

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

In Senate Chamber
Wednesday
April 27, 2011

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

Prayer by Reverend Carie Johnsen, Unitarian Universalist Community Church, Augusta.

REVEREND JOHNSEN: God of wisdom, God of grace and creativity, God of love divine, as we open today's session of the Senate we invite the spirit of justice, liberty, and freedom to gather and mingle in the Chamber with us. We invite the spirit of truth, love, and compassion to be their companion in the day ahead. In the quiet of this morning and the still of this day let us remember the people of Maine who have elected the officials who gather now to begin their work on behalf of the people. Let us celebrate all of the clerical, security, and janitorial workers who make their work possible. Let us remember all the State workers who commit their lives to civil service. In the pause before business let us remember the people of Maine who seek to live with dignity and hope for a bright tomorrow. Let us remember those who went to bed last night hungry. Let us remember those who, without the comfort and security of a home to call their own, slept on the streets and at our shelters. Let us remember the wise elders and the people with disabilities who worry about receiving adequate medical care and prescription medications. Let us remember our children, the men and women who live in fear of being hurt by the ones they love. Let us remember the person seeking to find a job that will provide not just minimum wage but a living wage. May we remember the business people who seek to bring commerce and jobs to Maine. Let us remember our responsibility of stewardship to the multitude of living creatures who find a home in the waters and woods of this great state. The work ahead of this legislative body is no easy task. It is complicated, demanding, and relentless. It is at times powerful and rewarding, yet it has the potential of being harsh and ruthless. May it never be heartless. God of grace, remind us to listen with compassion to the constituents and the leaders who bring diverse and divergent ideas to the table. God of diversity, when the day is long and hard and we find ourselves in the bitter middle of dialogue unforgiving may we pause and look into each other's eyes and remember we are all in this together. We pray that our words be kind rather than divisive. We pray our words bring forth solutions rather than barriers. May we be reminded our religious, social, and political diversity is but a precious and fragile gift to be celebrated and treasured. God of creativity, open our hearts to work gently in the direction of a sustainable tomorrow. Open our minds to the collective wisdom of our colleagues, constituents, the state, the country, the global community, and our universe. Remind us to hold our desires and opinions, even our convictions, lightly. May we be reminded not to discard our convictions, though, but to hold them lightly as if they are resting in the palm of our hands and this way we invite

the group to take them from us to refine, strengthen, and perhaps replace. God of courage and reason, give us strength. Grant us audacity to stand forever vigilant to the values of justice, integrity, equality, and righteousness. May we be bold and brave in our attempt to render legislation that is reasonable, fair, and just. God of humility, remind us to laugh at our foibles and to be kind to our fellow travelers. Finally, God of wisdom, remind us to bow toward the greater mystery that something more powerful than ourselves exists in the universe. May be humbly reminded we are one among many in a vast interdependent web of existence that is never ending and always unfolding. God of justice, God of glory, God of wisdom and creativity, we bow to You as we enter this auspicious day. So may it be. Amen.

Pledge of Allegiance led by Senator Dawn Hill of York County.

Reading of the Journal of Tuesday, April 26, 2011.

Doctor of the day, Virginia Eddy, MD of Cumberland.

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Assist Maine Pharmacies"
H.P. 1094 L.D. 1487

Presented by Representative BECK of Waterville.
Cosponsored by Senator BRANNIGAN of Cumberland and
Representatives: CAIN of Orono, GOODE of Bangor,
MORRISON of South Portland, SANBORN of Gorham, TREAT of
Hallowell.

Committee on **LABOR, COMMERCE, RESEARCH AND
ECONOMIC DEVELOPMENT** 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.

Joint Resolution

The following Joint Resolution:
H.P. 1111

**JOINT RESOLUTION COMMEMORATING THE HOLOCAUST
AND HUMAN RIGHTS CENTER OF MAINE'S LEGISLATIVE
AWARENESS DAY AND YOM HASHOAH, THE DAY OF
REMEMBRANCE**

WHEREAS, from 1933 to 1945, 6,000,000 Jews were murdered in the Holocaust as part of a state-sponsored, systematic persecution and annihilation program of genocide, and millions of other people suffered as victims of Nazism, such as the handicapped, political dissidents and many others for racial, ethnic or national reasons; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated and the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies and governments; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some of whom lost their lives and others of whom have experienced lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, the national community, pursuant to an Act of Congress, will be commemorating the week of May 1 through May 8, 2011 as the Days of Remembrance of the Victims of the Holocaust, including the Day of Remembrance, known as Yom HaShoah, May 1, 2011; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration and April 26, 2011 has been designated as the Holocaust and Human Rights Center of Maine's Legislative Awareness Day; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the First Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Holocaust and in honor of the survivors, rescuers and liberators, urge everyone to recommit themselves to the lessons of the Holocaust through the Holocaust and Human Rights Center of Maine's Legislative Awareness Day and the international week of commemoration and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Holocaust and Human Rights Center of Maine and the United States Holocaust Memorial Council in Washington, D.C. on behalf of the people of the State of Maine.

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

READ.

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

Senator **ALFOND:** Thank you Mr. President. I'd like to speak this morning on this and I know that in this Body there are many important days and there are many important remembrances, but today, as we stand here to remember the six million Jews that perished during this time period, I just would like to pause and remember what happened and to ensure that history does not repeat itself. In a world where we are seeing so much change and we're seeing so many things happening across our TV screens and computer screens, some would say it is still happening but not to this magnitude. I just would like to have a moment of silence to remember those that perished. I know in my family and other families, Jewish families, across this country it is a very important day and I just would like to remember those who lost their lives. Thank you, Mr. President.

ADOPTED, in concurrence.

THE PRESIDENT: The Chair would ask that the Chamber observe a moment of silence. Thank you.

COMMUNICATIONS

The Following Communication: H.P. 1104

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

April 15, 2011

The Honorable Robert W. Nutting
Speaker of the House
125th Legislature

The Honorable Kevin L. Raye
President of the Senate
125th Legislature

Dear Mr. Speaker and Mr. President:

On April 15, 2011, 7 bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on April 15, 2011, as follows:

Criminal Justice and Public Safety

Bill "An Act To Establish Positive Reentry Parole" (H.P. 1101) (L.D. 1500) (Sponsored by Representative TUTTLE of Sanford) (Cosponsored by Senator WHITTEMORE of Somerset and Representatives: BEAVERS of South Berwick, BECK of Waterville, BERRY of Bowdoinham, BICKFORD of Auburn, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BRYANT of Windham, CAIN of Orono, CASAVANT of Biddeford, CHAPMAN of Brooksville, CLARKE of Bath, CORNELL du HOUX of Brunswick, COTTA of China, CUSHING of Hampden, DILL of Old Town, DION of

