

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

In Senate Chamber  
Tuesday  
February 8, 2011

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

Prayer by Associate Pastor Travis Armstrong, Hope Baptist Church of Manchester.

**PASTOR ARMSTRONG:** May we bow for prayer. God, we come before You today thankful for the task that You have given this group of men and women to perform. We are grateful for the responsibility that You have put in their hands. We are appreciative for the talents and abilities that You, God, have given to each of them which allow them to lead and govern and direct the state of Maine. We ask You, God, out of Your great wisdom that You would give this group of men and women wisdom over the many decisions that they have to make today, that they would have clear direction in which way to go, that they would have good insight in judgment and understanding as they tackle each issue. We ask You, God, out of Your great love that You give this group compassion, understanding, and acceptance for each other and each other's opinions and outlooks on each situation. We ask that You would give them empathy, sympathy, and understanding for the people who their decisions will effect and we ask that You, God, would give this group of men and women a sense of unity and purpose and agreement as they discuss the business of leading the state. We pray, God, that out of Your great power You might bless the state of Maine through the decisions of this Senate, that our state would become stronger, that our state would become safer, that our state would become wealthier, that our state would be more competitive, that our state would become united, that we would have more jobs, that we would have more opportunities, that we would be a moral people. We thank You, God, in advance for what You are going to do through this Senate. May they be blessed as well as they serve. I pray these things in the name of Jesus. Amen.

Pledge of Allegiance led by Senator Lawrence Bliss of Cumberland County.

Reading of the Journal of Thursday, February 3, 2011.

Doctor of the day, Thomas Leeson, DO of Gardiner.

Off Record Remarks

The Chair noted the absence of the Senator from Somerset, Senator **WHITTEMORE** and further excused the same Senator from today's Roll Call votes.

**COMMUNICATIONS**

The Following Communication: S.C. 58

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
COMMITTEE ON AGRICULTURE, CONSERVATION AND  
FORESTRY**

February 3, 2011

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 125th Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Honorable Walter E. Whitcomb of Waldo, for appointment as the Commissioner of the Department of Agriculture, Food and Rural Resources.

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

YEAS	Senators	2	Sherman of Aroostook, Schneider of Penobscot
	Representatives	10	Edgecomb of Caribou, Black of Wilton, Cray of Palmyra, Dill of Old Town, Foster of Augusta, Gifford of Lincoln, Kent of Woolwich, McCabe of Skowhegan, O'Brien of Lincolntonville, Timberlake of Turner
NAYS		0	
ABSENT		1	Sen. Thibodeau of Waldo

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Walter E. Whitcomb of Waldo, for appointment as the Commissioner of the Department of Agriculture, Food and Rural Resources be confirmed.

Signed,

S/Roger L. Sherman  
Senate Chair

S/Peter E. Edgecomb  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

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

Senator **SHERMAN:** Thank you Mr. President. I'd just like to say a few words about this candidate. I would note that it is a unanimous vote. This is a well qualified individual. He's been in agriculture for more years than he would care to remember, I believe. He's operated on the federal level. He was working with the reauthorization of the new farm bill with Secretary of Agriculture Valsack. He's worked on the state level. He has a resume that is longer than what we really need to talk about today. I would note that there was no opposition. The groups that wanted questions asked and answered got their questions asked and answered. I think it was probably a 2-1/2 to 3 hour meeting, or at least it felt at least that long. I think we have another Commissioner that is taking place here. They are two Commissioners with great backgrounds. It's going to be a challenge for us and the Commissioners we put in place, and I hate to say it this way, but we're actually going to get something done. I think this is a gentleman who knows how to get things done and will reach out to all aspects of agriculture. I thank you for that.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I rise to concur with my Senate colleague on the Agriculture Committee and the Chair of that committee. I just wanted to say a few things about the hearing that we had, which was very robust. There was not one person who came to speak in opposition of this nominee. In fact, the large group, with the full committee room full of people, coming to testify in favor of this candidate and his outstanding qualifications for this position came from both sides of the aisle. We had the Honorable John Piotti who came and spoke in favor of this nominee. We had Representative Martin who came in favor. We even had one of his grade school teachers, a librarian, who came and spoke. It was really wonderful to see such a large number of people from every perspective come and speak in favor of the outstanding qualifications that this nominee brings to this particular position and I hope that you will join me in reaffirming the unanimous committee vote. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today to also give a ringing endorsement to Walter Whitcomb. Walter's a lifelong resident of Waldo County and has been a dairy farmer in the town of Waldo for 32 years. As the Senator from Aroostook, Senator Sherman, has referenced, his qualifications are probably far too long to even go through here today. I want to say that each one of us over time develops a reputation and Walter Whitcomb should be very proud of the reputation that he has developed. He has a passion for the agricultural industry and it is certainly no surprise to any of us that nobody would come forward and question both Walter's qualifications and his integrity. He's a man of honor and the state of Maine will be well served with him serving as Commissioner of Agriculture. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#8)**

YEAS: Senators: None

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

EXCUSED: Senator: WHITTEMORE

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Walter E. Whitcomb** of Waldo for appointment as the Commissioner of the Department of Agriculture, Food and Rural Resources was **CONFIRMED**.

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

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber the Honorable Walter Whitcomb. Would he please stand and accept the greetings of the Senate.

The Following Communication: S.C. 56

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

February 2, 2011

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 125th Maine Legislature, the Joint Standing Committee on Health & Human Services has had under consideration the nomination of Mary C. Mayhew of South China, for appointment as the Commissioner of the Department of Health and Human Services.

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

YEAS	Senators	2	McCormick of Kennebec, Farnham of Penobscot
	Representatives	8	Strang of Cumberland, Fossel of Alna, Malaby of Hancock, O'Connor of Berwick, Peterson of Rumford, Sanborn of Gorham, Sanderson of Chelsea, Sirocki of Scarborough
NAYS	Senators	1	Craven of Androscoggin
	Representatives	2	Eves of North Berwick, Stuckey of Portland
ABSENT		0	

Ten members of the Committee having voted in the affirmative and three in the negative, it was the vote of the Committee that the nomination of Mary C. Mayhew of South China, for appointment as the Commissioner of the Department of Health and Human Services be confirmed.

Signed,

S/Earle L. McCormick  
Senate Chair

S/Meredith N. Strang Burgess  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **HEALTH AND HUMAN SERVICES** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#9)**

YEAS: Senators: ALFOND, BARTLETT, BLISS,  
CRAVEN, GOODALL, HILL, JACKSON, PATRICK

NAYS: Senators: BRANNIGAN, COLLINS, COURTNEY,  
DIAMOND, FARNHAM, GERZOFKY, HASTINGS,  
HOBBINS, KATZ, LANGLEY, MARTIN, MASON,  
MCCORMICK, PLOWMAN, RECTOR, ROSEN,  
SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-  
MELLO, SULLIVAN, THIBODEAU, THOMAS,  
TRAHAN, WOODBURY, THE PRESIDENT - KEVIN  
L. RAYE

EXCUSED: Senator: WHITTEMORE

8 Senators having voted in the affirmative and 26 Senators having voted in the negative, with 1 Senator being excused, and 8 being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Mary C. Mayhew** of South China for appointment as the Commissioner of the Department of Health and Human Services was **CONFIRMED**.

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

The Following Communication: S.C. 57

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

February 2, 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 10, MRSA, Chapter 1-A, Section 11, I am pleased to appoint the following Senators to the Citizen Trade Policy Commission:

Senator Roger L. Sherman of Aroostook, Chair  
Senator Thomas H. Martin Jr. of Kennebec  
Senator Stanley J. Gerzofsky of Cumberland

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

Sincerely,

S/Kevin L. Raye  
President of the Senate

**READ.**

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION.**

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The Following Communication: S.C. 59

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

February 4, 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, Chapter 319, Section 3371, I am pleased to appoint the following Senators to the Maine Fire Protection Services Commission:

Senator Thomas B. Saviello of Franklin  
Senator Stanley J. Gerzofsky of Cumberland

If you have any questions regarding these appointments please do not hesitate to contact my office.

Sincerely,

S/Kevin L. Raye  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 60

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

February 4, 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 10, FY10/11, I am pleased to appoint the following Senators to the Governor's Aroostook Rail Advisory Task Force:

Senator Roger L. Sherman of Aroostook, replacing former Senator Walter Gooley of Franklin  
Senator Troy D. Jackson of Aroostook, reappointment

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

Sincerely,

S/Kevin L. Raye  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 61

**STATE OF MAINE  
125TH MAINE LEGISLATURE**

February 7, 2011

Honorable Paul R. LePage  
Governor of Maine  
1 State House Station  
Augusta, ME 04333

Dear Governor LePage:

We are pleased to invite you to deliver your Budget Address at a Joint Session of the 125th Maine Legislature on Thursday, February 10, 2011 at 11:00 a.m.

We look forward to seeing you then.

Sincerely,

S/Kevin L. Raye  
President of the Senate

S/Robert W. Nutting  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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**SENATE PAPERS**

Resolve, Directing the Conveyance of Conservation Land in Rockport

S.P. 107 L.D. 394

Presented by Senator RECTOR of Knox.  
Cosponsored by Representative WELSH of Rockport and Senators: SAVIELLO of Franklin, THIBODEAU of Waldo, TRAHAN of Lincoln, Representatives: KRUGER of Thomaston, RICHARDSON of Warren.

On motion by Senator **SHERMAN** of Aroostook, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent down for concurrence.

