

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

In Senate Chamber
Thursday
April 14, 2011

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

Prayer by Rabbi Akiva Herzfeld, Congregation Shaarey Tphiloh.

RABBI HERZFELD: Shalom, peace onto you and good morning. Exodus 15 - Az yashir Moshe u-benei yisroel et hashira ha-zot laimor. Then the people of Israel sang this song to God. As the people of Israel escaped from slavery in Egypt, heading into the vast waters of the Red Sea with the Egyptians charging after them, they broke out into a song of freedom. A song in praise of God, who appeared in history with the hand of justice, to redeem the Israelites enslaved by the wicked Pharaoh and his taskmasters. Mi Kamocha Be-Eilim Adonai, Mi Kamocha Ne'edar Bakodesh. Who can be compared to you, O God, redeeming the people from long servitude and endless labor to the liberating joy of freedom? The story of the Exodus from Egypt has inspired millions of Americans and countless peoples of other nations, Jews and Christians and other faiths, for centuries since the holy words of the Bible, the Torah in Hebrew, were transmitted to Moses, the great lawgiver, by divine revelation at Mt. Sinai. As the Jewish holiday of Passover approaches the Jewish people ready to celebrate the miracle of the Exodus. We eat, we drink four cups of wine, and we remember God who brought an end to slavery and moved the people to trek into the desert and walk into the vastness of the Red Sea. On Passover we express the hope that we may see divine justice and mercy in our lives. We hope that God, who inspired the people then, will inspire us also to act in a godly direction with care for all people in our society. As we stand here we pray that we may be inspired to pass laws of wisdom and understanding with concern for all peoples of society, for strangers in our land, and the sick and the elderly, in the same way that God showed concern for the oppressed people in Egypt; taking care of all the people, wealthy and poor, who were slaves there. As God showed concern for the strangers and the emigrants in the land of Egypt we also pray that we will honor all Americans and emigrants to our land. At the Passover seder we say that it is an obligation upon us to recite the story of how God showed concern for the people then, for all the people who are oppressed. We take that lesson to heart and pray that we also will be inspired in a godly direction, showing concern for everyone, especially those in need. Le-shana haba'a Be-yerushalayim. Next year in Jerusalem is the way the seder concludes. Whether it is in Jerusalem, Israel, or in the state of Maine, may we all be blessed with godly inspiration to do good in our lives and in the world around us.

Pledge of Allegiance led by Senator Justin L. Alfond of Cumberland County.

Reading of the Journal of Wednesday, April 13, 2011.

Doctor of the day, Cynthia Self, MD of Bangor.

Out of order and under suspension of the Rules, on motion by Senator **COURTNEY** of York, the following Joint Order:
S.P. 465

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, April 26, 2011, at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Make Additional Supplemental Appropriations and Allocations for the Fiscal Year Ending June 30, 2011" (EMERGENCY)

H.P. 1011 L.D. 1372

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-84).**

Comes from the House with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-84).**

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

READ ONCE.

Committee Amendment "A" (H-84) **READ and ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Ordered sent forthwith to the Engrossing Division.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Legalize and Tax Marijuana"
H.P. 1067 L.D. 1453

Presented by Representative RUSSELL of Portland.
Cosponsored by Representatives: CEBRA of Naples, LIBBY of Waterboro, MITCHELL of the Penobscot Nation, O'BRIEN of Lincolnville, WINTLE of Garland.

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

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

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

Bill "An Act To Minimize Conflicts between Property Owners and Grid-scale Wind Energy Developments"
H.P. 1088 L.D. 1479

Presented by Representative DUNPHY of Embden.
Cosponsored by Senator THOMAS of Somerset and Representatives: CLARK of Easton, HARMON of Palermo, KESCHL of Belgrade, McCLELLAN of Raymond, O'CONNOR of Berwick, PARKER of Veazie, SIROCKI of Scarborough.

Comes 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.

Bill "An Act To Improve Timely Access to Health Care Data" (EMERGENCY)
H.P. 1076 L.D. 1467

Presented by Representative CAIN of Orono.
Cosponsored by Senator CRAVEN of Androscoggin and Senator: ROSEN of Hancock, Representatives: EVES of North Berwick, PETERSON of Rumford, STRANG BURGESS of Cumberland, STUCKEY of Portland.

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

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

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

Bill "An Act To Make Changes to the Allocation of Revenue from Watercraft Registration"

H.P. 755 L.D. 1019

Presented by Representative PARRY of Arundel.
Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: BELIVEAU of Kittery, HARVELL of Farmington, KRUGER of Thomaston, LIBBY of Waterboro, MacDONALD of Boothbay, OLSEN of Phippsburg, PRESCOTT of Topsham, WEAVER of York.

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committees on **INLAND FISHERIES AND WILDLIFE AND MARINE RESOURCES**.

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

Bill "An Act To Clarify Rights-of-way Laws"
H.P. 1082 L.D. 1473

Presented by Representative WEAVER of York.
Cosponsored by Senator SHERMAN of Aroostook and Representatives: BEAULIEU of Auburn, COTTA of China, SARTY of Denmark.

Bill "An Act To Protect Owners of Real Property"
H.P. 1086 L.D. 1477

Presented by Representative CUSHING of Hampden.
Cosponsored by Senator PLOWMAN of Penobscot and Senators: ROSEN of Hancock, SHERMAN of Aroostook, THIBODEAU of Waldo, Representatives: GIFFORD of Lincoln, Speaker NUTTING of Oakland, WATERHOUSE of Bridgton, WINSOR of Norway.

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

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

Bill "An Act To Authorize the Training of Expanded Function Dental Assistants within Tribal Territories" (EMERGENCY)
H.P. 1084 L.D. 1475

Presented by Representative MITCHELL of the Penobscot Nation.
Cosponsored by Senator McCORMICK of Kennebec and Senator: PLOWMAN of Penobscot, Representatives: BEAULIEU of Auburn, PICCHIOTTI of Fairfield, SOCTOMAH of the Passamaquoddy Tribe, STRANG BURGESS of Cumberland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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 Streamline the County Budget Process"
H.P. 1085 L.D. 1476

Presented by Representative COTTA of China.
Cosponsored by Senator SULLIVAN of York and
Representatives: CASAVANT of Biddeford, DOW of Waldoboro,
GILLWAY of Searsport, HARMON of Palermo, MOULTON of
York, VALENTINO of Saco, WEAVER of York.