Portland, DRISCOLL of Westbrook, EBERLE of South Portland, GILBERT of Jay, GOODE of Bangor, HARLOW of Portland, HAYES of Buckfield, HOGAN of Old Orchard Beach, INNES of Yarmouth, KAENRATH of South Portland, KNIGHT of Livermore Falls, KRUGER of Thomaston, KUMIEGA of Deer Isle, LAJOIE of Lewiston, LOVEJOY of Portland, MacDONALD of Boothbay, MAZUREK of Rockland, MITCHELL of the Penobscot Nation, MORRISON of South Portland, NELSON of Falmouth, O'BRIEN of Lincolnville, PEOPLES of Westbrook, PETERSON of Rumford, PRESCOTT of Topsham, ROCHELO of Biddeford, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SOCTOMAH of the Passamaquoddy Tribe, STRANG BURGESS of Cumberland, STUCKEY of Portland, THERIAULT of Madawaska, VOLK of Scarborough, WAGNER of Lewiston, WELSH of Rockport, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BRANNIGAN of Cumberland, COLLINS of York, CRAVEN of Androscoggin, HILL of York, HOBBS of York, JACKSON of Aroostook, MASON of Androscoggin, PATRICK of Oxford, SAVIELLO of Franklin, SNOWE-MELLO of Androscoggin, SULLIVAN of York)

Health and Human Services

Bill "An Act To Reduce Opioid Overprescription, Overuse and Abuse" (H.P. 1102) (L.D. 1501) (Sponsored by Representative HINCK of Portland) (Cosponsored by Senator CRAVEN of Androscoggin and Representatives: EVES of North Berwick, FOSSEL of Alna, HASKELL of Portland, LUCHINI of Ellsworth, McFADDEN of Dennysville, PLUMMER of Windham, SANBORN of Gorham, STRANG BURGESS of Cumberland)

Insurance and Financial Services

Bill "An Act To Comply with the Health Insurance Exchange Provision of the Patient Protection and Affordable Care Act" (H.P. 1098) (L.D. 1497) (Sponsored by Representative MCKANE of Newcastle) (Cosponsored by Senator WHITTEMORE of Somerset and Representatives:

FITZPATRICK of Houlton, MORISSETTE of Winslow, PICCHIOTTI of Fairfield, RICHARDSON of Warren, Senator: SNOWE-MELLO of Androscoggin)

Bill "An Act To Phase Out Dirigo Health and Establish the Maine Health Benefit Exchange for Small Businesses and Individuals" (H.P. 1099) (L.D. 1498) (Sponsored by Representative TREAT of Hallowell) (Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: CAIN of Orono, EVES of North Berwick, FLEMINGS of Bar Harbor, GRAHAM of North Yarmouth, KUMIEGA of Deer Isle, SANBORN of Gorham, Senators: ALFOND of Cumberland, CRAVEN of Androscoggin)

Judiciary

Bill "An Act To Enforce Immigration Laws and Restrict Benefits to Legal Citizens" (H.P. 1097) (L.D. 1496) (Sponsored by Representative CHASE of Wells) (Cosponsored by Senator COLLINS of York and Representatives: CEBRA of Naples, CRAY of Palmyra, GILLWAY of Searsport, PILON of Saco, SARTY of Denmark, SHAW of Standish, WINSOR of Norway, Senator: SHERMAN of Aroostook)

Bill "An Act To Amend the Maine Business Corporation Act" (H.P. 1103) (L.D. 1502) (Sponsored by Representative PRIEST of Brunswick) (Cosponsored by Senator HASTINGS of Oxford and Representatives: DILL of Cape Elizabeth, FOSTER of Augusta, MALONEY of Augusta, MOULTON of York, NASS of Acton, ROCHELO of Biddeford, Senators: BLISS of Cumberland, WOODBURY of Cumberland)

State and Local Government

Bill "An Act Concerning Fees for Users of County Registries of Deeds" (EMERGENCY) (H.P. 1100) (L.D. 1499) (Sponsored by Representative COTTA of China) (Cosponsored by Senator KATZ of Kennebec and Representatives: BURNS of Alfred, HANLEY of Gardiner, MALABY of Hancock, MORISSETTE of Winslow, SARTY of Denmark, WEBSTER of Freeport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

Sincerely,

S/Heather J.R. Priest
Clerk of the House

S/Joseph G. Carleton, Jr.
Secretary of the Senate

Comes from the House, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE**, in concurrence.

The Following Communication: H.P. 1108

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

April 20, 2011

The Honorable Robert W. Nutting
Speaker of the House
125th Legislature

The Honorable Kevin L. Raye
President of the Senate
125th Legislature

Dear Mr. Speaker and Mr. President:

On April 20, 2011, 3 bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on April 20, 2011, as follows:

Energy, Utilities and Technology

Bill "An Act To Remove Obstacles to the Use of Technological Advances for Heating in Multifamily Structures" (H.P. 1107) (L.D. 1506) (Sponsored by Representative FITTS of Pittsfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

Health and Human Services

Resolve, To Ensure a Strong Start for Maine's Infants and Toddlers by Extending the Reach of High-quality Home Visitation (H.P. 1105) (L.D. 1504) (Sponsored by Representative BERRY of Bowdoinham) (Cosponsored by President RAYE of Washington and Representatives: EVES of North Berwick, FOSSEL of Alna, GRAHAM of North Yarmouth, MALABY of Hancock, MARTIN of Eagle Lake, ROTUNDO of Lewiston, STRANG BURGESS of Cumberland, Senator: KATZ of Kennebec)

Labor, Commerce, Research and Economic Development

Bill "An Act To Clarify the Scope of Practice of Licensed Alcohol and Drug Counselors Regarding Tobacco Use" (EMERGENCY) (H.P. 1106) (L.D. 1505) (Sponsored by Representative CAIN of Orono) (Cosponsored by Senator RECTOR of Knox) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

Sincerely,

S/Heather J.R. Priest
Clerk of the House

S/Joseph G. Carleton, Jr.
Secretary of the Senate

Comes from the House, **READ and ORDERED PLACED ON FILE.**

READ and ORDERED PLACED ON FILE, in concurrence.

The Following Communication: S.C. 271

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

April 26, 2011

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

Dear Secretary Carleton:

Pursuant to my authority under the Governor's Executive Order 09, FY 10/11, I am pleased to appoint the following

Representatives to the Health Information Technology Steering Committee:

Representative Leslie T. Fossel of Alna
Representative Anne Graham of North Yarmouth

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Robert W. Nutting
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 272

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

April 26, 2011

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

Dear Secretary Carleton:

Pursuant to my authority under Title 5 MRSA §19202, I am pleased to appoint Representative Linda F. Sanborn of Gorham to the Maine HIV Advisory Committee.

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

Sincerely,

S/Robert W. Nutting
Speaker of the House

READ and ORDERED PLACED ON FILE.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

SENATE PAPERS

Bill "An Act To Amend the Uniform Principal and Income Act"
S.P. 479 L.D. 1517

Presented by Senator KATZ of Kennebec.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Change of Committee

The Joint Select Committee on **REGULATORY FAIRNESS AND REFORM** on Bill "An Act To Amend the Maine Administrative Procedure Act"

H.P. 1036 L.D. 1410

Reported that the same be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

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

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

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend Shelter Provisions To Accommodate Rotational Grazing of Livestock"

H.P. 253 L.D. 320

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-98)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-98)**.