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Bill "An Act Regarding Timber Harvesting on State Land"  
S.P. 102 L.D. 340

Presented by Senator JACKSON of Aroostook.  
Cosponsored by Representative MARTIN of Eagle Lake and Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BRANNIGAN of Cumberland, DIAMOND of Cumberland, PATRICK of Oxford, Representatives: AYOTTE of Caswell, TUTTLE of Sanford.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

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

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Bill "An Act To Authorize a General Fund Bond Issue To Fund LifeFlight"

S.P. 112 L.D. 399

Presented by Senator COLLINS of York.  
Cosponsored by Representative MARTIN of Eagle Lake and Senators: HILL of York, KATZ of Kennebec, ROSEN of Hancock, Representatives: CAIN of Orono, CHASE of Wells, FLOOD of Winthrop, ROTUNDO of Lewiston, WEBSTER of Freeport.

On motion by Senator **ROSEN** of Hancock, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent down for concurrence.

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Bill "An Act To Reinstate the Fund for the Efficient Delivery of Local and Regional Services"

S.P. 92 L.D. 312

Presented by Senator KATZ of Kennebec.  
Cosponsored by Senator: RECTOR of Knox, Representatives: HINCK of Portland, KESCHL of Belgrade, MALONEY of Augusta.

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

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

Sent down for concurrence.

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Bill "An Act Regarding County Jail Sentences of Less than 24 Hours"

S.P. 113 L.D. 400

Presented by Senator KATZ of Kennebec.  
Cosponsored by Senator: RECTOR of Knox, Representative: KESCHL of Belgrade.

On motion by Senator **MASON** of Androscoggin, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent down for concurrence.

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Bill "An Act To Mandate That the School Year Not Begin before September 1st"

S.P. 108 L.D. 395

Presented by Senator LANGLEY of Hancock.  
Cosponsored by Representative MALABY of Hancock and Representatives: STRANG BURGESS of Cumberland, WAGNER of Lewiston.

Bill "An Act To Amend the Laws Governing Competitive Bidding for School Construction and Repair"

S.P. 110 L.D. 397

Presented by Senator LANGLEY of Hancock.  
Cosponsored by Representative DAMON of Bangor and Representatives: LOVEJOY of Portland, MALABY of Hancock, WEAVER of York.

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

Sent down for concurrence.

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Bill "An Act To Improve Harbor Safety by Clarifying Requirements for Maintenance Dredging Permits"

S.P. 91 L.D. 311

Presented by Senator COLLINS of York.  
Cosponsored by Representative HAMPER of Oxford and Senator: SAVIELLO of Franklin, Representatives: MCKANE of Newcastle, MORISSETTE of Winslow, MOULTON of York, PILON of Saco.

Bill "An Act To Exempt Artificial Wetlands and Artificial Significant Vernal Pool Habitats from State Regulation"

S.P. 103 L.D. 341

Presented by Senator THOMAS of Somerset.  
Cosponsored by Representative CEBRA of Naples and Senators: COLLINS of York, LANGLEY of Hancock, MASON of Androscoggin, SAVIELLO of Franklin, Representative: COTTA of China.

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

Sent down for concurrence.

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Bill "An Act To Prohibit Municipal Ordinances More Stringent than State Guidelines"

S.P. 101 L.D. 339

Presented by Senator COLLINS of York.  
Cosponsored by Senator: SAVIELLO of Franklin, Representative: NASS of Acton.

Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested and ordered printed.

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

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Bill "An Act To Permit Senior Citizens To Designate a 3rd Party To Receive Notice of Cancellation of Insurance Policies"

S.P. 93 L.D. 313

Presented by Senator HOBBS of York.  
Cosponsored by Senators: BRANNIGAN of Cumberland, SULLIVAN of York, Representative: BEAUDOIN of Biddeford.

Bill "An Act To Enhance Penalties To Protect Senior Investors"  
S.P. 114 L.D. 401

Presented by Senator KATZ of Kennebec.  
Cosponsored by Senator: RECTOR of Knox, Representative: KESCHL of Belgrade.

On motion by Senator **SNOWE-MELLO** of Androscoggin, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent down for concurrence.

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Bill "An Act To Improve Efficiency and Compliance within the Judicial System"

S.P. 97 L.D. 317

Presented by Senator SULLIVAN of York.  
Cosponsored by Senator: HILL of York, Representative: DAVIS of Sangerville.

Bill "An Act To Require Consideration of Higher Education for Children during Divorce Deliberations"

S.P. 98 L.D. 318

Presented by Senator SULLIVAN of York.  
Cosponsored by Representative NELSON of Falmouth.

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

Sent down for concurrence.

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Bill "An Act To Improve Employment Opportunities for Workers in the Forest Industry"

S.P. 94 L.D. 314

Presented by Senator JACKSON of Aroostook.  
Cosponsored by Representative MARTIN of Eagle Lake and Senators: DIAMOND of Cumberland, GERZOFKY of Cumberland, PATRICK of Oxford, Representatives: AYOTTE of Caswell, TUTTLE of Sanford.

Bill "An Act Relating to the Status of a Private Investigator as an Independent Contractor"

S.P. 95 L.D. 315

Presented by Senator THOMAS of Somerset.  
Cosponsored by Representative HASKELL of Portland.

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

Presented by Senator BARTLETT of Cumberland.  
Cosponsored by Representative DRISCOLL of Westbrook.

Bill "An Act To Require Criminal History Record Information for Licensure of Nurses"

S.P. 111 L.D. 398

Presented by Senator RECTOR of Knox.  
Cosponsored by Representative PRESCOTT of Topsham and Senators: MARTIN of Kennebec, SAVIELLO of Franklin, Representatives: DOW of Waldoboro, DRISCOLL of Westbrook, KRUGER of Thomaston, MAKER of Calais, VOLK of Scarborough.

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

Sent down for concurrence.

Bill "An Act To Amend the Saltwater Recreational Fishing Registry Regarding Unauthorized Landing or Possession of Striped Bass" (EMERGENCY)

S.P. 99 L.D. 319

Presented by Senator TRAHAN of Lincoln. Cosponsored by Representative TILTON of Harrington and Senators: President RAYE of Washington, RECTOR of Knox, SCHNEIDER of Penobscot, SNOWE-MELLO of Androscoggin, Representatives: BICKFORD of Auburn, MacDONALD of Boothbay, McKANE of Newcastle, PRESCOTT of Topsham.

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

Sent down for concurrence.

Bill "An Act To Authorize Cumberland County To Offer Certain Educational Services"

S.P. 106 L.D. 344

Presented by Senator DIAMOND of Cumberland. Cosponsored by Representative COTTA of China and Senators: ALFOND of Cumberland, GERZOFISKY of Cumberland, Representatives: DION of Portland, WALSH INNES of Yarmouth, NELSON of Falmouth, PLUMMER of Windham, STRANG BURGESS of Cumberland.

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

Sent down for concurrence.

Bill "An Act To Amend the Laws Governing County Jail Budgeting for York County"

S.P. 104 L.D. 342

Presented by Senator COLLINS of York. Cosponsored by Representative MOULTON of York and Senators: COURTNEY of York, THOMAS of Somerset, Representatives: BEAVERS of South Berwick, BENNETT of Kennebunk, BURNS of Alfred, CHASE of Wells, NASS of Acton, PARRY of Arundel.

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

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

Bill "An Act To Provide an Income Tax Credit for Logging Companies That Hire Maine Residents"

S.P. 100 L.D. 338

Presented by Senator JACKSON of Aroostook. Cosponsored by Representative MARTIN of Eagle Lake and Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BRANNIGAN of Cumberland, DIAMOND of Cumberland, PATRICK of Oxford, Representatives: AYOTTE of Caswell, BRYANT of Windham, FLEMINGS of Bar Harbor.

Bill "An Act To Amend the Law Governing Sales Tax Exemptions for Certain Nonprofit Youth Organizations"

S.P. 109 L.D. 396

Presented by Senator SHERMAN of Aroostook. Cosponsored by Representatives: AYOTTE of Caswell, CLARK of Easton, CRAY of Palmyra.

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

Sent down for concurrence.

Bill "An Act To Facilitate a Change of Location for Liquor Retailers"

S.P. 105 L.D. 343

Presented by Senator GOODALL of Sagadahoc. Cosponsored by Senator PATRICK of Oxford and Senators: ALFOND of Cumberland, BRANNIGAN of Cumberland, Representatives: FITTS of Pittsfield, THERIAULT of Madawaska, TUTTLE of Sanford.

On motion by Senator **FARNHAM** of Penobscot, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

Sent down for concurrence.

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

Off Record Remarks

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **TRANSPORTATION** on Resolve, To Name Part of Route 2 in the Town of Lincoln and the Town of Winn the Master Sergeant Gary Gordon Highway  
H.P. 16 L.D. 24

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

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

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

**READ ONCE**.

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

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The Committee on **TRANSPORTATION** on Resolve, To Name a Bridge over the Kennebec River between the Town of Benton and the Town of Fairfield the Brian L. Buker/Frank W. Haskell Medal of Honor Bridge

H.P. 18 L.D. 26

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

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

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

**READ ONCE**.

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

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The Committee on **TRANSPORTATION** on Resolve, To Deauthorize the Naming of the Bridge over Pattagumpus Stream (EMERGENCY)

H.P. 29 L.D. 36

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

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

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

**READ ONCE**.

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

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**ORDERS OF THE DAY**

**Unfinished Business**

The following matter 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 (2/1/11) Assigned matter:

JOINT ORDER - Expression of Legislative Sentiment Recognizing *The Ellsworth American*, on its 160th year of publication

SLS 76

Tabled - February 1, 2011, by Senator **LANGLEY** of Hancock

Pending - **PASSAGE**

(In Senate, February 1, 2011, **READ**.)

