

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

In Senate Chamber
Tuesday
February 15, 2011

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

Prayer by Reverend Scott Townsend, Calvary Baptist Church in Warren.

REVEREND TOWNSEND: Lord Jesus, thank You for the grace to live another day. You have said in Your word that these men and women are Your servants to reward good and punish evil. Today, as they serve both You and the people of Maine, would You grant them grace to accomplish Your will, intelligence to think through the problems, and wisdom to make right choices. Amen.

Pledge of Allegiance led by Senator Joseph C. Brannigan of Cumberland County.

Reading of the Journal of Thursday, February 10, 2011.

Doctor of the day, Peter Leighton, MD of Turner.

Off Record Remarks

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Allow a Person Charged with or Convicted of Violating a Protection from Abuse Order To Be Supervised by an Electronic Tracking System"

H.P. 388 L.D. 495

Presented by Representative ROSEN of Bucksport. Cosponsored by Senator ROSEN of Hancock and Senator: MASON of Androscoggin, Representatives: CUSHING of Hampden, HASKELL of Portland, HAYES of Buckfield, HOGAN of Old Orchard Beach, MAKER of Calais, STRANG BURGESS of Cumberland, VALENTINO of Saco.

Committee on **JUDICIARY** 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.

COMMUNICATIONS

The Following Communication: S.C. 82

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

February 14, 2011

Honorable Joseph G. Carleton, Jr.
Secretary of the Senate
3 State House Station
Augusta, ME 04333-0003

Dear Secretary Carleton:

Please be advised that I will be unable to attend the legislative session on Thursday, February 17, 2011. I have appointed the Senator from York, Senator Courtney to serve as President Pro Tem in my absence.

Please let me know if you have any questions.

Sincerely,

S/Kevin L. Raye
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 80

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

February 10, 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 2, MRSA, Chapter 5, §104, I am pleased to reappoint Representative Wesley E. Richardson of Warren to the Advisory Council on Health Systems Development, as a Representative serving on the Joint Standing Committee on Insurance and Financial Services.

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

Sincerely,

S/Robert W. Nutting
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 79

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

February 9, 2011

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

Dear President Raye and Speaker Nutting,

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

L.D. 107 An Act To Allow Trapping in Northern Maine without the Written Consent of the Landowner

Sincerely,

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

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

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 81

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

February 9, 2011

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

Dear President Raye and Speaker Nutting:

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

L.D. 30 An Act To Clarify the Laws Governing Non-compete Clauses in Broadcast Industry Contracts

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

Sincerely,

S/Sen. Christopher W. Rector
Senate Chair

S/Rep. Kerri L. Prescott
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act Regarding Conveyance of Easements across Railroad Rights-of-way"

S.P. 147 L.D. 514

Presented by Senator SAVIELLO of Franklin.

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

Sent down for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To More Equitably Fund the Liabilities of the Maine Public Employees Retirement System

S.P. 146 L.D. 513

Presented by Senator SAVIELLO of Franklin.

Bill "An Act To Provide Funding for the World Acadian Congress"
S.P. 157 L.D. 565

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative MARTIN of Eagle Lake and Senator: CRAVEN of Androscoggin, Representatives: AYOTTE of Caswell, CLARK of Millinocket, FREDETTE of Newport, GILBERT of Jay, THERIAULT of Madawaska, WINTLE of Garland.

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

Sent down for concurrence.

Bill "An Act To Appropriate Funds for the Maine Downtown Center"

S.P. 176 L.D. 584

Presented by Senator MARTIN of Kennebec.
Cosponsored by Representative HERBIG of Belfast and
Senators: GOODALL of Sagadahoc, McCORMICK of Kennebec,
RECTOR of Knox, SAVIELLO of Franklin, Representative: DAVIS
of Sangerville.

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

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

Bill "An Act To Allow Municipalities To Restrict the Possession of Firearms in Certain Circumstances"

S.P. 170 L.D. 578

Presented by Senator KATZ of Kennebec.
Cosponsored by Representative DION of Portland and Senator:
FARNHAM of Penobscot.

Bill "An Act To Protect Children from Sexual Predators"
S.P. 172 L.D. 580

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Representative PLUMMER of Windham and
Senator: GERZOFKY of Cumberland, Representatives: BURNS
of Whiting, CLARKE of Bath, HASKELL of Portland,
SANDERSON of Chelsea.