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 Amend the Beano Laws"
H.P. 1083 L.D. 1474

Presented by Representative KESCHL of Belgrade.
Cosponsored by Senator SAVIELLO of Franklin and
Representatives: CHASE of Wells, CLARK of Easton, COTTA of
China, FREDETTE of Newport, HARMON of Palermo, MARTIN of
Eagle Lake, MORISSETTE of Winslow, SANDERSON of
Chelsea.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 205.

Bill "An Act To Fully Enfranchise Voters"
H.P. 1087 L.D. 1478

Presented by Representative TURNER of Burlington.
Cosponsored by Senator THOMAS of Somerset and Senator:
ROSEN of Hancock, Representatives: CURTIS of Madison,
CUSHING of Hampden, DAVIS of Sangerville, GIFFORD of
Lincoln, HARVELL of Farmington, SIROCKI of Scarborough,
WEAVER of York.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 205.

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.

Pursuant to Statute
Revisor of Statutes

The **Revisor of Statutes**, pursuant to the Maine Revised Statutes, Title 1, section 94 asked leave to report that the accompanying Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)
H.P. 1089 L.D. 1480

Be **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 244

**STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER**

April 12, 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, with the advice and consent of the Governor nominating Lt. Col. Robert A. Williams of Vassalboro for appointment as the Chief of the Maine State Police.

Pursuant to Title 25, MRSA §1501, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Criminal Justice and Public Safety.

Sincerely,

S/John E. Morris
Commissioner of Public Safety

READ and **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 246

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

April 11, 2011

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

Dear President Raye and Speaker Nutting:

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

- L.D. 298 An Act To Amend the Retirement Benefit Provisions for State Employees Working under Special Plans Who Remain Employed beyond the Minimum Years Necessary To Qualify for Retirement Benefits
- L.D. 1231 An Act Regarding Calculation of Benefits under Special Plans under the Maine Public Employees Retirement System

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

Sincerely,

S/Sen. Richard W. Rosen
Senate Chair

S/Rep. Patrick S. A. Flood
House Chair

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

The Following Communication: S.C. 247

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

April 7, 2011

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

Dear President Raye and Speaker Nutting:

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

- L.D. 1149 An Act To Provide Equitable Access to Postsecondary Courses

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

Sincerely,

S/Sen. Brian D. Langley
Senate Chair

S/Rep. David E. Richardson
House Chair

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

The Following Communication: S.C. 248

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

April 12, 2011

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

Dear President Raye and Speaker Nutting:

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

- L.D. 275 An Act To Change the Notice Period for Terminating Teachers' Contracts
- L.D. 444 An Act To Require Annual Evaluation of Public School Teachers
- L.D. 1298 An Act To Facilitate the Certification of Teachers
- L.D. 1322 An Act To Extend the Probationary Period for Teachers

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

Sincerely,

S/Sen. Brian D. Langley
Senate Chair

S/Rep. David E. Richardson
House Chair

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

The Following Communication: S.C. 249

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

April 7, 2011

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

Dear President Raye and Speaker Nutting:

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

- L.D. 241 An Act To Promote Energy Independence and Renewable Energy Production (EMERGENCY)
- L.D. 956 An Act To Improve Maine's Renewable Portfolio Standard
- L.D. 1112 An Act To Improve Maine's Renewable Energy Portfolio Standard

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

Sincerely,

S/Sen. Michael D. Thibodeau
Senate Chair

S/Rep. Stacey A. Fitts
House Chair

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

The Following Communication: S.C. 250

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

April 12, 2011

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

Dear President Raye and Speaker Nutting:

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

- L.D. 620 Resolve, To Protect Maine Electricity Ratepayers Regarding the Installation of Smart Meters (EMERGENCY)
- L.D. 923 An Act To Prevent Conflict of Interest in Efficiency Maine Audits
- L.D. 1204 An Act To Create Jobs through Home Energy Efficiency

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

Sincerely,

S/Sen. Michael D. Thibodeau
Senate Chair

S/Rep. Stacey A. Fitts
House Chair

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

The Following Communication: S.C. 251

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

April 13, 2011

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

Dear President Raye and Speaker Nutting:

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

L.D. 600 An Act To Promote a Safe and Sustainable Environment by Extending the Portfolio Standard

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

Sincerely,

S/Sen. Michael D. Thibodeau
Senate Chair

S/Rep. Stacey A. Fitts
House Chair

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

The Following Communication: S.C. 245

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

April 11, 2011

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

Dear President Raye and Speaker Nutting,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Rep. Innes of Yarmouth, to report the following bill Leave to Withdraw:

L.D. 716 An Act To Improve the Recycling Rate of Mercury-added Motor Vehicle Components

Sincerely,

S/Sen. Thomas B. Saviello
Senate Chair

S/Rep. James M. Hamper
House Chair

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

The Following Communication: S.C. 252

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

April 8, 2011

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

Dear President Raye and Speaker Nutting:

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

L.D. 615 An Act To Authorize the Rerouting of Meadow Brook into Toothaker Pond

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

Sincerely,

S/Sen. Thomas B. Saviello
Senate Chair

S/Rep. James M. Hamper
House Chair

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

The Following Communication: S.C. 253

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

April 12, 2011

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

Dear President Raye and Speaker Nutting:

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

L.D. 1146 Resolve, To Direct the Department of Environmental Protection To Adopt Rules Establishing Sound Level Limits for Wind Turbines

The Following Communication: S.C. 255

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

April 12, 2011

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

Dear President Raye and Speaker Nutting:

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

- L.D. 487 An Act To Facilitate the Restoration of Hunting and Fishing Licenses That Have Been Suspended
- L.D. 749 An Act To Allow Sunday Hunting in Northern Maine
- L.D. 810 An Act To Allow Hunting on Sunday in Certain Wildlife Management Districts
- L.D. 906 An Act To Allow Sunday Hunting for Small Game and Wild Birds

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

Sincerely,

S/Sen. Thomas H. Martin, Jr.
Senate Chair

S/Rep. Paul T. Davis, Sr.
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 256

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

April 6, 2011

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

Sincerely,

S/Sen. Thomas B. Saviello
Senate Chair

S/Rep. James M. Hamper
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 254

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

April 12, 2011

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

Dear President Raye and Speaker Nutting:

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

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

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

Sincerely,

S/Sen. Earle L. McCormick
Senate Chair

S/Rep. Meredith N. Strang Burgess
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

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

Dear President Raye and Speaker Nutting:

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

- L.D. 585 An Act To Amend the Child Custody Laws
- L.D. 877 Resolve, To Streamline the Judicial Process in Maine's Courts

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

Sincerely,

S/Sen. David R. Hastings III
Senate Chair

S/Rep. Joan M. Nass
House Chair

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

The Following Communication: S.C. 257

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

April 8, 2011

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

Dear President Raye and Speaker Nutting:

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

- L.D. 511 Resolve, Directing the Department of Health and Human Services To Examine the Issue of Revocation of Licenses for Nonpayment of Child Support
- L.D. 811 An Act Relating to Child Support and Visitation by Noncustodial Parents

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

Sincerely,

S/Sen. David R. Hastings III
Senate Chair

S/Rep. Joan M. Nass
House Chair

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

The Following Communication: S.C. 258

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

April 12, 2011

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

Dear President Raye and Speaker Nutting:

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

- L.D. 1004 An Act To Clarify Training Requirements for Funeral Service Providers

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

Sincerely,

S/Sen. Christopher W. Rector
Senate Chair

S/Rep. Kerri L. Prescott
House Chair

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

The Following Communication: S.C. 259

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

April 8, 2011

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

Dear President Raye and Speaker Nutting:

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

- L.D. 9 An Act To Reduce Income Tax to 4.5% and Remove Low-income Families from Taxation
- L.D. 705 An Act To Reduce the Income Tax for Low-income Families
- L.D. 707 An Act To Increase the State Earned Income Credit
- L.D. 1161 An Act To Waive Penalties Imposed under Laws Governing Taxation for Persons Who Are Unemployed

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

Sincerely,

S/Sen. A. David Trahan
Senate Chair

S/Rep. L. Gary Knight
House Chair

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

The Following Communication: S.C. 260

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

April 8, 2011

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

Dear President Raye and Speaker Nutting:

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

- L.D. 249 An Act To Allow Trained Local Law Enforcement Officers To Enforce Federal Motor Carrier Regulations
- L.D. 357 An Act To Repeal Motor Vehicle Inspection Requirements
- L.D. 370 An Act To Modify Vehicle Inspection Fees
- L.D. 570 An Act To Regulate the Use of Traffic Surveillance Cameras
- L.D. 704 An Act To Repeal the Motorcycle Inspection Law
- L.D. 770 Resolve, To Establish a Study Group To Update Weight Regulations
- L.D. 815 An Act To Limit the Placement of Motor Vehicle Inspection Stickers in Automobiles
- L.D. 925 An Act Regarding Motorcycle Proof of Inspection
- L.D. 1011 An Act To Curb the Noise of Motorcycles without Mufflers

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

Sincerely,

S/Sen. Ronald F. Collins
Senate Chair

S/Rep. Richard M. Cebra
House Chair

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

The Following Communication: S.C. 261

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

April 11, 2011

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

Dear President Raye and Speaker Nutting:

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

L.D. 902 An Act To Require That Liquor Be Sold at a Profit

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

Sincerely,

S/Sen. Nichi S. Farnham
Senate Chair

S/Rep. Michael G. Beaulieu
House Chair

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

The Following Communication: S.C. 262

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

April 12, 2011

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

Dear President Raye and Speaker Nutting:

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

L.D. 76 An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee

Rep. Mitchell does not support the vote of the committee.

L.D. 943 An Act To Amend the Laws Governing the Eviction of Residential Tenants

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

Sincerely,

S/Sen. Nichi S. Farnham
Senate Chair

S/Rep. Michael G. Beaulieu
House Chair

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

SENATE PAPERS

Bill "An Act To Require the State To Transfer Employee Pension Premium Payments to the Employee's Pension Plan within 2 Business Days"

S.P. 462 L.D. 1481

Presented by Senator JACKSON of Aroostook.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Senator **COURTNEY** of York moved to **REFER** to the Committee on **STATE AND LOCAL GOVERNMENT.**

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **COURTNEY** of York to **REFER** to the Committee on **STATE AND LOCAL GOVERNMENT.**

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

S.P. 466 L.D. 1488

Presented by Senator LANGLEY of Hancock.
Cosponsored by Representative PARRY of Arundel and Senators: President RAYE of Washington, SNOWE-MELLO of Androscoggin, THIBODEAU of Waldo, WOODBURY of Cumberland, Representatives: LUCHINI of Ellsworth, MALABY of Hancock, RICHARDSON of Carmel.

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

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Bill "An Act To Amend the Sanford Sewerage District"
S.P. 464 L.D. 1483

Ought to Pass

Presented by Senator COURTNEY of York.
Cosponsored by Representatives: BOLAND of Sanford, NASS of Acton, TUTTLE of Sanford.

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, To Leverage Federal Opportunities for Job Creation in Maine
H.P. 506 L.D. 679

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

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

Sent down for concurrence.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

Bill "An Act To Provide That Private Transfer Fee Obligations on Real Property Are Void and Unenforceable"
S.P. 463 L.D. 1482

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Presented by Senator COURTNEY of York.
Cosponsored by Representative FITTS of Pittsfield and Senators: SAVIELLO of Franklin, SHERMAN of Aroostook, THIBODEAU of Waldo, Representatives: CUSHING of Hampden, HARMON of Palermo, MOULTON of York, PARKER of Veazie, WILLETTE of Mapleton.