**THE PRESIDENT:** The Chair recognizes the Senator from Hancock, Senator Langley.

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, I rise today to congratulate *The Ellsworth American* and its owner, Alan Baker, and his staff on their 160<sup>th</sup> anniversary. *The Ellsworth American*, in my opinion, is one of the finest weeklies in the state of Maine. During the Maine Press Association's Fall conference in 2010, where *The Ellsworth American* and its sister paper won awards for excellence in small weeklies, the judge of this category had this to say, "The Ellsworth American features beautiful color photography that very deftly conveys a sense of place, one of the most important functions of a community newspaper. Its stand-alone editorial section provides a welcome insight on the area with clearly labeled commentaries, well written editorials, a vibrant letters column, and a look through the newspaper's achievements. The paper looks like it has the proper formula to hit the reader's head, heart, and gut to be engaging and relevant in their lives." For me, any paper that has a column that reflects back on 100 years of publishing or more in a community has not only taken on the job of reporting the news but is a keeper of our history. I'm proud to have *The Ellsworth American* in my town. My engagement to my wife, our wedding, the birth of our children, the opening of our two businesses, articles on retiring from teaching, and coverage of the past two elections have all been recorded in the pages of *The Ellsworth American*. *The Ellsworth American* is an important part of our lives in my community and we hope they will be around for another 160 years. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you Mr. President. It is my sincere pleasure to be able to stand with the good Senator from Hancock, Senator Langley, and congratulate *The Ellsworth American* on its 160<sup>th</sup> anniversary and very pleased that we have with us Alan Baker, the publisher of the paper. The words that the Senator from Hancock spoke ring very true. *The Ellsworth American* is a terrific publication. We all feel very close, I think, and it really adheres to the format of a local weekly paper and the weekly papers chronicle our lives and the important local issues. *The Ellsworth American* puts together all of the pieces. Outstanding



photography. That wonderful broad sheet that people take home every week and read every page, cover to cover. The kind of editorial impact that is researched well, fair, in-depth, sometimes flattering, sometimes we feel the sting of it, but it's always well reasoned. It's a tremendous treasure and resource. The ownership of the paper has continually modified, updated, to keep the tradition but also be relevant in today's publishing world. I would suggest to any and all of you that if you have the opportunity make sure you subscribe either to the hard copy or on-line and endorse this paper for another 160 years. Thank you Mr. President.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair, in his role as the 3<sup>rd</sup> Senator representing the County of Hancock, is very pleased to recognize in the rear of the chamber a former member of the other Body and the publisher of *The Ellsworth American* the Honorable Alan Baker. Mr. Baker would you please rise and accept the greetings of the Maine Senate.

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The Chair laid before the Senate the following Tabled and Later (2/3/11) Assigned matter:

Bill "An Act To Prevent the Spread of Milfoil in the Songo River" (EMERGENCY)

H.P. 195 L.D. 242

Tabled - February 3, 2011, by Senator **SAVIELLO** of Franklin

Pending - **REFERENCE**

(In House, February 1, 2011, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.)

On motion by Senator **SAVIELLO** of Franklin, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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Senate at Ease.

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Resolve, Directing the Department of Environmental Protection To Amend Its Rules Regarding Snow Dumps

H.P. 266 L.D. 333

Presented by Representative BRIGGS of Mexico. Cosponsored by Senator JACKSON of Aroostook and Representatives: BEAUDOIN of Biddeford, CASAVANT of Biddeford, RUSSELL of Portland, SHAW of Standish.

Bill "An Act To Stop Unfunded Mandates Concerning Waste Discharge Licenses"

H.P. 305 L.D. 379

Presented by Representative CLARK of Millinocket.

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

H.P. 313 L.D. 387

Presented by Representative CHASE of Wells. Cosponsored by Senator SAVIELLO of Franklin, Senator COLLINS of York and Representatives: AYOTTE of Caswell, BEAUDOIN of Biddeford, KNAPP of Gorham, McKANE of Newcastle, NASS of Acton.

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Reimburse Pharmacies under the MaineCare Program Based on Wholesale Acquisition Costs"

H.P. 272 L.D. 346

Presented by Representative STRANG BURGESS of Cumberland. Cosponsored by Senator DIAMOND of Cumberland and Senators: COURTNEY of York, HOBBS of York, LANGLEY of Hancock, McCORMICK of Kennebec, President RAYE of Washington, Representatives: CURTIS of Madison, EVES of North Berwick, Speaker NUTTING of Oakland.

Bill "An Act Regarding Agencies Contracted by the Department of Health and Human Services To Provide Regulatory Oversight and Billing Services"

H.P. 279 L.D. 353

Presented by Representative SANBORN of Gorham.  
Cosponsored by Senator BRANNIGAN of Cumberland and Senators: BARTLETT of Cumberland, CRAVEN of Androscoggin, Representatives: EVES of North Berwick, MacDONALD of Boothbay, ROTUNDO of Lewiston, STUCKEY of Portland, TREAT of Hallowell.

Bill "An Act To Repeal the Maine Certificate of Need Act of 2002"  
H.P. 286 L.D. 360

Presented by Representative MCKANE of Newcastle.  
Cosponsored by Senator SNOWE-MELLO of Androscoggin and Senators: COLLINS of York, McCORMICK of Kennebec, WHITTEMORE of Somerset, Representatives: CHASE of Wells, FITTS of Pittsfield, FOSSEL of Alna, MALABY of Hancock, RICHARDSON of Warren.

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

Presented by Representative STUCKEY of Portland.  
Cosponsored by Representative: SANBORN of Gorham.

Bill "An Act To Allow a Personal Representative To Obtain a Copy of a Death Certificate and To Direct the Department of Health and Human Services To Amend Its Rules Governing Vital Records Fees"  
H.P. 314 L.D. 388

Presented by Representative KNAPP of Gorham.  
Cosponsored by Senator SULLIVAN of York and Representatives: FOSSEL of Alna, KNIGHT of Livermore Falls, WINTLE of Garland.

Resolve, To Implement Certain Recommendations of the Governor's Task Force on Expanding Access to Oral Health Care for Maine People  
H.P. 316 L.D. 390

Presented by Representative STRANG BURGESS of Cumberland.  
Cosponsored by Senator CRAVEN of Androscoggin and Senators: HOBBS of York, ROSEN of Hancock, Representatives: EVES of North Berwick, O'CONNOR of Berwick, PETERSON of Rumford, SANBORN of Gorham, SIROCKI of Scarborough, STUCKEY of Portland.

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:

## PAPERS FROM THE HOUSE

### House Papers

Bill "An Act To Prohibit the Use of Certain Motorboats on Lily Pond in Deer Isle"

H.P. 282 L.D. 356

Presented by Representative KUMIEGA of Deer Isle.  
Cosponsored by Senator LANGLEY of Hancock and Representative: CHAPMAN of Brooksville.

Bill "An Act To Reduce Deer Predation"

H.P. 298 L.D. 372

Presented by Representative MARTIN of Eagle Lake.  
Cosponsored by Senator JACKSON of Aroostook and Representative: THERIAULT of Madawaska.

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

Presented by Representative McCABE of Skowhegan.  
Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: BLACK of Wilton, CLARK of Millinocket, DUNPHY of Embden, FOSTER of Augusta.

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

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

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

## PAPERS FROM THE HOUSE

### House Papers

Bill "An Act To Permit Lenders To Exclude Government Insurance Fees When Determining whether a Loan Is a High-rate, High-fee Loan" (EMERGENCY)

H.P. 260 L.D. 327

Presented by Representative RICHARDSON of Carmel.  
Cosponsored by Representatives: HARMON of Palermo, MOULTON of York, RICHARDSON of Warren.

Bill "An Act To Apply the Federal Truth in Lending Act in Maine"  
H.P. 281 L.D. 355

Presented by Representative FLOOD of Winthrop.  
Cosponsored by Representative: RICHARDSON of Warren.

Resolve, Directing Updated Review and Evaluation of Maine's Mental Health Parity Law (EMERGENCY)

H.P. 290 L.D. 364

Presented by Representative DION of Portland.  
Cosponsored by Senator: GERZOFKY of Cumberland.

Bill "An Act To Require Full Disclosure by Insurance Carriers Using Credit Ratings"

H.P. 294 L.D. 368

Presented by Representative BEAUDOIN of Biddeford.  
Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: BEAULIEU of Auburn, BRIGGS of Mexico, BURNS of Whiting, CASAVANT of Biddeford, CLARK of Millinocket, DRISCOLL of Westbrook, GOODE of Bangor, HOGAN of Old Orchard Beach.

Bill "An Act To Improve Credit Reporting Regarding Consumers without a Credit History"

H.P. 320 L.D. 402

Presented by Representative DAVIS of Sangerville.  
Cosponsored by Senator: THIBODEAU of Waldo, Representatives: CRAFTS of Lisbon, FREDETTE of Newport, GIFFORD of Lincoln, JOHNSON of Greenville, TIMBERLAKE of Turner.

Bill "An Act To Repeal the Provisions in the Insurance Laws Governing Guaranteed Issue and Community Rating"

H.P. 328 L.D. 410

Presented by Representative DAVIS of Sangerville.  
Cosponsored by Senator SAVIELLO of Franklin and Senator: THIBODEAU of Waldo, Representatives: CRAFTS of Lisbon, FREDETTE of Newport, GIFFORD of Lincoln, JOHNSON of Greenville, PRESCOTT of Topsham, TIMBERLAKE of Turner, WATERHOUSE of Bridgton.