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

READ ONCE.

Committee Amendment "A" (H-98) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Provide for the Designation of the Secretary of the Pull Events Commission"

H.P. 459 L.D. 629

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-100)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-100)**.

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

READ ONCE.

Committee Amendment "A" (H-100) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Strengthen the Laws Regarding Dangerous Dogs"

H.P. 562 L.D. 755

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-101)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-101)**.

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

READ ONCE.

Committee Amendment "A" (H-101) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Resolve, To Evaluate the Energy Use of the State House

H.P. 287 L.D. 361

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-92)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-92)**.

Report **READ**.

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

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend the Auditing Requirements for Accounts of All Water Utilities"

H.P. 579 L.D. 772

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-93)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-93)**.

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

READ ONCE.

Committee Amendment "A" (H-93) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Discourage Illegal Dumping in the State"

H.P. 94 L.D. 112

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-97)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-97)**.

Report **READ**.

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

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Concerning Fish and Wildlife Program Funds"

H.P. 439 L.D. 556

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-99)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-99)**.

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

READ ONCE.

Committee Amendment "A" (H-99) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Clarify the Uniform Arbitration Act"

H.P. 379 L.D. 486

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-94)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-94)**.

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

READ ONCE.

Committee Amendment "A" (H-94) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Implement a Maine Unemployment Insurance Work-sharing Program"

H.P. 222 L.D. 269

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-91)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-91)**.

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

READ ONCE.

Committee Amendment "A" (H-91) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Resolve, Directing the Department of Environmental Protection To Work with the Town of Sanford To Develop a Plan To Clean Up Number One Pond in Sanford
H.P. 745 L.D. 1009

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

Signed:

Senators:

- SAVIELLO of Franklin
- GOODALL of Sagadahoc
- SHERMAN of Aroostook

Representatives:

- HAMPER of Oxford
- AYOTTE of Caswell
- DUCHESNE of Hudson
- HARLOW of Portland
- INNES of Yarmouth
- KNAPP of Gorham
- LONG of Sherman
- PARKER of Veazie
- WELSH of Rockport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representative:

- NASS of Acton

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Amend the Location of Motor Vehicle Excise Tax Collection for Motor Vehicles Owned by Public Utilities"
H.P. 99 L.D. 117

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

Signed:

Senators:

- TRAHAN of Lincoln
- WOODBURY of Cumberland

Representatives:

- KNIGHT of Livermore Falls
- BENNETT of Kennebunk
- BERRY of Bowdoinham
- BICKFORD of Auburn
- BRYANT of Windham
- FLEMINGS of Bar Harbor
- HARMON of Palermo
- PILON of Saco
- WATERHOUSE of Bridgton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representative:

- BURNS of Alfred

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

Reports **READ**.

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

Senate

Ought to Pass As Amended

Senator THIBODEAU for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Clarify the Role of the Public Advocate"

S.P. 133 L.D. 429

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-46)**.

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

READ ONCE.

Committee Amendment "A" (S-46) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator THIBODEAU for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Require the Efficiency Maine Trust To More Effectively Administer Funds"

S.P. 135 L.D. 431

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-47)**.

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

READ ONCE.

Committee Amendment "A" (S-47) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator COLLINS for the Committee on **TRANSPORTATION** on Bill "An Act To Clarify the Procedure by Which a Salvage Company May Apply for a Motor Vehicle Title"
S.P. 190 L.D. 610

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-45)**.

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

READ ONCE.

Committee Amendment "A" (S-45) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Relating to Selection of Constitutional Officers and the State Auditor"
S.P. 382 L.D. 1261

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

Signed:

Senator:
SULLIVAN of York

Representatives:

- COTTA of China
- BOLAND of Sanford
- BOLDUC of Auburn
- CASAVANT of Biddeford
- CELLI of Brewer
- GRAHAM of North Yarmouth
- 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 To Pass as Amended by Committee Amendment "A" (S-44)**.

Signed:

Senators:

- THOMAS of Somerset
- COLLINS of York

Reports **READ**.

On motion by Senator **THOMAS** of Somerset, **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:

Senate

Bill "An Act To Clarify the Scope of Maine's Franchise Laws for Dealers of Power Equipment, Machinery and Appliances" (EMERGENCY)

S.P. 96 L.D. 316

Bill "An Act To Allow for Timely Credit for Driver's License Suspensions Imposed by a Court"

S.P. 178 L.D. 595

Bill "An Act To Terminate the Authorization of the Maine Self-Insurance Guarantee Association To Serve as a Statistical Advisory Organization for Self-insurers"

S.P. 221 L.D. 731

Bill "An Act To Amend the Maine Consumer Credit Code Regarding Interest Charged on Deferred Payments"

S.P. 279 L.D. 891

Resolve, To Direct the Bureau of Consumer Credit Protection To Recommend Changes to Credit Reporting Laws Concerning Paid Debts

S.P. 364 L.D. 1243

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

Sent down for concurrence.

Senate As Amended

Bill "An Act Relating to Indemnity Agreements in Motor Carrier Transportation Contracts"

S.P. 216 L.D. 727
(C "A" S-43)

Bill "An Act To Continue the Axle Fine Waiver during the Midwinter Season"

S.P. 240 L.D. 796
(C "A" S-40)

An Act To Provide Funds for Municipal Sand and Salt Storage Facilities

S.P. 81 L.D. 272
(C "A" S-27)

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

On motion by Senator **COLLINS** of York, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

Sent down for concurrence.

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

Resolve

Resolve, Directing the Public Utilities Commission To Adopt Rules Affecting Utility Deposits

S.P. 222 L.D. 732
(C "A" S-28)

ENACTORS

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

Emergency Measure

An Act To Clarify the Dig Safe Standards

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

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.

FINALLY PASSED 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 (3/22/11) Assigned matter:

Bill "An Act Regarding Labor Contracts for Public Works Projects"
S.P. 378 L.D. 1257

Tabled - March 22, 2011, by Senator **COURTNEY** of York

Pending - **REFERENCE**

(Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.)

On motion by Senator **COURTNEY** of York, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Senator **JACKSON** of Aroostook moved the Senate **RECONSIDER** whereby the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Acts

An Act Relating to Access to Vital Records

H.P. 211 L.D. 258
(C "A" H-77)

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

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

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)

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

Senate at Ease.

Senate called to order by the President.

Senator **PLOWMAN** of Penobscot requested a Division.

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

Senate at Ease.

Senate called to order by the President.

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

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

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you Mr. President. I am sorry to not have been quick enough with my light to have to go through this, but I did want to say a couple words on the referral of this bill to the State and Local Government Committee. I think that this bill is just like a number of other bills that have been referred to the Labor, Commerce, Research and Economic Development Committee.

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

Senator **PLOWMAN:** Mr. President, remind the Senator to speak to the motion to reconsider and not to the bill. Thank you.