Ought to Pass As Amended

On motion by Senator **HASTINGS** of Oxford, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)
H.P. 264 L.D. 331

Sent down for concurrence.

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-85)**.

Bill "An Act Regarding Regulation of Emergency Medical Services"
S.P. 467 L.D. 1489

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-85)**.

Presented by Senator RECTOR of Knox.
Cosponsored by Representative TUTTLE of Sanford and Senator: SAVIELLO of Franklin, Representatives: CLARKE of Bath, CRAY of Palmyra, HASKELL of Portland.

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

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

READ ONCE.

Committee Amendment "A" (H-85) **READ** and **ADOPTED**, in concurrence.

On motion by Senator **RECTOR** of Knox, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Sent down for concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Department of Health and Human Services To Complete the Redesign of a Shared Living Program for Adults with Intellectual Disabilities (EMERGENCY)
H.P. 302 L.D. 376

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-81)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-81)**.

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

READ ONCE.

Committee Amendment "A" (H-81) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Allow Employees of the Maine School of Science and Mathematics to Join the State's Group Health Plan" H.P. 333 L.D. 440

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-83)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-83)**.

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

READ ONCE.

Committee Amendment "A" (H-83) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow the Transfer of Whitewater Rafting Allocations When Water Levels in a River Are Not Suitable for Whitewater Rafting" (EMERGENCY) H.P. 304 L.D. 378

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-75)**.

Signed:

Senators:
MARTIN of Kennebec
PATRICK of Oxford
TRAHAN of Lincoln

Representatives:

DAVIS of Sangerville
CRAFTS of Lisbon
EBERLE of South Portland
ESPLING of New Gloucester
GUERIN of Glenburn
SARTY of Denmark
SHAW of Standish
WOOD of Sabattus

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

Signed:

Representative:
CLARK of Millinocket

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-75)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-75) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Schedule for Redistricting

H.P. 387 L.D. 494

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-76)**.

Signed:

Senators:
THOMAS of Somerset
COLLINS of York
SULLIVAN of York

Representatives:

COTTA of China
BOLAND of Sanford
BOLDUC of Auburn
CASAVANT of Biddeford
CELLI of Brewer
HARVELL of Farmington
KAENRATH of South Portland
MOULTON of York
TURNER of Burlington

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

Signed:

Representative:

GRAHAM of North Yarmouth

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the **RESOLUTION PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-76)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-76) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator **RECTOR** for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Clarify the Definition of 'Employment' in the Employment Security Law"

S.P. 193 L.D. 613

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-35)**.

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

READ ONCE.

Committee Amendment "A" (S-35) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Prohibit Texting while Driving"
S.P. 228 L.D. 736

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

Signed:

Senators:

COLLINS of York
DIAMOND of Cumberland
THOMAS of Somerset

Representatives:

CEBRA of Naples
GILLWAY of Searsport
HOGAN of Old Orchard Beach
MAZUREK of Rockland
PARRY of Arundel
PEOPLES of Westbrook
RIOUX of Winterport
ROSEN of Bucksport
THERIAULT of Madawaska

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-36)**.

Signed:

Representative:

WILLETTE of Mapleton

Reports **READ**.

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

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

SECOND READERS

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

House As Amended

Bill "An Act Relating to Access to Vital Records"
H.P. 211 L.D. 258
(C "A" H-77)

Bill "An Act To Allow Persons 70 Years of Age or Older Expanded Crossbow Privileges"

H.P. 238 L.D. 294
(C "A" H-54)

(In House, April 5, 2011, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 6, 2011, Reports **READ**.)

Bill "An Act To Require Clarification of the Dig Safe Standards"

H.P. 325 L.D. 407
(C "A" H-78)

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

Bill "An Act To Enhance Transparency in the Regulation of Large, Investor-owned Transmission and Distribution Utilities"

H.P. 412 L.D. 529
(C "A" H-79)

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

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

Senator **BRANNIGAN:** Thank you Mr. President. Men and women of the Senate, I want to talk a little bit about COBRA, not snakes but an act that the federal government allowed relative to health insurance. It's a very important piece of allow ability for health insurance until we get to a point a few years from now when we will have health insurance for almost everyone. This is for people who get laid off and don't have health insurance. The COBRA bill is federal and it allows for those who have employees of 20 or more to allow those employees, once they have been terminated or laid off or whatever caused them to lose their job other than bad things, to continue their insurance at their own cost plus 2%. It is of value to those who can afford it. It's very difficult, of course, if somebody is laid off to afford to pay their own insurance. At least it's one way some people can have insurance at these times when so many people don't have it. Mini-COBRA is a state law for people who are employed by organizations and companies that have under 20 employees, that's why it's mini otherwise it's not mini at all and you still have to pay the full amount plus 2%, you have to pay it yourself, it's not the cost to the business. It is just allowing you to continue your health coverage until, hopefully, you can get coverage in some other way and you can afford it. Our law only allows it for 12 months, for mini. Regular COBRA is 18 months. What this bill mainly does is equalize those and says that just because you are in a group under 20 why should you be penalized. Why can't you have at least what the federal government allows for those who work at a place that has more than 20 employees? This bill, a very generous, helpful, caring bill, allows those who are employed here in Maine in groups under 20, and we are very concerned about those always, if they can do it and they can swing it, keep their health insurance plan from 12 to 18 months. I really would appreciate you joining with the Minority, the very slight minority and very good minority of good people, in allowing this small increase for the people who can have health insurance. Thank you very much, Mr. President.