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

**REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

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

#### PAPERS FROM THE HOUSE

##### House Paper

Bill "An Act To Change the Method of Calculation of Child Support"

H.P. 300 L.D. 374

Presented by Representative MARTIN of Eagle Lake.  
Cosponsored by Senator JACKSON of Aroostook.

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

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

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

#### PAPERS FROM THE HOUSE

##### House Papers

Bill "An Act To Implement a Coordinated Strategy To Attract New Businesses, Expand Existing Businesses and Develop a Consistent and Recognizable Maine Brand"

H.P. 256 L.D. 323

Presented by Representative VOLK of Scarborough.  
Cosponsored by Senator RECTOR of Knox and Senator: JACKSON of Aroostook, Representatives: DOW of Waldoboro, OLSEN of Phippsburg, PRESCOTT of Topsham.

Bill "An Act To Exempt Boilers in Municipalities and Schoolhouses from State Inspection Requirements"

H.P. 301 L.D. 375

Presented by Representative GILLWAY of Searsport.  
Cosponsored by Representatives: HARMON of Palermo, HERBIG of Belfast, JOHNSON of Greenville, O'BRIEN of Lincolnville, RIOUX of Winterport.

Bill "An Act To Provide Incentives To Foster Economic Growth and Build Infrastructure in the State" (EMERGENCY)

H.P. 310 L.D. 384

Presented by Representative PICCHIOTTI of Fairfield.  
Cosponsored by Senator WHITTEMORE of Somerset and Senators: MARTIN of Kennebec, TRAHAN of Lincoln, Representatives: HARVELL of Farmington, KNIGHT of Livermore Falls, MITCHELL of the Penobscot Nation, MORISSETTE of Winslow, SANDERSON of Chelsea.

Resolve, To Clarify the Scope of Practice of Licensed Alcohol and Drug Counselors Regarding Tobacco Use (EMERGENCY)

H.P. 324 L.D. 406

Presented by Representative CAIN of Orono.  
Cosponsored by Senator ALFOND of Cumberland and Representatives: EVES of North Berwick, SANBORN of Gorham, STRANG BURGESS of Cumberland, STUCKEY of Portland.

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Make Technical Changes to Aquaculture Laws"  
H.P. 270 L.D. 337

Presented by Representative MacDONALD of Boothbay.  
Cosponsored by Representatives: KRUGER of Thomaston,  
MAZUREK of Rockland.  
Submitted by the Department of Marine Resources pursuant to  
Joint Rule 204.

Bill "An Act To Continue Limited Entry in the Scallop Fishery"  
(EMERGENCY)  
H.P. 274 L.D. 348

Presented by Representative KRUGER of Thomaston.  
Cosponsored by Representatives: CHAPMAN of Brooksville,  
KUMIEGA of Deer Isle, OLSEN of Phippsburg, WEAVER of York.  
Submitted by the Department of Marine Resources pursuant to  
Joint Rule 204.

Bill "An Act To Control Costs to the Lobster Industry"  
H.P. 297 L.D. 371

Presented by Representative TILTON of Harrington.  
Cosponsored by Senator SULLIVAN of York and Senators:  
LANGLEY of Hancock, President RAYE of Washington, TRAHAN  
of Lincoln, Representatives: BURNS of Whiting, PARRY of  
Arundel.

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Repeal the Informed Growth Act"  
H.P. 255 L.D. 322

Presented by Representative CLARK of Easton.  
Cosponsored by Senator HASTINGS of Oxford and  
Representatives: COTTA of China, CROCKETT of Bethel,  
HAMPER of Oxford, HARVELL of Farmington, PRESCOTT of  
Topsham, SARTY of Denmark, WILLETTE of Mapleton,  
WILLETTE of Presque Isle.

RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Elect State Senators by County  
H.P. 262 L.D. 329

Presented by Representative SIROCKI of Scarborough.  
Cosponsored by Representative COTTA of China and  
Representatives: O'CONNOR of Berwick, PARKER of Veazie,  
SANDERSON of Chelsea.

Bill "An Act To Modernize the Functions of County Government"  
H.P. 271 L.D. 345

Presented by Representative KRUGER of Thomaston.  
Cosponsored by Senator: BARTLETT of Cumberland,  
Representatives: DILL of Cape Elizabeth, GRAHAM of North  
Yarmouth.

Bill "An Act To Authorize the Sale of Surplus Property to Nonprofit  
Animal Shelters"  
H.P. 295 L.D. 369

Presented by Representative HARVELL of Farmington.  
Cosponsored by Senator TRAHAN of Lincoln and  
Representatives: BENNETT of Kennebunk, COTTA of China,  
KNAPP of Gorham, MCKANE of Newcastle, MORISSETTE of  
Winslow, PARRY of Arundel, PLUMMER of Windham,  
SANDERSON of Chelsea.

Bill "An Act To Amend the Requirements for Publishing Municipal  
Legal Notices"  
H.P. 318 L.D. 392

Presented by Representative HAYES of Buckfield.  
Cosponsored by Senator FARNHAM of Penobscot,  
Representative KRUGER of Thomaston and Representatives:  
KNIGHT of Livermore Falls, NEWENDYKE of Litchfield,  
PICCHIOTTI of Fairfield.

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Repeal the Informed Growth Act"  
H.P. 255 L.D. 322

Presented by Representative CLARK of Easton.  
Cosponsored by Senator HASTINGS of Oxford and  
Representatives: COTTA of China, CROCKETT of Bethel,  
HAMPER of Oxford, HARVELL of Farmington, PRESCOTT of  
Topsham, SARTY of Denmark, WILLETTE of Mapleton,  
WILLETTE of Presque Isle.

Bill "An Act To Exempt from the Income Tax Military Death Payments and Employment-based Retirement Income of Persons Who Are 65 Years of Age or Older"

H.P. 284 L.D. 358

Presented by Representative HARMON of Palermo. Cosponsored by Senator THIBODEAU of Waldo and Senator: TRAHAN of Lincoln, Representatives: DION of Portland, JOHNSON of Greenville, KNIGHT of Livermore Falls, NASS of Acton, PILON of Saco, RICHARDSON of Carmel, VALENTINO of Saco.

Bill "An Act To Clarify Charitable Status for Property Tax Exemption"

H.P. 323 L.D. 405

Presented by Representative TILTON of Harrington. Cosponsored by Senator LANGLEY of Hancock and Senator: TRAHAN of Lincoln, Representatives: BURNS of Whiting, MALABY of Hancock, PRESCOTT of Topsham.

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act Concerning Motorcycle Safety"

H.P. 277 L.D. 351

Presented by Representative BEAUDOIN of Biddeford. Cosponsored by Senator CRAVEN of Androscoggin and Representatives: BEAVERS of South Berwick, BICKFORD of Auburn, BRIGGS of Mexico, BURNS of Whiting, CASAVANT of Biddeford, HOGAN of Old Orchard Beach, MAKER of Calais, RICHARDSON of Warren.

Resolve, To Improve the Intersection of Route 1 and Manktown Road in Waldoboro

H.P. 280 L.D. 354

Presented by Representative DOW of Waldoboro. Cosponsored by Senator TRAHAN of Lincoln and Senator: RECTOR of Knox, Representatives: RICHARDSON of Warren, SANDERSON of Chelsea.

Bill "An Act To Repeal Motor Vehicle Inspection Requirements"  
H.P. 283 L.D. 357

Presented by Representative DAMON of Bangor. Cosponsored by Senator THOMAS of Somerset and Representatives: BLACK of Wilton, CELLI of Brewer, JOHNSON of Eddington, JOHNSON of Greenville, PARKER of Veazie, RICHARDSON of Warren, WINTLE of Garland, WOOD of Sabattus.

Bill "An Act Pertaining to Railroad Crossing Fees"

H.P. 291 L.D. 365

Presented by Representative CLARK of Millinocket.

Bill "An Act To Amend the Laws Regarding Noncommercial Foreign Vessels"

H.P. 293 L.D. 367

Presented by Representative CEBRA of Naples. Cosponsored by Senator COLLINS of York. Submitted by the Department of Transportation pursuant to Joint Rule 204.

Bill "An Act To Modify Vehicle Inspection Fees"

H.P. 296 L.D. 370

Presented by Representative MOULTON of York. (BY REQUEST)

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Amend Shelter Provisions To Accommodate Rotational Grazing of Livestock"

H.P. 253 L.D. 320

Presented by Representative EDGECOMB of Caribou.

Bill "An Act To Change the Qualifications of Certain Members of the Board of Pesticides Control"

H.P. 254 L.D. 321

Presented by Representative EDGECOMB of Caribou.

Bill "An Act To Exempt Farm Food Products and Homemade Food Offered for Sale or for Consumption at Certain Events from Certain Licensing Requirements"

H.P. 263 L.D. 330

Presented by Representative KUMIEGA of Deer Isle.  
Cosponsored by Representatives: BLACK of Wilton, FOSTER of Augusta, GIFFORD of Lincoln, McCABE of Skowhegan, O'BRIEN of Lincolnville, PILON of Saco, TIMBERLAKE of Turner.

Resolve, Directing the Department of Conservation To Acquire an Easement To Provide Access to the Dead River

H.P. 288 L.D. 362

Presented by Representative McCABE of Skowhegan.  
Cosponsored by Senator: SCHNEIDER of Penobscot,  
Representatives: BLACK of Wilton, FOSTER of Augusta.