THE PRESIDENT: The Senator is correct. The Senator's comments should be confined to the motion to reconsider. The Senator may proceed.

Senator **JACKSON:** Thank you, President. I guess I'd have to pose the question as to if I can talk about why I don't believe it's right that this bill be recommitted to State and Local Government or am I just speaking on the reconsider?

THE PRESIDENT: You are speaking on your motion pending before the Senate to reconsider the action whereby we referred this bill to the Committee on State and Local Government.

Senator **JACKSON:** Thank you Mr. President. My reason for asking for reconsideration of this bill is because I don't believe it is properly going to the right committee. I believe that the Labor Committee has a number of bills that deal with this exact same issue that this bill is talking about, which I believe is the right to work. The bill actually states in it that it would repeal the section construed to make unlawful any provision in a collective bargaining agreement between an employer and a labor

organization that relates in any manner to the conditioning of employment on union membership or on payment of regular and periodic dues or initiation fees to a labor organization. That's a lot of talk about labor, collective bargaining agreements, which is all stuff that the Labor Committee hears.

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

Senator **PLOWMAN:** Mr. President, I would ask that the Senator be admonished, that he is supposed to be explaining why he would like the reconsideration motion to be considered. The time to talk about the bill is not now. Reading the bill into the record, obviously, is a way of talking about the bill. Thank you.

THE PRESIDENT: The Chair would advise that I believe that the Senator is still discussing the reason that he believes this bills should not be referred to this committee. The Senator may proceed.

Senator **JACKSON:** Thank you Mr. President. Again, I apologize to the Body for belaboring this but I think it's important enough. Like I said, I just feel that, in the State and Local Government Committee, which I served on last session, I've never seen these issues come up in the State and Local Government Committee before. I believe that there are already a number of bills in the Labor Committee that deals with this issue very similarly. I believe it should go there as opposed to the State and Local Government Committee because the Labor Committee has this jurisdiction. I actually think we all received a letter from the National Right to Work Committee saying that this bill should go to the State and Local Government Committee, which is odd to me since the name of their committee is Right to Work, which is a labor issue. Where the bill talks about repealing collective bargaining agreements, that's a labor issue. I am just in disagreement with where this bill is going and I would ask the Body to reconsider its motion. Again, I strongly ask forgiveness for not getting up in a timely manner.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, I, too, believe that this bill should be reconsidered to go to a different committee because just yesterday, under the great leadership of our Senator President Pro Tem, Senator Martin, who did a fantastic job, item 3-2 was referred to the Committee on Labor. This was a bill, "An Act to Clarify the Workers' Compensation Insurance Notification Process for Public Construction Projects." The bill that is before us, unfinished number one, is "An Act Regarding labor Contracts for Public Works Projects." They are pretty similar. Labor, public works projects, public works things. I really do think that we should reconsider this and send this to the committee with the proper jurisdiction. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Jackson to Reconsider whereby the Bill was referred to the Committee on State and Local Government. 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 (#37)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, FARNHAM, GERZOFKY, 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

NAYS: Senators: None

ABSENT: Senator: BLISS

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being absent, the motion by Senator **JACKSON** of Aroostook to **RECONSIDER** whereby the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT, FAILED.**

Sent down for concurrence.

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

JOINT ORDER - Expression of Legislative Sentiment Recognizing Brackett's Market, of Bath, on being named Retailer of the Year

SLS 197

Tabled - April 12, 2011, by Senator **ALFOND** of Cumberland

Pending - **PASSAGE**

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

READ.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, it is an honor to rise today recognizing Brackett's Market of Bath, along with its owner Steve and Kim Brackett who are here today and their 35 employees. Brackett's Market is located in the heart of downtown Bath. They are part of the pulse of the community and it's a market that I try to patronize as much as I can when I'm in Bath and so do many. It really shows you how we can work together and redevelop our downtowns, because they were a strong component of that and with maintaining the vibrancy of downtown Bath in the future. They were recognized by Bozzuto's. Bozzuto's is a national food retailer and they were given the award, which was Retailer of the

Year, by the Bozzuto's food distributing company. This honor is recognized and noticed around the country. I just wanted to rise and also mention that, in their honor, two tractor trailer loads of food was donated to the Good Shepherd Food Bank in Auburn. It's great to have them here today and I would ask that we recognize them for their award. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Steve and Kim Brackett, owners of Brackett's Market. Would they please rise and accept the greetings of the Maine Senate.

The Chair laid before the Senate the following Tabled and Later (4/14/11) Assigned matter:

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

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

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

Pending - **ENACTMENT**, in concurrence (Roll Call Ordered)

(In Senate, April 12, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-65)**, in concurrence.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#38)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, FARNHAM, GERZOFKY, 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

NAYS: Senators: None

ABSENT: Senator: BLISS

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

The Chair laid before the Senate the following Tabled and Later (4/26/11) Assigned matter:

JOINT ORDER - Expression of Legislative Sentiment
Recognizing Colonel Patrick Fleming, of Fairfield, Chief of the
Maine State Police

SLS 228

Tabled - April 26, 2011, by Senator **MASON** of Androscoggin

Pending - **PASSAGE**

(In Senate, April 26, 2011, **READ.**)

READ.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Mason.

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, as Chair of the Criminal Justice and Public Safety Committee, especially as a freshman member, you get a trial by fire, as everybody knows. I just to have to say I didn't know Colonel Fleming for very long but he was a great help to me with any questions that I had pertaining to anything involving the State Police. He was especially helpful when we went to the Academy in Vassalboro. I just wanted to stand and wish him luck on all his future endeavors. Best wishes to him and his family. Thank you, Mr. President.

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

Senator **PLOWMAN:** Thank you Mr. President. Men and women of the Senate, Colonel Fleming, before he was Colonel, was Lt. Fleming and appeared before the Legal and Veterans Affairs Committee quite often and in quite frustrating situations for all of us because it always had to do with how to create a new license or how to enforce a liquor law. He was always very helpful. I was very proud when he became Colonel. Not too many people know this but Colonel Fleming hails from, grew up, in Hampden and actually played for the Hampden basketball team. He's well thought of in our community. He's been well thought of here. He has done an incredible job and I've never seen a man who stood there and took fire like he did from committee members and members of the public and always maintained his grace and his air of decorum as an officer should. I conveyed that to him personally but I am glad to be able to convey it publicly and on the record. Thank you, Mr. President.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I, too, rise today to give thanks for the opportunity to speak on behalf of Colonel Fleming. I was blessed enough to be Chair of the Legal and Veterans Affairs Committee for four years, two terms, and had the opportunity to speak on behalf of Colonel Fleming to receive the post of Chief of the Maine State Police. I was extremely proud to do that. This man was extremely dedicated. Twenty-seven years of dedicated service. In 1993 he was assigned to the Executive protection unit, where he protected three Governors; Republican, Independent, and Democrat. This man was totally a non-political, non-partisan person. I'm extremely proud of the service that he gave to the State of Maine. I am proud to say that he is a friend and I wish him well and much health, happiness, and prosperity in his retirement. Thank you, Mr. President.