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

Senator **WHITTEMORE:** Thank you Mr. President. Ladies and gentlemen of the Senate, with all due respect to my fellow Senator from Cumberland, Senator Brannigan, this L.D. 60, a lot has already been said in regards to what it is. I would like to just emphasize for a few minutes on what it, perhaps, won't do and the damage that it could do. While the intent of this bill is commendable the practical effect of the legislation could be to solve one problem and indeed create another. To the extent that small business is experienced rated on the cost of health care benefits incurred by their members, L.D. 60 could drive up

ENACTORS

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

Act

An Act Regarding the Determination of Distance for the Purposes of the Gambling Control Board Laws

S.P. 208 L.D. 677

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

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 (4/6/11) Assigned matter:

HOUSE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Extend Coverage under the State's Mini-COBRA Law"

H.P. 53 L.D. 60

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-48)** (6 members)

Tabled - April 6, 2011, by Senator **WHITTEMORE** of Somerset

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

premium costs for effected businesses, and that's going to be those businesses with 20 or fewer employees. I don't think I have to tell anybody here today that this is the group of businesses in this state that are suffering dearly, most of which can't even afford to have insurance. The extended cost of cost shifting is due to the fact that typically employees that will use the COBRA are those that are going to be without employment for a period of time. By the way, they already have 12 months to seek other employment or to get other insurance. Typically they are going to a COBRA plan because they do have an issue and they have a six month waiting period before going on other plans. COBRA becomes quite expensive to the insurer and that cost shifting could increase the cost of premiums up to 1.1% or much as \$6.20 per policy. That's per month, by the way. I urge my fellow colleagues in the Senate to join me and vote yes to support the motion Ought Not to Pass on L.D. 60. Thank you.

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

Senator **BARTLETT:** Thank you Mr. President. From what I understand of this legislation is that it is simply allowing the individual to continue their own health insurance, paying their premium themselves, for an extended period of time. Twelve months may seem like plenty of time to find a job but in this business climate, this economic time, it takes people a lot longer than that to secure employment, particularly employment that has health insurance as a benefit. In fact, anyone who has been unemployed in the last couple of years can tell you just how difficult it is to search for work. I'm a little bit troubled by the concept that we should oppose this because someone who is sick and needs insurance might be able to access it. That's exactly the kind of people that the COBRA law is trying to help, people who could not go out and get insurance on their own. If you freeze people out of the market they will show up in emergency rooms and we will all bear the cost of that. We will pay in a much more expensive way for that care. Helping them to keep insurance helps to keep down the overall cost in the health care system for all of us. For that reason I would urge you to oppose the pending motion.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Somerset, Senator Whittemore to Accept the Majority Ought Not to Pass Report, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#36)

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

NAYS: Senators: ALFOND, BARTLETT, BLISS, BRANNIGAN, CRAVEN, DIAMOND, GERZOFSKY, GOODALL, HILL, HOBBS, JACKSON, PATRICK, SCHNEIDER, SULLIVAN

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **WHITTEMORE** of Somerset to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

The Chair laid before the Senate the following Tabled and Later (4/12/11) Assigned matter:

SENATE REPORT - from the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Improve Harbor Safety by Clarifying Requirements for Maintenance Dredging Permits"

S.P. 91 L.D. 311

Report - **Ought to Pass as Amended By Committee Amendment "A" (S-30)**

Tabled - April 12, 2011, by Senator **SAVIELLO** of Franklin

Pending - **ACCEPTANCE OF REPORT**

(In Senate, April 12, 2011, Report **READ**.)

Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-30) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (4/12/11) Assigned matter:

An Act To Amend the Powers and Duties of Municipal Treasurers
H.P. 390 L.D. 497

Tabled - April 12, 2011, by Senator **THOMAS** of Somerset

Pending - **ENACTMENT**, in concurrence

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

(In Senate, March 31, 2011, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from Governor's Desk pursuant to Joint Order (S.P. 457).)

(In Senate, April 12, 2011, on motion by Senator **THOMAS** of Somerset, **RULES SUSPENDED**. **RECONSIDERED ENACTMENT**.)

On motion by Senator **THOMAS** of Somerset, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/13/11) Assigned matter:

Bill "An Act To Create the Maine Street Economic Development Bank"

H.P. 1066 L.D. 1452

Tabled - April 13, 2011, by Senator **COURTNEY** of York

Pending - **REFERENCE**

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

(In House, April 12, 2011, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.)

On motion by Senator **COURTNEY** of York, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Regarding Retired Law Enforcement Officers' Retirement Credentials"

H.P. 1091 L.D. 1484

Presented by Representative BLODGETT of Augusta. Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Bill "An Act To Strengthen the Laws against Driving under the Influence of Drugs"

H.P. 1096 L.D. 1491

Presented by Representative WILLETTE of Mapleton. Cosponsored by Senator COLLINS of York and Representatives: CLARK of Easton, DAVIS of Sangerville, MAZUREK of Rockland, RIOUX of Winterport, THERIAULT of Madawaska.

Come 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 Promote Transparency in the Medicaid Reimbursement Process"

H.P. 1092 L.D. 1485

Presented by Representative FOSSEL of Alna. Cosponsored by Senator: McCORMICK of Kennebec, Representatives: Speaker NUTTING of Oakland, STRANG BURGESS of Cumberland. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Amend the Laws Concerning the Child Care Advisory Council and the Maine Children's Growth Council"

H.P. 1093 L.D. 1486

Presented by Representative STUCKEY of Portland. Cosponsored by Senator ALFOND of Cumberland.

Bill "An Act To Amend the Laws Regarding Custody of the Remains of Deceased Persons"

H.P. 1095 L.D. 1490

Presented by Representative CAIN of Orono. Cosponsored by Senator RECTOR of Knox and Senator: ALFOND of Cumberland, Representatives: CUSHING of Hampden, DAVIS of Sangerville, FREDETTE of Newport, PRIEST of Brunswick, TUTTLE of Sanford, WAGNER of Lewiston.

Come 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:

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator RECTOR for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Relating to the Status of a Private Investigator as an Independent Contractor"

S.P. 95 L.D. 315

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-38)**.

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

READ ONCE.

Committee Amendment "A" (S-38) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator RECTOR for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Appropriate Funds for the Maine Downtown Center"

S.P. 176 L.D. 584

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-37)**.