Bill "An Act To Facilitate Local Food Production"

H.P. 289 L.D. 363

Presented by Representative TILTON of Harrington.  
Cosponsored by Senator SHERMAN of Aroostook and Senator: President RAYE of Washington, Representatives: EDGECOMB of Caribou, PARKER of Veazie.

Bill "An Act Regarding the Sale of Raw Milk"

H.P. 292 L.D. 366

Presented by Representative KUMIEGA of Deer Isle.  
Cosponsored by Senator: PATRICK of Oxford, Representatives: BERRY of Bowdoinham, MALABY of Hancock, McCABE of Skowhegan, NEWENDYKE of Litchfield, O'BRIEN of Lincolnville, PILON of Saco.

Resolve, Authorizing Adjustments to Payments under the Dairy Stabilization Program (EMERGENCY)

H.P. 308 L.D. 382

Presented by Representative MARTIN of Eagle Lake.  
Cosponsored by Senator SAVIELLO of Franklin and Senator: SCHNEIDER of Penobscot, Representatives: BRIGGS of Mexico, COTTA of China, LONG of Sherman, McCABE of Skowhegan, NELSON of Falmouth.

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Preserve the State's Public Pension Fund" (EMERGENCY)

H.P. 269 L.D. 336

Presented by Representative CEBRA of Naples.

Resolve, Directing the Maine Public Employees Retirement System To Consider Warden Bayley Grant's Game Warden Service as Having Begun in 1983, without an Interruption in Service

H.P. 276 L.D. 350

Presented by Representative TILTON of Harrington.  
Cosponsored by President RAYE of Washington and Representatives: DAVIS of Sangerville, McFADDEN of Dennysville.

Bill "An Act To Authorize a General Fund Bond Issue for Wastewater and Drinking Water Revolving Loan Funds"

H.P. 285 L.D. 359

Presented by Representative FLOOD of Winthrop.  
Cosponsored by Senator GOODALL of Sagadahoc.

Bill "An Act To Establish a New Method of Determining the State Budget"

H.P. 307 L.D. 381

Presented by Representative AYOTTE of Caswell.  
Cosponsored by President RAYE of Washington and Senators: ROSEN of Hancock, SHERMAN of Aroostook, Representatives: CAIN of Orono, CURTIS of Madison.

Bill "An Act To Authorize a General Fund Bond Issue for Research and Development for Technology Advancement"

H.P. 327 L.D. 409

Presented by Representative CAIN of Orono.  
Cosponsored by Senator RECTOR of Knox and Senators: ALFOND of Cumberland, HOBBS of York, LANGLEY of Hancock, Representatives: FITTS of Pittsfield, HERBIG of Belfast, STEVENS of Bangor.

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Amend the Laws Governing Criminal History Record Information" (EMERGENCY)

H.P. 278 L.D. 352

Presented by Representative HASKELL of Portland.  
Cosponsored by Senator KATZ of Kennebec and  
Representatives: CLARKE of Bath, DION of Portland, NELSON of Falmouth, VALENTINO of Saco.

Bill "An Act To Implement the Recommendations of the Working Group Concerning Domestic Violence and Firearms"

H.P. 312 L.D. 386

Presented by Representative MORRISON of South Portland.  
Cosponsored by Senator: BLISS of Cumberland,  
Representatives: BECK of Waterville, BLODGETT of Augusta, EBERLE of South Portland, HARLOW of Portland, ROCHELO of Biddeford.

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.

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

### PAPERS FROM THE HOUSE

#### House Papers

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

Presented by Representative KENT of Woolwich.  
Cosponsored by Senator ALFOND of Cumberland and  
Representatives: LOVEJOY of Portland, NELSON of Falmouth, RANKIN of Hiram, STRANG BURGESS of Cumberland, VOLK of Scarborough, WAGNER of Lewiston.

Bill "An Act To Require That School Administrative Units Bear the Burden of Proving That an Individualized Education Program Is Appropriate"

H.P. 259 L.D. 326

Presented by Representative KENT of Woolwich.  
Cosponsored by Senator ALFOND of Cumberland and  
Representatives: LOVEJOY of Portland, NELSON of Falmouth, STRANG BURGESS of Cumberland, VOLK of Scarborough.

Resolve, Directing the Commissioner of Education To Convene a Task Force To Develop a Proposal for a More Equitable Distribution of Kindergarten to Grade 12 State Education Funding  
H.P. 273 L.D. 347

Presented by Representative MALABY of Hancock.  
Cosponsored by Senator LANGLEY of Hancock and  
Representatives: DUNPHY of Embden, GILLWAY of Searsport, JOHNSON of Greenville, LONG of Sherman, MAKER of Calais, MOULTON of York, RIOUX of Winterport, TILTON of Harrington.

Bill "An Act To Require the Inclusion of a Financial Statement on School Administrative Unit Bond Obligations When Voting on a School Construction Project"

H.P. 275 L.D. 349

Presented by Speaker NUTTING of Oakland.  
Cosponsored by Representative COTTA of China, Senator LANGLEY of Hancock and Senator: ROSEN of Hancock,  
Representatives: CURTIS of Madison, CUSHING of Hampden, DUNPHY of Embden, NASS of Acton, PRESCOTT of Topsham, RICHARDSON of Carmel, WINTLE of Garland.

Bill "An Act To Amend the School Administrative Unit Consolidation Laws" (EMERGENCY)

H.P. 311 L.D. 385

Presented by Representative JOHNSON of Greenville.  
Cosponsored by Senator THOMAS of Somerset and  
Representatives: CRAFTS of Lisbon, DAVIS of Sangerville, GUERIN of Glenburn, HARMON of Palermo, KUMIEGA of Deer Isle, MAKER of Calais, MALABY of Hancock, McFADDEN of Dennysville.

Bill "An Act To Exempt Certain Necessary School Auxiliary Buildings for New Mechanical Systems from Referendum Requirements"

H.P. 315 L.D. 389

Presented by Representative WINTLE of Garland.  
Cosponsored by Senator THOMAS of Somerset and Senator: RECTOR of Knox, Representatives: CRAFTS of Lisbon, DAVIS of Sangerville, FREDETTE of Newport, PICCHIOTTI of Fairfield, WOOD of Sabattus.

Bill "An Act Concerning Models for Teacher and Principal Evaluations"

H.P. 317 L.D. 391

Presented by Representative STRANG BURGESS of Cumberland.  
Cosponsored by Senator ALFOND of Cumberland and Senators: COURTNEY of York, LANGLEY of Hancock, President RAYE of Washington, WOODBURY of Cumberland, Representatives: JOHNSON of Greenville, LOVEJOY of Portland, NELSON of Falmouth, RICHARDSON of Carmel.

Bill "An Act To Require That School Administrative Units Establish a Mission Statement for Each of the Public Schools Operated by the School Administrative Unit"

H.P. 321 L.D. 403

Presented by Representative NELSON of Falmouth.  
Cosponsored by Representatives: KNAPP of Gorham, LOVEJOY of Portland, RANKIN of Hiram, RICHARDSON of Carmel.

Bill "An Act To Assist School Administrative Units in Providing Health Insurance to Their Employees"

H.P. 322 L.D. 404

Presented by Representative NELSON of Falmouth.  
Cosponsored by Senator: LANGLEY of Hancock,  
Representatives: DILL of Cape Elizabeth, LOVEJOY of Portland,  
RICHARDSON of Carmel, STRANG BURGESS of Cumberland,  
WAGNER of Lewiston.

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

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

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Bill "An Act To Permit Representation by Persons Other than Attorneys in Certain Hearings, Actions and Proceedings before the Department of Education"

H.P. 258 L.D. 325

Presented by Representative KENT of Woolwich.  
Cosponsored by Senator ALFOND of Cumberland and  
Representatives: LOVEJOY of Portland, NELSON of Falmouth,  
RANKIN of Hiram, STRANG BURGESS of Cumberland, VOLK of  
Scarborough, WAGNER of Lewiston.

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Move Propane Safety Oversight to the Maine Fuel Board"

H.P. 261 L.D. 328

Presented by Representative FITTS of Pittsfield.  
Cosponsored by Senator RECTOR of Knox and Senators:  
SAVIELLO of Franklin, SNOWE-MELLO of Androscoggin,  
SULLIVAN of York, Representatives: CRAY of Palmyra,  
HAMPER of Oxford.

Resolve, To Evaluate the Energy Use of the State House  
H.P. 287 L.D. 361

Presented by Representative CORNELL du HOUX of Brunswick.  
Cosponsored by Senator THIBODEAU of Waldo and Senators:  
BARTLETT of Cumberland, COURTNEY of York, HOBBS of  
York, RECTOR of Knox, Representatives: FITTS of Pittsfield,  
HERBIG of Belfast, LUCHINI of Ellsworth, MALONEY of Augusta.

Bill "An Act To Require Clarification of the Dig Safe Standards"  
H.P. 325 L.D. 407

Presented by Representative CRAY of Palmyra.  
Cosponsored by Senator THIBODEAU of Waldo and  
Representatives: CEBRA of Naples, GIFFORD of Lincoln.

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

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

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

**PAPERS FROM THE HOUSE**

**Pursuant to Statute  
Public Utilities Commission**

The **Public Utilities Commission**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying 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

Be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed pursuant to Joint Rule 218.