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

Senator **SULLIVAN:** Thank you Mr. President. I am excited for Colonel Fleming to be able to begin the joys, I believe or so they tell me, of retirement. I am saddened for the State of Maine. We have lost a terrific public servant in his retirement. Some of the key words for the State Police are integrity, compassion, excellence, fairness. He is the epitome of those adjectives. He has worked tremendously with the Ride-Along Program for this Body and the other Body. You may be displeased, actually, because I took advantage of that. I have always had a fear of blue lights. One day, in a moment of weakness, I opened my mouth in front of the Colonel and I said, "I think I'd like to do one of those ride along programs with you." We were over to the public safety building. I didn't think he would pay any attention to me. After all, we were busy doing motorcycle mufflers and all. It was a bill from last time. We were hearing all the different EPA standards and decibels. He's not like me. He didn't forget that somebody said that. The next day I had a Sergeant in the area call me and say, "I understand from the Colonel you'd like to do a ride along." Well I was caught. I didn't really want to do a ride along but I thought I was being big about this. I said, "Of course I would." On August 5th of last year I did one. I've done several since. I also took a 100 hour course for pre-service. In my last conversation with the Colonel he said, "I think you've drunk the Kool Aide." I am a big believer now in what the State Troopers do. I have a much better understanding. I admire Colonel Fleming and all of the State Police and people in law enforcement. It's not an easy job. I am humbled that I was able to do a ride along. I am humbled that we have such great people protecting us. I wish him the best in retirement. I have a feeling that we will see him in other places. I just needed to stand and thank him publicly for being the standard that he has set for our State Police. Thank you.

PASSED.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/26/11) Assigned matter:

SENATE REPORT - from the Committee on **TAXATION** on Bill "An Act To Create the Maine Fishery Infrastructure Tax Credit Program"

S.P. 125 L.D. 421

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-42)**

Tabled - April 26, 2011, by Senator **HOBBINS** of York

Pending - **ACCEPTANCE OF REPORT**

(In Senate, April 26, 2011, Report **READ**.)

Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-42) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (4/26/11) Assigned matter:

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Provide an Income Tax Credit for Logging Companies That Hire Maine Residents"

S.P. 100 L.D. 338

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-41)** (4 members)

Tabled - April 26, 2011, by Senator **COURTNEY** of York

Pending - motion by Senator **TRAHAN** of Lincoln to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report (Roll Call Ordered)

(In Senate, April 26, 2011, Reports **READ**.)

Senator **SULLIVAN** of York moved the Bill and accompanying papers be **COMMITTED** to the Committee on **TAXATION**.

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

Senator **SULLIVAN:** Thank you Mr. President. I am asking this to go back to committee. I am well aware it will be a procedural vote. I'm well aware that I can count at least to 20. I won't guarantee you anything beyond that. Fortunately I don't need to know higher numbers. I will explain to you why. Yesterday, on

the floor of the Senate in some heated moments back and forth as the Maine public was listening to us, there were some statements made that one person hadn't done anything, other people had extended an olive leaf, and we hadn't done this and that. I got the feeling that it wasn't settled. Even with a vote it wouldn't be settled. We hadn't done anything. We hadn't moved forward. This is the same bill we've had in the past, over and over again. We're not doing anything for the people of Maine. I'm asking that it go back to committee. I'm asking that if it needs to be considered with a tax issue also in a bigger problem then let's make a subcommittee out of that, hold it over, and bring it back next year where people can sit and talk and develop this, not by piecemeal but have some real effort. How many times are we going to try to reinvent the wheel? If there is willingness to talk, if there is a dire emergency, if we need to be sure that our Maine citizens are getting the jobs in our Maine woods and not Canadian citizens, if we are competing with health care, and we know we are, against socialized medicine and what we, let's put that together, let's put it back in committee, let's spend the time and do something other than draw lines and talk about whether you are in the Minority Party or the Majority Party or whether you were a logger or not a logger or all of that. It doesn't settle anything. It's like kids playing in a sandbox over and over again. All I'm asking to do is commit it back. If we need a larger committee, if we need to come up with a resolution that there be a study group over the interim, I'm okay. Send it back and let the conversation that started that they put out an olive branch or what else could they do continue. I heard a plea that said they had done everything they could possibly do. I'm saying let's go back. There are some awful smart people, I shouldn't say awful because they are very smart people, in this Chamber and there are very smart citizens because they elected us to be here. They elected us to find solutions and not to simply say, "Nope, not going to do it" or "I would have done it but you wouldn't talk to me." I wouldn't allow my 7th graders to act this way. I'm asking that we go back and we talk it over and we really settle the problem. If it needs to have more because it's a part of a bigger problem then let's do it. That's all I'm asking for. I'm also aware of the numbers. I hope that we really think about this and decide that we can work together and we can come up with something that is good for our logging companies, our loggers, and for Maine businesses. I'm just asking that we sit down and we use those things that we need to use, our brains and being able to get along and understand each other, or we will face this problem every time. In the meantime we're not helping companies or workers. Please consider committing this and thinking about how we can develop something that will make this work. Thank you.

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

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I believe the previous speaker was hinting to comments that I made yesterday about reaching out to the Senator from Aroostook to try to work on a more comprehensive package. I'm still willing to do that. Yesterday afternoon I reached out a third time and said I'd be willing to do that. I did not get a response other than that maybe we could sit down and talk at some point. What did happen, and what I think I need to make for a point, is important to the work that we conduct here, how we interact, or relationships that we build, and the trust level that we build amongst ourselves when we are working on

issues, is that before the discussion was even an hour old both the Senator from Aroostook and I were interviewed by the newspaper. Some of the comments in the newspaper were both inflammatory and some inaccurate and I think really need to be addressed if we can move forward on this issue and a more trusting manner. The Senator from the Allagash said, and I quote, "The sponsor of the bill said Republicans are nervous because they are on the wrong side of the debate." "Senator Jackson had pursued the issue for several years. He called GOP resistance to his proposal bogus and hypocritical."

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

Senator **ALFOND:** Thank you Mr. President. Point of order, I'm wondering what relevance a newspaper article's inflammatory remarks has to do with the pending motion?

THE PRESIDENT: The Chair would advise that I hear the Senator addressing the issue at hand. I did not hear inflammatory remarks.

Senator **ALFOND:** Thank you Mr. President. He's reading from a newspaper article. I just don't know the germaneness.

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

Senator **TRAHAN:** Thank you Mr. President. I would love to respond. The reason it's relevant to this issue because we all know that we use political leverage on one side of the issue to try to promote an issue and move it forward. I believe that is a lot of what was intended with these remarks. It was to try to get this bill passed in the legislature.

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

Senator **ALFOND:** Thank you Mr. President. Again, this is a motion to commit and I guess I still don't see the germaneness.

THE PRESIDENT: The Chair would advise that we just heard from the Senator from York, who had a similar discussion in terms of her argument for her side of the bill. I don't see a difference in what I'm hearing from the Senator from Lincoln. The Senator from Lincoln may proceed.