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

READ ONCE.

Committee Amendment "A" (S-37) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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:

COMMUNICATIONS

The Following Communication: S.C. 263

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

April 13, 2011

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

Dear President Raye and Speaker Nutting,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Rep. McKane of Newcastle, to report the following bill Leave to Withdraw:

L.D. 937 An Act To Increase Access to Dental Care in Rural Areas

Sincerely,

S/Sen. Christopher W. Rector
Senate Chair

S/Rep. Kerri L. Prescott
House Chair

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

The Following Communication: S.C. 264

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

April 13, 2011

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

Dear President Raye and Speaker Nutting,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Rep. Strang Burgess of Cumberland, to report the following bill Leave to Withdraw:

L.D. 1321 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow for the Appointment of County Sheriffs, Judges and Registers of Probate

Sincerely,

S/Sen. Douglas A. Thomas
Senate Chair

S/Rep. H. David Cotta
House Chair

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

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

ENACTORS

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

Emergency Measure

An Act To Make Additional Supplemental Appropriations and Allocations for the Fiscal Year Ending June 30, 2011
H.P. 1011 L.D. 1372
(C "A" H-84)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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, today I'm rising to say not a farewell or goodbye but to pay special tribute to a friend and a colleague, the good Senator from Cumberland, Senator Bliss. I first met Larry not in Ireland, like I usually start a speech, but when I was involved in governmental relations work, which involved my appearing and

working with the Utilities and Energy Committee, about 10 or 11 years ago. That's where I first met Larry Bliss, who served as the House Chair of that committee. I have had a professional relationship in a situation where I was in the private sector dealing with the Utilities and Energy Committee with the good Senator and found him to have the same qualities throughout his career, both then and today, as I bid him good wishes. I served 18 years on the Judiciary Committee and I served during that period of time both as House Chair and Senate Chair. I chose not to serve in the capacity as Senate Chair last session and I was very pleased that the good Senator was chosen as the Senate Chair. When people talk about filling shoes, he amply filled my shoes and those of anyone else who had held that position in the past. Not only does Senator Bliss have incredible characteristics that I'll talk about in a second but also he has an incredible knack of learning quickly, especially in the area of legal matters. I think the good Senator from Oxford would concur with me as he did, I believe, in remarks earlier on. Leadership means a lot. All of us have attempted, in our careers, to show that and step to the plate to become leaders. Senator Bliss has exemplified that throughout his life. He is a pioneer when it comes to human rights issues. He is a person of great character. He is thoughtful. He is principled. He's hard working. He's dedicated. He is everything you would want to have as an elected official. He has every quality you would want to have as a human being. More importantly, for me, he has every thing I would want to have in a friend. Good Senator Bliss, we wish you well. I know that this isn't a goodbye; this is just a bleep in the radar screen of our lives. I wish you well and Godspeed. My best to your family in your move.

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

Senator **ALFOND**: Thank you Mr. President. Speaking of the other Body and this Body and looking at Senator Bliss' amazing record, I did a little research to see how many folks today actually have spent more than 10 years in either Body. We're talking about a handful of people today. Part of it is because of term limits but part of it is Senator Bliss' amazing commitment to doing the work, of always wanting to be here. I know, and I've heard him say it many times, how difficult this decision has been, to leave this work that he loves so much. I first met Senator Bliss as a young organizer. He was at USM and I still remember how much he cared about the issues that I was bringing forth. I don't even remember what they were but he made me feel so important that I had something to say and he was thoughtful about his questions. He really cared about the issues that were affecting young people across the state of Maine and clearly, working at USM, there was a direct link. He went beyond just caring. He guided and helped and crafted and was such a supporter of a, what is still a first in the nation, model called "Opportunity Maine." He was incredibly helpful, shepherding a program that I still believe will bring incredible results to the state and to young people going to our colleges and universities. Since being up here for the past 2 plus years, working with Senator Bliss has been a joy. He always comes prepared. He's thoughtful. He's experienced. A lot of people can bring those characteristics, I guess, but what Senator Bliss also does is he is able to break down a very complicated issue, not in paragraphs and not in hour

long speeches, but in just a couple of sentences. He has the ability to cut right to what is going on in an issue and I have always respected that from Senator Bliss. I guess I'll end with that I consider Senator Bliss not just a great colleague but a good friend. I've been able to get to know Senator Bliss very very well with our rides back and forth to Augusta and I've been able to peek into all the incredible things that have been going on in his life, his family, and been able to share a lot about myself to Senator Bliss. I'm going to miss him very very much. Good luck.

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 want to congratulate Senator Bliss on this new journey he's about to embark on. I remember as a hot headed freshman in the other Body coming in and he was a little bit further ahead of me, a little more established there. I've had the opportunity to serve with him for a little over eight years; we're in our ninth year. I've also shared something else in common with Senator Bliss, I have actually sat next to his seatmate to the right and actually his seatmate to the left in committee. I assure you, I am quite certain that isn't why he's leaving but I thought I would just raise the suspicion. Senator Bliss and I have very different political philosophies. That's a good thing because that is one of the things that makes this such a great institution. Last year there was a pretty public forum that had one of the largest public hearings, probably, in the history of the Maine Legislature. He handled that, I think, with the dignity and the respect that is worthy of this institution. No matter how much you disagreed with him he treated you with just as much respect as the people that agreed with him. For that I'm grateful and I actually strive to be more like that. Thank you, Senator Bliss, and good luck.

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

Senator **HASTINGS** of Oxford was granted unanimous consent to address the Senate off the Record.