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

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

**REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

**PAPERS FROM THE HOUSE**



**Pursuant to Statute  
Department of Environmental Protection**

The **Department of Environmental Protection**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying 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 (EMERGENCY) H.P. 329 L.D. 411

Be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

**PAPERS FROM THE HOUSE**

**Pursuant to Statute  
Department of Environmental Protection**

The **Department of Environmental Protection**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY) H.P. 330 L.D. 412

Be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

**PAPERS FROM THE HOUSE**

**Pursuant to Statute  
Department of Health and Human Services**

The **Department of Health and Human Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) H.P. 265 L.D. 332

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Provide for Equal Rights of Appeal for the State and Defendants Concerning Post-judgment DNA Analysis" H.P. 299 L.D. 373

Presented by Representative MARTIN of Eagle Lake. Cosponsored by Senator JACKSON of Aroostook and Representative: THERIAULT of Madawaska.

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

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

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

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Promote Further Stability within the Workers' Compensation System by Extending the Number of Terms That May Be Served on the Maine Employers' Mutual Insurance Company Board of Directors"

H.P. 267 L.D. 334

Presented by Representative RICHARDSON of Warren.

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

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

**REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Eliminate the Annual Indexing of Fuel Tax Rates" (EMERGENCY)

H.P. 309 L.D. 383

Presented by Representative CEBRA of Naples. Cosponsored by Senator THOMAS of Somerset and Senator: COLLINS of York.

Committee on **TAXATION** suggested and ordered printed.

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

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

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Ensure That a Licensee Is Notified of a Driver's License Suspension"

H.P. 303 L.D. 377

Presented by Representative CHIPMAN of Portland. Cosponsored by Senator MASON of Androscoggin and Representative: WOOD of Sabattus.

Committee on **TRANSPORTATION** 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.

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

**PAPERS FROM THE HOUSE**

**Pursuant to Public Law  
Joint Standing Committee on Legal and Veterans Affairs**

The **Joint Standing Committee on Legal and Veterans Affairs**, pursuant to Public Law 2009, chapter 571, Part FFF, section 2 asked leave to report that the accompanying Bill "An Act To Implement the Recommendations Regarding the Legislative Review of the Allocation of Slot Machine Revenue"

H.P. 319 L.D. 393

Be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** 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 **VETERANS AND LEGAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

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Off Record Remarks

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

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

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Senator **THIBODEAU** of Waldo was granted unanimous consent to address the Senate off the Record.

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

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Off Record Remarks

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

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Off Record Remarks

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Senate at Ease.

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Enhance Enforcement of Civil Orders of Arrest"  
H.P. 306 L.D. 380

Presented by Representative MOULTON of York.  
Cosponsored by Senator SHERMAN of Aroostook and  
Representatives: FOSTER of Augusta, MALONEY of Augusta.

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

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

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

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Allow Foresters, Soil Scientists and Geologists To  
Use Mechanics Liens"

H.P. 268 L.D. 335

Presented by Representative FLOOD of Winthrop.  
Cosponsored by Senators: KATZ of Kennebec, ROSEN of  
Hancock, Representative: KESCHL of Belgrade.

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

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

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

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Off Record Remarks

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

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Off Record Remarks

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

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**RECESSED** until 4:30 in the afternoon.

After Recess

Senate called to order by the President.

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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 Supplemental Appropriations  
and Allocations for the Expenditures of State Government and To  
Change Certain Provisions of the Law Necessary to the Proper  
Operations of State Government for the Fiscal Year Ending June  
30, 2011" (EMERGENCY)

H.P. 86 L.D. 100

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-2)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-2)**.

Report **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you Mr. President. I'd like to say a few words about the bill that is before us this evening. Mr. President and colleagues in the Senate, last Friday night the members of the Appropriations and Financial Affairs Committee unanimously voted in favor of the emergency supplemental that is before us. Today we ask for your support. The affirmative vote of at least two-thirds of the Legislature ensures the provisions of this bill become effective as soon as it is signed by the Governor. To bring fiscal year 2011 into balance and to avert an interruption of necessary weekly payments owed to the thousands of providers that deliver critical services to MaineCare recipients quick action is required. We only have two weeks left before dialing back payments become an unwelcomed but necessary reality. Roughly half of this year's \$71.8 million shortfall in the MaineCare account is from greater enrollment and utilization of the services, primarily as a result of the current recession. The remaining portion of the shortfall, about \$32 million, marks the end of the one-time federal stimulus money which was used to help fund MaineCare in this current budget. The money flows to us in the form of an enhanced federal match rate which tapers down until we return to our base rate on June 30<sup>th</sup>.

This emergency supplemental budget funds both the projected growth in the program and back fills with General Fund dollars the withdrawal of the enhanced federal funds for the next five months. This bill also provides \$1.9 million to the Riverview Psychiatric Center in its audit settlement and for Child Development Services \$2 million is appropriated to go towards its current operating shortfall. The Legislature and the Appropriations Committee were alerted to the items that I just mentioned last November. On October 1, 2010 Governor Baldacci initiated a statewide spending curtailment and subsequently to that the Revenue Forecasting Committee revised the December 2010 revenue forecast and, in a reversal of recent fortunes, recognized additional General Fund revenues of \$111 million. That additional revenue is applied here in the supplemental budget. Along with closing the current budget gap the committee endorses two major initiatives proposed by Governor LePage and both are time sensitive and require quick action. First the bill increases settlement payments to hospitals by \$69.5 million from the General Fund, which would generate a total of \$247.5 million when combining State and federal funds. Prompt approval of the budget allows the State to make settlement payments, some dating back to 2006, in time to maximize the temporary enhanced federal rate. As a result, nearly all interim hospital settlements through 2009 will be paid. Addressing the debt owed Maine's hospitals for care provided to MaineCare patients is a long-held and mutual priority shared by members from both sides of the aisle, the previous administration, and, of course, the current administration. This initiative is a continuation of the bi-partisan cooperation exhibited over the last

several years regarding the accelerated payment of outstanding hospital debt.

The second time sensitive initiative is tax conformity. The bill includes \$4.5 million in direct relief to Maine individuals, families, and small businesses by aligning some of the tax provisions with the recent federal action. For instance, some benefits include deductions for medical care benefits for children, employer assistance for employee education costs, student loan interest, \$250 deduction of teacher classroom expenses, enhanced charitable deductions for food, books, and computers, and the earned income tax credit. Prompt action by the Legislature will clarify our tax code for the 2010 filing year so Maine can realize tax relief right away. Quick action also avoids disruption for Mainers who have already filed and utilized many of these provisions for the 2010 calendar year. Many of us hope that this is the first step towards returning Maine to full conformity with the federal tax code.

Several additional items brought forward by the various policy committees are addressed in the bill. They include additional funding to the Maine Dairy Stabilization Fund, increasing the amount distributed to the communities through revenue sharing, funding the State's share of disaster relief for the floods of February and March of 2010, restoring funds for local regional planning grants, increased funding to the indigent legal defense fund, and funding to prevent the School Breakfast Program from running short of money.

The budget challenge of the 2010-2011 bienniums was the result of the deep and long recession which devastated tax revenue. At the worst point in early 2009 State General Fund revenue was down 9% from the previous year. Today we are at about 6.6% below 2008 revenue figures. One-time federal stimulus dollars off-set some of the drop in tax revenue, warding off bigger spending cuts. The gaping budget holes vexing state and local governments across the country, that they are facing this year and last year, are largely the result of the recession but we cannot blame the recession on the challenges facing us in the next biennium, the projected future shortfall of \$840 million. That shortfall won't go away without embracing significant reforms. Going into the recession spending already exceeded the revenue Maine could expect in normal times. When the economy heals state and local revenues will grow again. That won't relieve unsustainable pressures that predate the recession, especially healthcare costs, education costs, and pension and benefit costs. This emergency supplemental budget does not address these larger issues. That discussion and debate is simply postponed for a few weeks.

Finally, successfully advancing a supplemental budget in a very compressed window of time requires the commitment and the support of many people. I would like to take this opportunity, early in the process as we go through the procedures here in the Senate chamber, to offer acknowledgements first to the Senator from York, Senator Hill, and the Senator from Kennebec, Senator Katz. They were thorough, thoughtful, and ready to work from day one. Both made sure the concerns and priorities of all Senate members were heard. It was clear early in the session that all members of leadership were committed to protecting the process and supportive of the work of the committee and I am appreciative of their cooperation. The chairs and leads and members of the Legislature's policy committees approached the budget work diligently and provided us with reports which helped us to improve the original budget proposal. The Appropriations Committee members from the other Body bring a wide-range of

expertise and experience and each member worked collaboratively to improve the bill. Representative Rotundo, the lead from the other chamber, offered solutions and positive energy from the start. I want to recognize my committee co-chair, Representative Flood, for his principled adherence to a team approach and his deep commitment to work for a better future for Maine. This also cannot happen in an accelerated form to have the bill on your desk without the leadership and the work from Grant Pennoyer and the entire staff in the Legislature's Fiscal Office and Pat and all of the OPLA analysis, Suzanne and all of her staff in the Revisor's Office. I also want to congratulate Commissioner Millett for presenting us with a bill that was concise and clear and ready for action. Finally I want to thank our friend Ryan Lowe, the former Commissioner, for stepping in and helping guide us through this process. I hope you all support the supplemental budget. Thank you.