Senator **TRAHAN:** Thank you Mr. President. I would like to continue because there is an important point at the end of this. There has been some indication that Republican leadership is concerned that political policies aren't in their favor. This section, I think, needs to be addressed. The Senator from Aroostook, Senator Jackson, said he introduced this bill this year because Governor LePage delayed hearings against two firms accused of violating the laws on the use of foreign loggers. I find that quote impossible. I think it's insulting to the Governor and I think it's inaccurate because, and I did seek some advise from the Governor as to when the request occurred, the cloture date for the legislature was January 7th and the e-mail that went out requesting a delay went out on January 17th. The reason the Governor's office asked for the delay was not because they wanted to do anything to the companies to either benefit or

oppose. This is the exact request from the Governor's office on January 17th, which made it impossible for the statement to be accurate, "Our we able to postpone these hearings until we have a better handle on the issue and Department of Labor personnel assignments?"

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

Senator **SULLIVAN:** Thank you Mr. President. I made a simple request. I'm hearing things I've never heard before about an article, I guess it must have been in this morning's paper. I haven't had time to even read it. We're debating something. I am simply asking for an up or down vote.

THE PRESIDENT: The Chair would advise that the Senator from York is out of order. The Chair recognizes the Senator from York, Senator Hobbins.

Senator **HOBBS:** Thank you Mr. President. Point of order, is it appropriate under the Senate Rules to allow discussions of the third branch of Government, the Governor, which could have an influence on the outcome of this particular issue? I believe that there shouldn't be any reference mentioning what occurred in the House of Representatives or what could occur. For example, we never use the word veto in our discussions before this Body. In due respect, I think we're going outside of the bounds by referencing the Chief Executive and actions that he could have taken or should have taken or would take.

THE PRESIDENT: The Chair would advise that the Senator from Lincoln has not crossed a line at this point. It is wise to be circumspect with references to the Chief Executive. The Senator may proceed but with caution.

Senator **TRAHAN:** Thank you Mr. President. I would remind people in the Chamber that when I quoted it wouldn't actually be a quote if you called it the Chief Executive in a quote that was in the newspaper. I guess if you need clarity on that I can, when I quote, use the words Chief Executive but you need to understand it would no longer be a quote. With that, I guess what I would say to members of the Minority Party is that I do feel some frustration because I had good intentions from the beginning to work together. Each and every time I've tried to do that I've been pushed back. I did it three times. Now the position that I will support is having leadership introduce some sort of language bringing some people together that include folks at the national level, our Congressional Delegation, members of the Department of Labor, and members of the Taxation Committee to see what we can legally, and by federal law, do to help the situation. I'm going to remind members of the Chamber that, I've done a little more work too, the scope of this problem is maybe not as big as some would like you to believe it is. I did a little research with the Department of Labor. I asked how many people we were talking about. The information I got back was there is an application for 88 Canadian workers to work in the state of Maine and 44 were actually filled. About half of those 44 were people that worked on the roads. We're talking about a very small group of people. With that in mind, that doesn't mean that it's still not important, it just means that, to me, on an issue of this size and magnitude we could find a solution without consuming time within the Senate in

the way that we have and harming our relationship in the future. With that, Mr. President, I will end my comments.

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

Senator **COURTNEY:** Thank you Mr. President. Men and women of the Senate, this bill is clearly a tax related bill and I think to address the concerns of some of us that do actually have an interest in looking at this we would need a different vehicle.

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

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I hope after all this is done we'll still be friends because I'm sure we will. There are more issues that are more passionate to some than others but when all is said and done there will be more said than done. I will tell you why I'm in support of committing this bill back to Taxation, it is because I think, as the bill stands right now, it is a pathetic attempt, \$250 in the amended version, to give an income tax credit for logging companies. I want to give them \$2,500. I think we ought to strip the doggone amendment off and give them the \$2,500 because I think this is a pathetic attempt to give businesses in the state of Maine a \$250 tax credit. What is this bill actually really about? First of all I want to apologize to the Body because I was in the halls being lobbied on a bill that has yet to come before us, the casino bill so I actually didn't get the benefit of hearing all the debate, although I did get to listen to the good Senator from Lincoln, Senator Trahan, and the Senator from Aroostook, Senator Jackson, debate a little bit. To me this issue is not just about 44 jobs, it's about 44 jobs in an area in the state of Maine that is probably hit as bad as Washington County and we're always trying to do something for Washington County. I think this issue is extremely important to the people of Aroostook County. This is huge. If there were more Mainers hired I think it would just blossom and just keep going and going and going. I think this should be committed because of the political rhetoric that is out there. Yes, there is some leverage that always goes on with every bill and I hate that stuff. I drove by the Chief Executive's mansion; I forget what they call it now, and headed east. Headed east there is a huge billboard that says, "Working Men and Women Vote Republican." Well this is a working men's bill. This is going to help working men and women in the state of Maine in Aroostook County. Our Chief Executive touted in Kittery a big sign, I think it was made in Alabama, that says, "Maine Is Open For Business." Are we going to put a sign in Fort Kent that says, "Maine Is Open For Canadian Business and We're Going To Hire Canadians To Do The Job." Ladies and gentlemen of the Senate, we've got to do something and I think we ought to commit this so they can strip off the amendment. We ought to do it right here and now. This bill is more than just about the tax credit. Let's not kid ourselves. I work in the paper industry myself. Do we have any bonded labor that's affected by it? No, but I'll tell you one thing right now, my paper industry probably wants to have bonded labor in it so they can get their wood cheaper because one of my colleagues, and I'd like to say what I'd like to say because he does have this little thing that he says before he

says anything but I won't say it, actually stated in the same article that the good Senator spoke of was that the reality is that bonded labor keeps the price of wood down, it keeps the mills open, and it keeps the market for my people like my dad who sell wood. It's all about profit, not people. I am not all about profit but I want my company, and I want every company in the state of Maine, to be cost effective and make money. This is about where we stand on a labor issue, basically. That's what it's about. This is about profits, not people. The Pan Atlantic Study is a good barometer of actually what this is all about. Over the last 10 or 20 years, it's hard to say, in the state of Maine productivity has risen 74%. Landowner's profits are 169%. Workers have had a 32% decrease in wages. They have to compete against workers from Canada who have free Workers' Comp, who have free health insurance. You wonder why we want to give those businesses a tax incentive to hire Maine workers. It's about profit, not people. We've got to change that mentality. A colleague did say in that same article that employers favor Canadian labor in the woods because, frankly, they are more productive. They show up for work. It's closer to their home. They work harder. They complain less. Well I worked more jobs non-union than I have union, ladies and gentlemen, and I will tell you one thing right now, in the United States of America the work ethic of Mainers is second to none. You go down to Texas and you say you are a construction worker from Maine, I'll tell you one thing right now, you're going to get hired over any of those guys. That is the way it is all over the country. You give Maine loggers an opportunity they are going to go to work. The good Senator said one of the most pathetic things was seeing the Canadian trucks going by his house day in and day out. Yet down the road his friends and colleagues are without work. I am in favor of committing this but if you don't want to commit it, just like Paul Harvey says, I know the rest of the story and I know the answer. I know how to fix this issue. Let's be real, ladies and gentlemen, why not refer it back to State and Local Government and change the boundary line of Aroostook County to the Province of Quebec so the people of Aroostook County will be able to work on fair and equal basis because they will be part of Canada, having their Workers' Comp and national health care provided by their government. There are two parts of Maine and if we're not willing to help them let them go to the part of Canada that wants them, the southern part. Thank you, ladies and gentlemen.