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

Sent down for concurrence.

Bill "An Act Regarding Municipal Authority To Review Construction Permits for Public Buildings"

S.P. 154 L.D. 562

Presented by Senator COURTNEY of York.
Cosponsored by Representative BOLAND of Sanford and
Senators: GERZOFKY of Cumberland, MASON of
Androscoggin, WHITTEMORE of Somerset, Representatives:
MORISSETTE of Winslow, SANDERSON of Chelsea, TUTTLE of
Sanford.

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

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

Bill "An Act Regarding Retention and Graduation Rates for Maine's Colleges and Universities"

S.P. 156 L.D. 564

Presented by Senator ALFOND of Cumberland.
Cosponsored by Representative WAGNER of Lewiston and
Senators: BARTLETT of Cumberland, BLISS of Cumberland,
JACKSON of Aroostook, Representatives: GOODE of Bangor,
LOVEJOY of Portland, McCLELLAN of Raymond, NELSON of
Falmouth, RICHARDSON of Carmel.

Bill "An Act To Encourage Transparency in the Department of Education"

S.P. 158 L.D. 566

Presented by Senator ALFOND of Cumberland.
Cosponsored by Representative FLEMINGS of Bar Harbor and
Senators: JACKSON of Aroostook, PLOWMAN of Penobscot,
Representatives: CHAPMAN of Brooksville, EDGECOMB of
Caribou, HUNT of Buxton, KUMIEGA of Deer Isle, LOVEJOY of
Portland, McFADDEN of Dennysville.

Bill "An Act To Create a Unified Early Childhood Education System in Maine"

S.P. 160 L.D. 568

Presented by Senator ALFOND of Cumberland.
Cosponsored by Representative KENT of Woolwich and
Senators: BRANNIGAN of Cumberland, CRAVEN of
Androscoggin, HILL of York, Representatives: EDGECOMB of
Caribou, KESCHL of Belgrade, WEBSTER of Freeport.

Bill "An Act To Support and Encourage the Use of Online Textbooks"

S.P. 161 L.D. 569

Presented by Senator ALFOND of Cumberland.
Cosponsored by Representative BERRY of Bowdoinham and
Senators: GOODALL of Sagadahoc, JACKSON of Aroostook,
MASON of Androscoggin, Representatives: BELIVEAU of Kittery,
HUNT of Buxton, McCABE of Skowhegan.

Resolve, To Study the Creation of a School of Hospitality and Hotel Management within the University of Maine System

S.P. 171 L.D. 579

Presented by Senator KATZ of Kennebec.
Cosponsored by Representative FITTS of Pittsfield and Senator:
McCORMICK of Kennebec.

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

Sent down for concurrence.

Bill "An Act Regarding the Disposition of Mercury-added Lamps"
S.P. 145 L.D. 512

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Senator McCORMICK of Kennebec.

Bill "An Act To Review State Water Quality Standards"
S.P. 148 L.D. 515

Presented by Senator SAVIELLO of Franklin.

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

Sent down for concurrence.

Bill "An Act To Establish Host Homes in Maine as Alternative
Emergency Shelters for Homeless Youth"
S.P. 142 L.D. 509

Presented by Senator CRAVEN of Androscoggin.
Cosponsored by Representative EVES of North Berwick and
Senators: ALFOND of Cumberland, BRANNIGAN of Cumberland,
PATRICK of Oxford, Representatives: GRAHAM of North
Yarmouth, ROTUNDO of Lewiston, SANBORN of Gorham,
STUCKEY of Portland, WEBSTER of Freeport.

Resolve, To Increase the Effectiveness of Accessibility
Requirements for Persons with Disabilities
S.P. 152 L.D. 560

Presented by Senator SAVIELLO of Franklin.

Bill "An Act To Amend the Laws Governing the Maine Health
Data Organization Relating to Retail Pharmacies"
S.P. 164 L.D. 572

Presented by Senator SNOWE-MELLO of Androscoggin.
Cosponsored by Senators: COLLINS of York, McCORMICK of
Kennebec, Representatives: CEBRA of Naples, McKANE of
Newcastle, SARTY of Denmark.

Bill "An Act To Repeal the Laws Governing the Capital
Investment Fund"
S.P. 173 L.D. 581

Presented by Senator McCORMICK of Kennebec.
Cosponsored by Representative MALABY of Hancock.