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

Senator **HILL:** Thank you Mr. President. Ladies and gentlemen of the Senate, I walked into the Appropriations room last Friday realizing the enormity of the task we had before us. Not only did we face a gap of \$47 million but additionally we had received many requests in the waning days of our work sessions and report backs which created another \$5 million hole. Leaving untouched the federally matched funds for hospitals and Medicaid to the sum of \$141 million, we worked with what was left, what little was left, for funds to address the needs of many. Fourteen hours later, at 11:30 p.m., it was clear to me as I left the Appropriations room we had put Maine first. We found money to fund small milk farms, money to fund the children's breakfast program, regional planning commissions, municipal revenue sharing, constitutionally required indigent legal services, and Gambling Board positions so that we would have the people to process the application for the casino in Oxford. Additionally we were very responsible and set aside \$700,000 for the Maine Stabilization Fund. The Appropriations Committee did all of this thoughtfully, respectfully, and professionally. Senator Rosen, Senator Katz, Representative Flood, and Representative Rotundo were exemplary in their skills and approach to problem solving and helping us address the many issues before the committee. The bar was clearly set for going forward with the 125<sup>th</sup> supplemental budgets and biennial budget. Such leadership resulted in every line, and I repeat, every line of the amended budget being voted on unanimously by the Appropriations Committee. However, this end result we did not achieve alone. I recognize that. Every joint standing committee that came before us was committed to providing information and guidance relative to the department they oversee. The Office of Fiscal Policy and Review re-ran numbers for us, ran models for us, and offered unlimited resources and support for the Appropriations Committee. It is fitting to recognize the Appropriations Committee and its Chairs as well as all the legislative committees and their supporting staff by thanking them for clearly putting Maine first. I urge you, wholeheartedly, to please vote for this emergency supplemental budget. Thank you.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I rise in support of the supplemental budget before us as well. There are so many veterans of budgets past in this room and I personally learned so much from them as I've gone through this process for the first time myself as a member of this Senate and as a member of the Appropriations Committee. Let me just share a few thoughts about how we came to this point. There were thirteen of us on that committee. If left up to each of us individually we probably would have had thirteen separate budgets but there has been excellent leadership on both sides of the aisle. In this Body the Senator from Hancock, Senator Rosen, and the Senator from York, Senator Hill, as well as the Chair and Lead from the other Body worked long and hard to reach consensus and that spirit extended down from them to the rest of the committee. Although I was not around last session I would suspect the spirit of cooperation was in part an extension of the atmosphere which existed last session when the Senator from Cumberland, Senator Diamond, chaired the committee and the Senator from Hancock, Senator Rosen, was their Minority Lead. Just as that was not a partisan budget, neither is this one. Again, we could choose to tweak this budget to shape it more towards our personal liking. Some may think the porridge is too hot. Some may think the porridge is too cold. As a Senate I suggest that we find it's just about right. It pays a long overdue bill to our hospitals by maximizing the federal match. It funds MaineCare programs that are about to run out of dollars. It makes a good faith compromise on the difficult issue of revenue sharing. It gives thousands of Maine families a tax break by bringing our own state code in conformity with the federal tax code in many areas and appropriately puts off until tomorrow some difficult policy discussions which have no impact on this year's budget. If I could make a baseball analogy, it seems to me that the supplemental budget process is a little like Spring training. While getting to know our teammates, we played some exhibition games and now it's almost time for opening day. Opening day will be Thursday, when Governor LePage throws out the first pitch with his budget address. By all accounts, it's going to a difficult season but on this last day of pre-season I urge my colleagues, rookies and veterans alike, to support this supplemental budget as presented by the Appropriations Committee. Thank you Mr. President.

Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-2) **READ.**

On motion by Senator **BLISS** of Cumberland, Senate Amendment "B" (S-2) to Committee Amendment "A" (H-2) **READ.**

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

Senator **BLISS:** Thank you Mr. President. I have to start by complimenting the Appropriations Committee. The job that they did in the time that they had to do it in was really nothing short of amazing. To have a budget document that is unanimously voted is terrific. To have a budget document where every line is unanimously agreed to is well past amazing. I start by offering my great congratulations for the hard work that they did.

I must tell you, Mr. President, that, to me, the porridge is almost perfect. I worry a lot about my communities and your communities. I worry about our service centers that struggle to have enough money to keep their roads in good shape and to have police and fire and EMT available when visitors come to do their shopping or to do their sight seeing or do whatever they do at our service centers all over the state. I worry about the small towns all over our state with less than 1,000, less than 500, less than 300 residents who struggle to make their towns work and rely every year, every month, every week on the money they get from us in revenue sharing so they don't have to tax their residents out of their homes by raising property taxes to be able to deal with the expenses of running a municipality. We had some extra money this year, \$111 million give or take. The municipalities made the assumption that they would be getting their share in revenue sharing, just like it was agreed to with the municipalities. It was a surprise to them to discover that they weren't going to get that money. They were \$3 million short. I applaud the Appropriations Committee for working hard, and I know that you did work hard, to find a way to put \$1 million back into this document to try to help those municipalities. It's almost enough. Our municipalities are in trouble and we have to do what we can to help them.

We have, for several years, been returning money diligently that we've owed the hospitals. The last Chief Executive created an agreement with the hospitals that they all bought into that involved returning money on a schedule. We're doing a great job in a bi-partisan way of meeting that schedule. This supplemental budget gives the hospitals another \$69.5 million. \$69.5 million, not counting the 3 - 1 match in federal money they are going to get. \$69.5 million. We're giving our municipalities, our 530 plus municipalities, \$1 million. I'm asking you to take \$2 million of those millions, Mr. President, away from the hospitals to give to the municipalities to make the \$3 million in revenue sharing that they expected whole. It's not enough to solve the problem but it's a start. Thank you Mr. President.

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

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I would like to rise to address the issue that the good Senator has brought up. It was an issue that concerned each and every member of the Taxation Committee when we reviewed this policy proposal from the Chief Executive. It was unanimous in the committee that we wanted to restore all of the revenue sharing piece that was proposed to be shifted in the budget. In context, that was a small piece of what had been done previously. There was somewhere around \$35 million that had been moved out of revenue sharing in the past budget and we felt it was very important to send a clear message that we wanted to stop those sorts of transfers. That is why you have the proposal that is before you. Out of the graciousness of the leaders of the Appropriations Committee, it was obvious that our proposal in Taxation originally to shift some money out of the Budget Stabilization Fund to fully fund this was not going to be accepted. The Chief Executive made it very clear that he wanted to pay the hospitals as he had promised in the past. Really the only place that we could go to get this revenue was from two sources and those were the conformity and the Budget Stabilization Fund. It was obvious to us that neither place was going to be acceptable to anyone so we offered up a compromise

in good faith. That is before you today. We agree that we'd love to make the municipalities whole but we needed to get the votes necessary to pass this budget and that is why this compromise is before you. It did not come without much compromise. We all wanted to fulfill this promise but when it came down to cutting that federal money that came along with the match for the hospitals we just could not do it. I do look forward to working with the Senator in the next budget because I think the difficulties in the next budget are going to swamp the difficulties that are before us today. I hope that you will support this budget. Thank you.

Senator **ROSEN** of Hancock moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-2) to Committee Amendment "A" (H-2).

**THE PRESIDENT:** The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you Mr. President. As you just heard from the Senator from Lincoln, Senator Trahan, this issue was discussed by the policy committee, by the Appropriations Committee, and was taken very seriously. At the end of the day we had before us an opportunity to, as I said in my original comments, to maximize the quickly declining federal match that is before us to bring our hospitals up to speed and to pay back debt owed them. If you look at the fiscal note attached to the amendment it gives you a sense of the magnitude of what we're talking about. The \$2 million transfer proposed here generates more than \$5 million of matching federal money. The obligations that are owed the hospitals for services that have already been provided are still due and must still be paid so if we don't maximize the federal match over the next few weeks then that amount of money, particularly the \$588,000 that is isolated in this fiscal note which is specifically attributable to the temporary federal stimulus, would have to be made up with General Fund dollars. This is a compelling argument to move forward with this. A budget document is a complicated accumulation of negotiations, votes, and compromises. It isn't quite that easy to reach in and make a change from one category to another without risking the possibility of the construct of the entire document beginning to come apart. It's pulled together in a careful way. The priorities were vetted and discussed.

Finally, I just want to clarify that the impact to the communities does not result in a loss of any funds that were expected in the biennium. Last March we had a revenue forecast. The budget that we're operating under now is designed and crafted around that forecast. The amount of money that was expected to flow to the communities in revenue sharing will still go forward as it was originally budgeted. Local town meetings and budget discussions and budget votes and selectmen and counselors based on what was expected will not be impacted. In addition there is an additional \$1 million that was not expected that will flow as a result of the compromise amendment that is before you. I would ask you to support the Indefinite Postponement motion that is before you and go on to accept the committee amendment.

On motion by Senator **ROSEN** of Hancock, Senate Amendment "B" (S-2) to Committee Amendment "A" (H-2) **INDEFINITELY POSTPONED.**

On motion by Senator **PATRICK** of Oxford, Senate Amendment "A" (S-1) to Committee Amendment "A" (H-2) **READ**.