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

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I want to refocus the Chamber onto the bill and what the bill did. The bill creates a \$250 credit per employee for those that hire American workers. Although I hear the passion and I understand where it's coming from I can tell you we need to think through our policy a little bit further than in the region that you are affecting. Let me tell you how this bill, if it was passed in its current form, could do harm to the very people that you trumpet you support. Not all loggers have employees. I'm a sole-proprietor. I work alone. Done so for 28 years. I compete with the very same people you want to give a credit to. You give them the \$250 credit per employee, what do you think that does for me in competing for woodlots? Can't. You've given a handout to the big guys at the expense of the little guys. We can't compete. We can't offer as much stumpage. We can't do it as cheaply. You've got to think through these policies a little bit

further and that was why I was resistant to this bill to begin with. Actions have consequences. What we should do is remember that there are other professions in Aroostook County besides logging that are affected by Canadian labor. Potatoes, broccoli. Even my district, blueberries. Washington County, blueberries are affected because they have to hire workers from outside this country because they can't find kids to rake the blueberries. We have to be thoughtful in our process and our policies so that we don't do damage to others. I would like to speak to the legislators from Cumberland County for a moment and give an example of how you folks might react differently. What if somebody in this Chamber proposed a bill that said no Somalis could work at Maine Medical. We had to hire American workers over Somalis. The outrage would rattle windows from here to Caribou. That would be a bad policy. We need to be more thoughtful. We understand the passion of the Senator from Aroostook. I would love to address this issue but let's avoid discriminating against people based on where they live or their ethnic origin. Let's develop policies that affect everyone in the industry and does harm to no one. Let's develop incentives that bring businesses to Maine, not just carve out credits to try to socially engineer our tax code so we can help one group but harm others. Mr. President, I hope that the tone of this discussion can calm down a little bit. We all want the same thing but the outrage that we feel in our hearts is similar we just want to approach it a little differently. Thank you, Mr. President.

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

Senator **PATRICK:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I will try to keep my tone down. I mean no disrespect when I speak loud. As everyone knows, I am a labor Democrat and if it offends anyone that's one thing I don't want to do. I always say "colleagues and friends." I will say I agree somewhat with the good Senator and the reason why I want to commit this bill is for some of the same reasons. I think item 16 is another reason why I want to do this, commit it back to get the \$250 credit because item 16 is what we just supported in "An Act to Create the Maine Fisheries Infrastructure Tax Credit Program". What do we do, ladies and gentlemen? We find ways to make the lobster industry, fishing industry, better. Does that affect Oxford County? Does that affect Aroostook County? No it doesn't. Yes, we do have to be very creative in what we do. No, we don't want to be discriminatory nor does this bill say anywhere that we're going to not give money or we're going to discriminate against the Canadians. It says we're going to give a tax credit to Maine logging companies. Maine logging companies. It's kind of funny, I hate to admit it, but in most instances the concept of who does the actual hiring, whether it be a small business, though I'm not even sure what the definition is of a small business, if it's under 25 or not, but companies that hire employees, or contractors themselves, we should be able to craft a legislation that protects the vast majority of people. There is not a tax law written that is equitable to everyone whatsoever, so I'm really hoping that we can commit this, we can do something this time because I want to be able to say that I voted for a tax credit for the logging industry. Thank you, Mr. President.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I feel uniquely qualified to speak on this issue because I think I know less about logging than anybody here probably. I think what I've heard is that none of us like the fact that American trees are being cut down by Canadian workers when there are American workers out of work. Why don't we pass a law that says that before American companies can hire Canadians they have to first advertise and look for American workers? Why don't we make them prove it? The reason why we don't want to pass that law is because it already is the law. It's a federal law, as I understand it, and I haven't heard any evidence that this law isn't working well. On occasions when a company has violated that law they've been called to task and they've been fined for it. It seems like the law is working and American companies are reaching out for American workers and for whatever reason, and there are a variety of reasons, they won't hire them. The American workers don't want the jobs. I think there are a variety of reasons for that. That's the reality of why Canadian workers are coming into this country, as I've heard it. I think we'd all like to change the situation but I haven't heard one piece of evidence to suggest that if this \$250 tax credit passes it will create one single job in the state of Maine. I'll vote against the motion. Thank you, Mr. President.

THE PRESIDENT: The Senator from Oxford, Senator Patrick, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I'd have to disagree with my good friend from Augusta, Senator Katz. I was here for the part of the debate in which the Senator from Aroostook, Senator Jackson, actually brought forward some pretty compelling evidence that he, himself, last year applied for 13 jobs, 9 of which never even replied back to him whatsoever, and the other 4 actually gave him the runaround time and time again, trying to see if he can speak French and all these other weird little things. I actually talked to him on that issue myself. Believe me, ladies and gentlemen, I work in an industry, a large industry, the paper industry, and many times when my company says to me "trust me" what they are saying is be ready for the Vaseline because not very good things are going to happen. There is time and time again in Northern Maine hundreds of people, applying for those 40 or 80 jobs or whatever the total is, are given the runaround because they know that they cannot compete.

THE PRESIDENT: The Senator will defer. The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you Mr. President. I rise reluctantly to ask that the Chair request that Senator not be quite as graphic in his descriptions of his relationship with his company. Thank you.