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

Senator **BARTLETT**: Thank you Mr. President. I first came to the Legislature in 2004 and had the opportunity and the honor to Chair the Utilities and Energy Committee with Senator Bliss, who was then the House Chair. Of course I was walking in at 28 years old knowing very little about energy and utility matters, knowing even less about how to Chair a committee of the legislature and how to proceed. Senator Bliss was, from the get go, someone who took the time to teach me how the process worked, to guide me along the way, and to support me every step of the way. As a new Chair it was extraordinarily important to have that support and that back up every step of the way. You have truly been a

mentor to me, Senator Bliss, in so many ways. I'll terribly miss you. You have really done your district and the state of Maine proud in your service, the way you do it. We talk a lot about being civil, having civil discussions, being diplomatic. Nobody embodies it the way Senator Bliss does and the way he handles himself. Thank you for your support. I wish you all the best in the beginning of your new life.

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

Senator **SCHNEIDER**: Thank you very much Mr. President. I remember the first time I met Senator Bliss as a Representative. My first impressions were that he might not be the warmest person. I wasn't sure what it was going to be like to have him as a colleague. I was very pleasantly surprised at his warmth, his candor, his ability to be so insightful and caring. He's somebody who is very thoughtful and respectful. I've been very privileged to have him as my seatmate this year and I know that I am going to miss him terribly. I wish you very well and I thank you for your service to us and with us and to the state of Maine. Thank you.

Senator **JACKSON** of Aroostook was granted unanimous consent to address the Senate on the Record.

Senator **JACKSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, I just wanted to get up to add my thoughts. I wouldn't feel right to see the good Senator leave for California and not have made any comment at all. In my first session here as a wide-eyed guy from Aroostook County, at one of the first events that they had to welcome us to the Legislature, I remember being at a table that Senator Bliss was at. I don't even believe that I was really in the conversation but I was sitting there listening. He was speaking about his kids. I remember him getting quite emotional. I thought that that was exactly the way I act. Right there I thought that this was a guy that I probably had something in common with. Last session, of course, I sat with him in this Chamber. He can teach you an awful lot. He knows the process probably better than most people that I know. I just wanted to make sure that I added my thoughts. I'll certainly never forget the things he did for me and for this institution. I appreciate it. I'm very sorry to see him go and I hope that everything that he's ever wanted for him and his family he gets.

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

Senator **BLISS**: Thank you Mr. President. When I was first elected to the Legislature in November of 1999 I heard a story about one of my predecessors in my House seat. Representative Sam DiPietro allegedly sat on the floor of the House and listened patiently to a lengthy debate about who knows what, something that is lost in the fog of history. He waited patiently for his turn to talk and then stood up and said, "Like all of those who have spoken before me, I have nothing intelligent to say" and sat down. I have been waiting for 11 years but I guess I'm not going to do

that. This is a very bitter sweet time for us. As most of you know, it is certainly my and my partner's preference to stay in Maine. We love Maine. I came here from California, planning to stay for two years and then to back to California. That was 21 years ago. I think that just happens to people. You come here and you just become entranced by the people and the beauty and the friendliness and time just flies by. The situation is such though that jobs have to play a role in our decisions as well and we are going where the job is at the moment. We will certainly be back to visit. Who knows what the future will bring. When I was first elected a friend of mine who had been in the Legislature for several terms before me cautioned me that I would lose a lot of friends because he had. I think that does happen. You spend a lot of time up here and not much time back home where your friends are or were. You stop going to those weekly church socials or bridge games or poker games or whatever it happened to be and people that you hung around with often just sort of fade away. It turns out though that the people who are with you here, who were elected to come represent their constituents, become your new group of friends. Over the years that I have been here I have made some amazing friends that I will never forget and that I certainly will continue to cherish and stay in contact with and scrutinize their votes on a regular basis. The good Senator from York commented that our political philosophies are different. I have regularly said since the election that I believe that we all want the same thing for this state. I think everyone in this room was elected because they believe that Maine can do better, that we can bring economic stability, that we can bring jobs, that we can bring development, and that we can encourage more people to go onto college and find a more profitable life. I believe that we all want the same thing for the state of Maine. My side of the aisle has driven that bus for a long time and we've driven it on the roads that we thought would lead to that future. There is nothing wrong with the people on the other side of the aisle having a turn to drive for a while and driving the bus on their roads that will lead to that same future. The goal, I think, is the same. I will certainly watch from the other side of the country as we move Maine forward. I think it can be done and I don't think it really matters which side drives the bus. I thank you for your good wishes. I'm delighted to have spent as much time as I was able to spend here in the Legislature. I'll miss you all. I'll certainly miss Maine but I'll be watching. Another predecessor of mine who served in this Body, Senator Barbara Gill, tells a story about how, in a debate when she was sitting here, somebody stood up and said something about the debate not being over until the fat lady sings. Senator Gill then, not being the most svelte woman in the world, stood up and started to sing. We live in different times now don't we Mr. President? Thank you for your good words.

Senator **PATRICK** of Oxford was granted unanimous consent to address the Senate on the Record.

Senator **PATRICK**: Thank you Mr. President. Ladies and gentlemen of the Senate, first of all I'd like to correct the good Senator Gerzofsky. He, Senator Bliss, and I were in the 120th not the 121st. I just wanted to start off with that. I will say one thing, Senator Bliss and I served eight years together in the House and having 151 people in the whole House it's hard to get to know everyone. He and I didn't get to know each other real well, nor did I get to meet and know everyone that well. I do pride

myself on trying to get along with everyone and not try to make anyone angry and stuff. I do remember one time, I think it was in my last term in the House, when I actually put an amendment on one of his bills that was near and dear to his heart and I saw him actually get kind of huffy and actually pretty angry at me and stuff like that. I can't even remember what happened to my amendment and what happened to that bill, but the one thing that I do know is he may have been huffy for that few moments but he never held it against me. I really appreciate that. Having the opportunity and being blessed to serve here in the Senate and to have him in the caucus I've learned to get to know him a lot better and stuff like that. That makes me a better person because he is a nice person, a very thoughtful, kind, deliberate, and all I want to do is just say I wish him the best health, happiness, and prosperity that he can find for the rest of his life and look forward to seeing him in the near future. Thank you very much.

Senator **PLOWMAN** of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator **PLOWMAN**: Thank you Mr. President. I wish you well Senator Bliss. I did not get to know you as well as others but I wish you well. I have enjoyed your eloquent speeches. At this point I would like to ask the Body to join in song with me. Just kidding.

