuant to Statute

Department of Agriculture, Food and Rural Resources

The **Department of Agriculture, Food and Rural Resources**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 2-C: Voluntary Municipal Farm Support Program, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

H.P. 167 L.D. 190

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED**, and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

ORDERS OF THE DAY

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

An Act To Protect Homeowners Subject to Foreclosure by Requiring the Foreclosing Entity To Provide the Court with Original Documents

H.P. 128 L.D. 145

Tabled - January 27, 2011, by Senator **WHITTEMORE** of Somerset

Pending - **REFERENCE**

(In House, January 25, 2011, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

On motion by Senator **WHITTEMORE** of Somerset, **REFERRED** to the Committee on **JUDICIARY**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (1/5/11) Assigned matter:

JOINT ORDER - recognizing Maine's charitable nonprofit community and the Maine Association of Nonprofits
SLS 39

Tabled - January 5, 2011, by Senator **BLISS** of Cumberland

Pending - **PASSAGE**

(In Senate, January 5, 2011, **READ**.)

READ.

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

Senator **BLISS:** Thank you Mr. President. Men and women of the Senate, it really doesn't matter what part of the state you come from, what side of the aisle you sit on, what political philosophy you have, or what you do when you are not sitting in this chamber: we all know one thing, we don't have enough money to go around. We don't have enough money to run the State as it deserves to be run. We have too many people who

don't have jobs. We have too many people who go to bed hungry. We have too many people who don't have a bed to go to sleep in. The bright spot is that there are a group of dedicated people all over the state who help make the state work. Those are the people who either are paid by or, in most cases, volunteer their time at non-profit organizations. They work to help people because they understand that it's the right thing to do and that people need that help. There are non-profit organizations working to help your constituents no matter what part of the state you live in, no matter what part of the state you represent. Without those people we would be in a whole lot more trouble than we are in today. They help us feed our people. They help us make sure our people are safe and warm. They make sure that our kids have blankets and coats and mittens and toys for the holidays. They work to insure that there is a level below which nobody in this state sits. We owe them a huge thank you. For the last eight years the Maine Association of Non-Profits has been bringing representative non-profit agencies to the State House once a year to give us a chance to see the kind of work that they do. I think this is very nice. I think it's probably a better idea if we take the initiative and seek out non-profits in our own districts and visit them on their own home turf so they can show us first hand what they do. It's a way for them to share their information with us. I rise today, Mr. President, to recognize the work that these non-profits do, to thank the Maine Association of Non-Profits for helping us keep aware of the work that they do, and to encourage my colleagues to visit those non-profits before you leave the building today and when you go home seek out the non-profits in your district, tell them thank you and ask them for a tour. Sometimes we make the assumption that all non-profits in Maine all operate out of Portland, because that is the big city, right. The non-profits that are here today sharing their information come from Augusta, Belfast, Holden, Scarborough, Bar Harbor, South Portland, Auburn, Kennebunkport, Rockland, and Machias. They are everywhere. Thank you for the time, Mr. President. Thank you non-profits and colleagues please visit with them. Thank you.

PASSED.

Ordered sent down forthwith for concurrence.

Off Record Remarks

Senator **RECTOR** of Knox was granted unanimous consent to address the Senate off the Record.

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

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

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

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

On motion by Senator **COURTNEY** of York, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, February 1, 2011, at 10:00 in the morning.