THE PRESIDENT: The Chair would suggest that perhaps that is well advised. The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK**: Thank you Mr. President. Absolutely, and I apologize because they use a lot of it in their hair in the paper industry. It helps them keep the paper dust down. No offense. I apologize if any offense was taken. There is time and time again. I have gone up to the Allagash myself, the Fort Kent area, and have been in and around hundreds of the loggers there. If we but go up there and ask any of the loggers there who want to go to work if they really actually have the opportunity. Do the companies follow the law? Yes, they do follow the law because if they can beat you down so you can't meet the criteria of whatever they are trying to do. They give you the runaround, you have to go hundreds of miles to try to get a job, and you get denied here and you get denied there, you get resistant to saying, "Well, I don't have an opportunity." It happens time and time again up there. If you want to ask the woodcutters in Oxford County the problem that they have, it's just like my colleague in the Senate said, the price is so low that they cannot cut their wood. They can't get enough money for it. I'm happy for our paper company because they are being able to keep their cost down at the benefit of somebody else. I can tell you first hand, or second hand because I have 100% faith in the Senator from Aroostook, Senator Jackson, and his ability in dealing with his people in Aroostook County and some of the other counties that he does relate to, that there is a definite problem and we've got to do something. Yes, we can commit this bill and have an opportunity raise it from \$250 to hopefully \$2,500 and make a meaningful difference for working men and women in Northern Maine. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, I would just like to say to the good Senator from Kennebec, Senator Katz, that I certainly understand when he said he doesn't know as much as he might want to about logging. I don't know much about the law but I hear a lot of stories about lawyers. I don't take them all into account. I would offer you that anytime, a standing offer, that you'd like to come to Aroostook County I will give you a guided tour of how I and my constituents see it. Like I've made the claim here on the Senate floor before, I'll take you the 50 miles to St. Pamphile and show you what a thriving booming industry there is after you'd just gone through 50 miles of, quite literally, a dead state of Maine. For some of the comments that were made about the \$250 or the \$2,500 tax credit being a burden to other small businesses in Maine, that very well may be true. A couple of weeks ago we had a bill that took away tree growth if you were using temporary foreign labor. That didn't seem to go over well. The theory here was that we would give an incentive to use Maine workers. That seems to have been met the same resistance. I've gone both ends of the spectrum here trying to resolve something that I see as a problem. As far as the article in the paper, I didn't search anyone. The guy quite literally caught me after we left the Senate here. I said what I thought and I've heard things said here about here. I didn't mean it to be derogatory of anyone, but the simple fact is that you didn't vote for it. I don't think that I was making any disparaging comments. We've had both ends of the spectrum here. Take away, cause a penalty, or give an incentive and neither one of them were accepted. Getting way back in the conversation about the Chief Executive and how it couldn't be and I didn't do this and I didn't do that, I was told immediately

upon January 2nd or January 3rd, I'm not really sure. There were conversations that one of these companies could not be lost and that the Acting Director told me, personally, that this law, or the law that is on the books, was not to be followed until we got a Labor Commissioner. My argument was that we don't need a Labor Commissioner to follow a law, that there was already a process set up. To drive that point home, when Labor, Commerce, Research and Economic Development met with Appropriations on the budget I asked the question, and I'm not sure if everyone in the committee remembers but I know that some of us do, of Laura Boyett, who is now the Acting Director, "Are we following the law that we passed last year?" She said, "No." I said, "Is there any other law that we have that the State does not follow?" She said, "No, this is the only one." So I did not lie. I did not make that up. It is something that the Director said on mic in front of the Appropriations and Labor Committee. I just had to clear that up. Let's take the vote and let this roll and see what happens.

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

Senator **KATZ**: Thank you Mr. President. Men and women of the Senate, I'd thank the Senator from Aroostook for his comments. I'll take you up on that offer. The only two loggers I know are the Senator from Aroostook and the Senator from Lincoln and I suspect I have a better impression of your profession than you perhaps do of mine, Senator. What I'm hearing said is that there are Maine companies that are violating the law but it's your solution that troubles me because your solution is to take these Maine companies that are violating the law and reward them by giving them a \$250 tax credit for not violating the law. I don't think that's good tax policy. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, I agree. We don't want to give tax credits to companies but, quite honestly, the companies that are violating the law are Canadian companies. They have a Maine corporation and that's all that is Maine. The comments that we wouldn't let them hire Somalis, this is a temporary labor program. It isn't any one ethnic background or anything like that. It's a program that is only supposed to be used if there aren't available workers in the state of Maine. Last year there were 972 people that identified themselves as loggers while only 180 bonds were in the country. I believe there were enough people there. The comments that it's down to 44, that's a great thing, in my mind. At one time the high was 3,000 bonded workers and it's been whittled down because of mechanization to where it is probably only 44. The threat of a temporary worker coming into the state with their own equipment, that quite often has been subsidized by the Canadian government, is the harm to Maine businesses. This bill, if anything, is more of a Maine small business bill than anything. There is evidence that it has been violated. Former Attorney General Janet Mills took three of these companies to court last year and they all plead guilty and have been banned from the state of Maine for working in the state of Maine. Her comment was that there maybe more of these. She's not here anymore. That is whatever it is. There is not just anecdotal evidence; there is true evidence that there have been violations of

this. For my part, I actually hate to bring up the fact that I applied for 13 jobs because people might think that I'm grandstanding or whatever on this issue. The thing is it just goes to show that I have 22 years of experience working in the woods. Maybe I'm not the best logger that is out there but I know I'm good enough that I should be able to get a job in Maine. It isn't that I'm lazy or stuff like that. I get up at 2 o'clock in the morning. I get back at 7 o'clock or 8 o'clock at night. I do what the industry demands. Again, this isn't about me but it just goes to show that if they'll do that to a State Senator who's been out in front on this issue they are going to do it to a regular citizen of Aroostook County or any other part of the state. That's the other thing I'd like to say, this just isn't Aroostook County. I've got people contacting me in many of your districts throughout the state. I worked in Ellsworth for Dale Henderson. I've worked all over the state, really, and, trust me, there are more people in Aroostook County that is affected by this.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, we've spent all this time talking about a very serious symptom. There aren't jobs enough to go around. The real disease is Maine's business climate. We need to fix that.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Sullivan to Commit the Bill and accompanying papers to the Committee on Taxation. 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 (#39)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, GERZOFISKY, GOODALL, HILL, HOBBS, JACKSON, PATRICK, SCHNEIDER, SULLIVAN

NAYS: 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

ABSENT: Senator: BLISS

13 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **SULLIVAN** of York to **COMMIT** the Bill and accompanying papers to the Committee on **TAXATION**, **FAILED**.

Senator **PATRICK** of Oxford moved the Bill be **SUBSTITUTED** for the Reports.

Senate at Ease.

Senate called to order by the President.

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

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

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

THE PRESIDENT: The Senator may pose his question.

Senator **PATRICK:** Thank you Mr. President. Does this now mean that we are voting for the \$2,500 tax credit versus the \$250?

THE PRESIDENT: The Senator from Oxford, Senator Patrick poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN:** Thank you Mr. President. I believe the pending motion before is to substitute the bill for the reports and that is what we will be voting on. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Patrick that the Bill be Substituted for the Reports. 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 (#40)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, GERZOFISKY, GOODALL, HILL, HOBBS, JACKSON, PATRICK, SCHNEIDER, SULLIVAN

NAYS: 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

ABSENT: Senator: BLISS

13 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **PATRICK** of Oxford to **SUBSTITUTE** the Bill for the Reports, **FAILED**.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#41)

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, BRANNIGAN, CRAVEN, DIAMOND, GERZOFISKY, GOODALL, HILL, HOBBS, JACKSON, PATRICK, SCHNEIDER, SULLIVAN

ABSENT: Senator: BLISS

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **TRAHAN** of Lincoln to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down 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 Make Changes to the Laws Regarding Notice and Publication of Unclaimed Property"

H.P. 1118 L.D. 1518

Presented by Representative NASS of Acton.
Submitted by the Treasurer of State pursuant to Joint Rule 204.

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.

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

On motion by Senator **COURTNEY** of York, **ADJOURNED** to Thursday, April 28, 2011, at 10:00 in the morning.