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 Resolution

The following Joint Resolution:

H.P. 1090

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO AMEND FEDERAL LAW REGARDING STUDENT VISAS FOR PUBLIC SCHOOLS

WE, your Memorialists, the Members of the One Hundred and Twenty-fifth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

WHEREAS, federal law allows 4-year student visas for foreign students attending private schools in the United States and allows one-year student visas for those attending public schools in this country; and

WHEREAS, the difference in visas creates an unfair disadvantage for public schools trying to recruit foreign students; and

WHEREAS, several school systems in Maine are attempting to attract foreign students to stabilize enrollment and bring in tuition money to supplement local, state and federal education aid and reduce reliance on local property taxes; and

WHEREAS, the inequity in student visas between private and public schools is one that should be rectified; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States and the United States Congress work together and amend the federal Immigration and Nationality Act regulating student visas to allow an international student to acquire a 4-year student visa regardless of whether the student plans to attend a private or public school; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

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

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Authorize Parents with Power of Attorney To Make Decisions Regarding the Education of Their Adult Children" H.P. 257 L.D. 324

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**.

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

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

REFERRED to the Committee on **JUDICIARY**, in concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Forensic Examination Kits" H.P. 450 L.D. 592

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-86)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-86)**.

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

READ ONCE.

Committee Amendment "A" (H-86) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

ENACTORS

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

Emergency Measure

An Act To Amend the Laws Governing Criminal History Record Information

H.P. 278 L.D. 352
(C "A" H-74)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Protect Children from Sexual Predators

S.P. 172 L.D. 580
(C "A" S-26)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Emergency Resolve

Resolve, To Establish a Working Group of Stakeholders To Review the Current and Future Dementia Training Needs of Long-term Care Providers

S.P. 39 L.D. 65
(C "A" S-24)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, a Major Substantive Rule of the Department of Environmental Protection

H.P. 329 L.D. 411
(C "A" H-61)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Resolve

Resolve, To Establish a Single Construction Permit for Certain Aboveground Oil Storage Tanks in Gravel Pits and Quarries

H.P. 206 L.D. 253
(C "A" H-67)

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Extend the Length of the School Day"

H.P. 391 L.D. 498

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

Signed:

Senators:

ALFOND of Cumberland
MASON of Androscoggin

Representatives:

RICHARDSON of Carmel
EDGECOMB of Caribou
LOVEJOY of Portland
MAKER of Calais
McCLELLAN of Raymond
NELSON of Falmouth
RANKIN of Hiram
WAGNER of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-90).**

Signed:

Representatives:

JOHNSON of Greenville
McFADDEN of Dennyville

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought To Pass as Amended Report.**)

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

Reports **READ.**

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Establish a Task Force on Franco-Americans
H.P. 486 L.D. 656

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-88).**

Comes from the House with the Report **READ and ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-88).**

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

READ ONCE.

Committee Amendment "A" (H-88) **READ and ADOPTED,** in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

ENACTORS

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

Acts

An Act To Eliminate Dual Certification Requirements for Speech-language Pathologists

H.P. 111 L.D. 129
(C "A" H-68)

An Act Relating to Maine Farm Wineries

S.P. 71 L.D. 220
(C "A" S-23)

An Act To Amend the Laws Governing Aquatic Nuisance Species

H.P. 205 L.D. 252
(C "A" H-66)

An Act Relating to Abandoned Vehicles

S.P. 90 L.D. 301

An Act To Allow an Angler To Gift a Freshwater Fish to a Person Who Is Not Licensed To Fish

H.P. 244 L.D. 302
(C "A" H-69)

An Act To Amend the Telecommunications Education Access Fund

H.P. 437 L.D. 554
(C "A" H-63)

An Act To Amend the Law Pertaining to Loaner Registration Plates

H.P. 455 L.D. 625
(C "A" H-71)

An Act To Create an Apprentice Trapper License

H.P. 480 L.D. 650
(C "A" H-70)

An Act To Amend the Laws Governing the Duties of the Director of the Governor's Office of Energy Independence and Security

H.P. 541 L.D. 710
(C "A" H-64)

An Act To Establish Juneteenth Independence Day

H.P. 560 L.D. 753

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

An Act To Amend the Natural Resources Protection Act
Regarding Coastal Sand Dune Systems

H.P. 313 L.D. 387
(C "A" H-65)

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

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

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

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE
AMENDMENT "A" (S-39).**

Ordered sent down forthwith for concurrence.

On motion by Senator **COURTNEY** of York, **ADJOURNED**, until
Tuesday, April 26, 2011, at 10:00 in the morning, in memory of
and lasting tribute to Senator Lawrence S. Bliss of Cumberland
County.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on
TRANSPORTATION on Bill "An Act To Prohibit Texting while
Driving"

S.P. 228 L.D. 736

Majority - **Ought to Pass** (12 members)

Minority - **Ought To Pass as Amended by Committee
Amendment "A" (S-36)** (1 member)

Tabled - April 14, 2011, by Senator **COURTNEY** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 14, 2011, Reports **READ**.)

On motion by Senator **COLLINS** of York, the Majority **OUGHT TO
PASS** Report **ACCEPTED**.

Under suspension of the Rules, **READ TWICE**.

On motion by Senator **DIAMOND** of Cumberland, Senate
Amendment "A" (S-39) **READ**.

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

Senator **DIAMOND:** Thank you Mr. President. Ladies and
gentlemen of the Senate, this is the bill that prohibits texting while
driving and we had two hours of real positive and supportive
testimony when this bill was heard. I appreciate the President for
noting one little small improvement we could make to this and that
is this amendment. This amendment takes out the word sending
because obviously there are some people who may text verbally,
orally, and this allows them to push the button to send it. As you
know, texting, as we all understand it, involves typing numbers
and so forth. The definition of that is in the bill, so don't bother to
read it. We appreciate making this that much tighter. Thank you,
Mr. President.