**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 would like to start off as well thanking the Appropriations Committee for all of their diligent work. It's just unbelievable and normally I would not rise to offer an amendment but I would be remiss if I did not fulfill the obligation that I told my citizens in my district that called me. Forty people had called me on this issue. I said that I would stick up for them 100%. What this amendment does is appropriates \$358,865 in fiscal year 2010-2011 to restore funding for the transportation services provided by the Purchased Social Services Program in the Department of Health and Human Services. This appropriation is off-set by a de-appropriation of \$358,865 from the hospital settlement payments provided by the MaineCare program and the Department of Health and Human Services. I know the good Senator from Hancock, Senator Rosen, will clarify the extreme cost to this. The forty people that called me up are people in my area, which is the river valley area or service center area, that take people to hospitals, doctors appointments, and such. Out of the forty people that contacted me I know that there are thousands of visits that these people bring their constituents to. Why is it important to them? A lot of the people I know personally. One lady has a 1998 Plymouth van and it's got 258,000 miles on it. What does that have to do with this? They used use to get 44¢ a mile, now they get 41¢ a mile. We say, "Wow, that seems to be a lot." It really isn't when you have to factor in the tune ups, the tires, the oil changes, and just the wear and tear on the vehicles and stuff and the value that these people bring. I'm speaking of the forty people that contacted me and I know there are hundreds, if not several thousand, people throughout the great state of Maine that provide this service to the people. I know I don't have any expectations of grander that this will pass but I would be remiss if I didn't follow through because most of the people that sent me letters. Out of my nine years in the legislature I have never gotten more than thirteen calls from constituents and that actually happened to be on one of the nominees for Commissioner. I had forty people in my district. I answered every letter and telephone call. They asked me, "Would you go to bat for us?" I said, "Absolutely." With that, Mr. President, I would request a roll call. Thank you.

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 **ROSEN** of Hancock moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-1) to Committee Amendment "A" (H-2).

**THE PRESIDENT:** The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you Mr. President. I do very much respect the sentiment that was expressed by the Senator from Oxford, Senator Patrick, and the importance of these transportation services. They are a direct aid to citizens across the state and they are important. I do need to describe once

again the impact of this proposal on the budget agreement that we have crafted. As you will see, because of the source of revenue there is also a matching funds impact and that amounts to almost \$1 million. In addition to the \$358,865 there is another \$900,000 plus that will have to be made up because of the lack of the federal funds.

I'd like to give you a little bit of background on this program just to give you some context. Currently there are ten transportation contract providers in the state of Maine. The program was originally funded for this year at \$3 million and this de-appropriation would reduce it from \$3 million to \$2,658,000, just to give you a context of the level of funding. The reduction comes to us as a result of a curtailment order from the previous Executive that was initiated on October 1<sup>st</sup> when we were all aware that we were facing a potential shortfall in the MaineCare account. There were several of these curtailments that were initiated then that the Appropriations Committee and the current Chief Executive chose to utilize as components of bringing this budget back into balance. This was one of them. For all those reasons, I encourage you to support the motion to Indefinitely Postpone this amendment. Thank you.

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.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#10)**

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

NAYS: Senators: BLISS, CRAVEN, GERZOFKY, JACKSON, PATRICK

EXCUSED: Senator: WHITEMORE

29 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **ROSEN** of Hancock to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-1) to Committee Amendment "A" (H-2), **PREVAILED**.

Committee Amendment "A" (H-2) **ADOPTED**, in concurrence.

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

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

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act To Prevent the Spread of Milfoil in the Songo River" (EMERGENCY)

H.P. 195 L.D. 242

In House, February 1, 2011, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

In Senate, February 8, 2011, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**, in **NON-CONCURRENCE**.

Comes from the House, that Body **ADHERED**.

On motion by Senator **SAVIELLO** of Franklin, the Senate **INSISTED**.

Sent down for concurrence.

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

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Senator **SAVIELLO** of Franklin was granted unanimous consent to address the Senate off the Record.

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Senator **GOODALL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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

After Recess

Senate called to order by the President.

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

**ENACTORS**

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

**Emergency Measure**

An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2011

H.P. 86 L.D. 100  
(C "A" H-2)

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

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise to speak to thank all the members of the Appropriations Committee, including the three Senators on the committee from Hancock, Kennebec, and York Counties. From this vantage point it seems the passing of the supplemental budget went along with relative ease, but of course I'm not on that committee. I think it is safe to say that one of the major reasons for the committee's success was the unexpected \$111 million left over from the previous administration's budget. Over the last four years we have made a lot of difficult decisions together. We remained disciplined and it is because of that fiscal responsibility that we are in the position to say that today's state budget is in the same position it was in FY 2005. There are many highlights to the supplemental budget. I'd like to point out one; perhaps the one that has received the most attention. During this budgeting process we are finally close to wrapping up an endeavor that started under the previous administration; paying our hospitals. By completing this payment agreement with the hospitals we are finally close to ending this chapter. On Friday night, as I sat there watching the last votes be cast by the Appropriations Committee on this unanimous bi-partisan budget, a committee member spoke up about how disturbing that it was that the hospital issue has become so politicized. I, too, really to this day do not understand how this agreement with the hospitals with all of us has become a political football. I think it's important that we speak about the facts in this chamber. Let me reference the payments made to the hospitals over the last seven years. These are just the State of Maine payments. In 2003 \$66 million. In 2004 \$119 million. In 2005 \$119 million. In 2006 \$125 million. In 2007 \$150 million. In 2008 another \$150 million. Finally, in 2009 \$267 million. That grand total is over \$1 billion paid by the State of Maine to hospitals here in the state. Today I rise very proud to support the supplemental budget and thank you colleagues for their tireless and bi-partisan efforts and look forward to more. Thank you Mr. President.

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

Senator **HOBBS:** Thank you Mr. President. First of all I think I should join along with everyone else in thanking the Appropriations Committee for their incredible diligence during this appropriations process. Looking at the budget process from this seat and not the seat where I used to reside, which is now the good Senator from Aroostook, Senator Sherman's seat, is a lot different. When I sat at that seat for six years at the end of the session I witnessed the same type of process. Sometimes that process was the process using majority budgets, other times it was using a two-thirds budget and there were supplemental budgets. Quite frankly, I don't think I appreciated, and I really



want to apologize to all those members of the Appropriations Committee that maybe served at that time, all their efforts. I never really had focused upon it until I sat here in this position. The work that the good Senator from Hancock, Senator Rosen, did was incredible. He was able to demonstrate clear leadership and he had a very difficult task. Fortunately, he had the assistance of two new members of the Appropriations Committee; the Senator from Kennebec, Senator Katz, and the Senator from York, Senator Hill. Along with ten other members, they were able to accomplish something over this period of time that, when you think about the political climate, was pretty incredible. To come out with a bi-partisan budget at a time when the state has flipped in politics, there was a trifecta, if you want to use analogies that we've used this evening, that occurred here in Maine. With all of that, this Body and the other Body have been able to reach consensus because of the leadership that was demonstrated by the Appropriations Committee. Besides the Appropriations Committee, those who serve on the committees of jurisdiction, the policy committees, also played an important role in the process. I want to commend the committee members of all the committees and the Chairs and the Leads because they played an instrumental role. As you can see from this unanimous committee report that was approved, all of the initiatives that were proposed by the Governor are included but there were other important components that were brought to the attention of the committees of jurisdiction and to many legislators that were needed in order to make this a better document. I do want to thank every one who participated in this process: the staff, who did an incredible job in the legislature and in the process of putting together the budget, the policy committees and everyone else. As they say, this is only the beginning of the process. I think the good Senator from Kennebec made a good analogy. I wish he'd made a basketball analogy but he did make a baseball analogy. The analogy, though, I think will go one step further. It is my hope that everyone in the Legislature, after we go through the arduous process which we will, will win the good sportsmanship award. That's my hope after the end of the day when the budget is all done. Thank you.

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

Senator **COURTNEY:** Thank you Mr. President. Men and women of the Senate, I also want to rise and congratulate the Senate Chair, the Senator from Hancock, Senator Rosen. You have truly proceeded in the tradition of the previous Senate Chair, the Senator from Cumberland, Senator Diamond, with another unanimous report. We know the lifting is going to get a little bit harder in the next few months but I think we're all committed to persevere and continue to try to work together to come up with better solutions than either side can come up with alone. I also want to thank the Senator from Kennebec, Senator Katz, and the Senator from York, Senator Hill. I think being thrown into Appropriations right off the bat and having to come up with a budget in forty or so days is quite an amazing task. It's even more amazing when you do it in a unanimous manner as has happened. I also want to thank the committees of jurisdiction. I know that through their support, especially with the Agriculture Committee, there is more support for the farmers and the dairy farmers. The Taxation Committee took on a very difficult issue and came up with a better solution than originally proposed. I think that it not only recognizes the importance of the

municipalities but recognizes that they are a partner in this. As they have been a partner in the down turn so shall they be a partner in the recovery. Most important, it's a promise kept, I think, with repaying the hospitals. I don't stand here to take credit for paying the hospitals. I feel it's our duty to pay the hospitals. It's a duty to pay a past due bill. I don't think we need to take credit on either side. It's just part of what we are sent here to do. If we incur a charge we're obligated to pay for it. It's a pleasure to be part of that process. Finally, I'd like to thank Kathleen Newman from the Governor's Office, who has been an integral part of the success and Ryan Lowe. Sawin Millett, as most of you know, has had some health challenges and Ryan stepped up to the plate and he's been a great service to the State of Maine in his time as Commissioner. We appreciate what you have done. It's very difficult. The new Governor comes in and all of a sudden has to put a budget together. Frankly, it's pretty difficult. You don't have any time. You don't have your Commissioners in place. I was very pleased to see Ryan step up and it showed what a true professional he is. With that, Mr. President, I look forward to working together with the leadership on the other side of the aisle. We may end up having some differences over the next few months but there are not two other people I'd rather be in the room with and we'll have a good time doing it. Thank you Mr. President.

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.

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On motion by Senator **COURTNEY** of York, **ADJOURNED** until Thursday, February 10, 2011, at 10:00 in the morning, in memory of and lasting tribute to Duncan Iain Rosborough of Mt. Desert.