Bill "An Act To Amend the Maine Certificate of Need Act of 2002"
S.P. 174 L.D. 582

Presented by Senator McCORMICK of Kennebec.
Cosponsored by Representative MALABY of Hancock.

On motion by Senator **McCORMICK** of Kennebec, **REFERRED**
to the Committee on **HEALTH AND HUMAN SERVICES** and
ordered printed.

Sent down for concurrence.

Resolve, Directing the Department of Health and Human Services
To Examine the Issue of Revocation of Licenses for Nonpayment
of Child Support

S.P. 144 L.D. 511

Presented by Senator SNOWE-MELLO of Androscoggin.
Cosponsored by Representative PRESCOTT of Topsham and
Senators: COLLINS of York, McCORMICK of Kennebec,
THOMAS of Somerset, Representatives: DOW of Waldoboro,
MARTIN of Eagle Lake, McKANE of Newcastle.

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

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

Bill "An Act Regarding Prescription Drug Step Therapy and Prior
Authorization"

S.P. 150 L.D. 517

Presented by Senator SAVIELLO of Franklin.

Bill "An Act To Prevent Insurer Limits on Certain Dental Fees"
S.P. 159 L.D. 567

Presented by Senator ALFOND of Cumberland.
Cosponsored by Representative EVES of North Berwick and
Representatives: GOODE of Bangor, STUCKEY of Portland.

On motion by Senator **WHITTEMORE** of Somerset, **REFERRED**
to the Committee on **INSURANCE AND FINANCIAL SERVICES**
and ordered printed.

Sent down for concurrence.

Bill "An Act To Protect the Civil Rights of Citizens"
S.P. 165 L.D. 573

Presented by Senator SNOWE-MELLO of Androscoggin.
Cosponsored by Representatives: O'CONNOR of Berwick,
SIROCKI of Scarborough, WATERHOUSE of Bridgton.

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

Sent down for concurrence.

Bill "An Act To Amend Maine Law To Conform with Federal Law Regarding Employment Practices for Certain Minors"
S.P. 149 L.D. 516

Presented by Senator PLOWMAN of Penobscot.
Cosponsored by Senators: COURTNEY of York, MARTIN of Kennebec, RECTOR of Knox, SCHNEIDER of Penobscot, Representatives: DOW of Waldoboro, VOLK of Scarborough.

Bill "An Act To Extend a Deadline under the Regional Economic Development Revolving Loan Program" (EMERGENCY)
S.P. 167 L.D. 575

Presented by Senator RECTOR of Knox.
Cosponsored by Representative PRESCOTT of Topsham and Senators: JACKSON of Aroostook, MARTIN of Kennebec, Representatives: HERBIG of Belfast, HUNT of Buxton, NEWENDYKE of Litchfield, TUTTLE of Sanford, VOLK of Scarborough, WINTLE of Garland.
Submitted by the Finance Authority of Maine pursuant to Joint Rule 204.

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 Exclude Shellfish Processing Facilities from Arsenic Wastewater Testing" (EMERGENCY)
S.P. 143 L.D. 510

Presented by Senator SNOWE-MELLO of Androscoggin.

Committee on **MARINE RESOURCES** suggested and ordered printed.

On motion by Senator **SNOWE-MELLO** of Androscoggin, **TABLED** until Later in Today's Session, pending **REFERENCE**.

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory
S.P. 151 L.D. 518

Presented by Senator TRAHAN of Lincoln.
Cosponsored by Representative KNIGHT of Livermore Falls and Representative: CHASE of Wells.
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Use a Portion of the Sales and Use Tax for the Protection of Maine's Fish and Wildlife
S.P. 155 L.D. 563

Presented by Senator TRAHAN of Lincoln.
Cosponsored by Representative EBERLE of South Portland and Senators: COURTNEY of York, GOODALL of Sagadahoc, JACKSON of Aroostook, President RAYE of Washington, Representatives: DAVIS of Sangerville, DUCHESNE of Hudson, KNIGHT of Livermore Falls, MARTIN of Eagle Lake.

Bill "An Act To Amend the Laws Governing Sales Tax on Used Motor Vehicles"
S.P. 163 L.D. 571

Presented by Senator SNOWE-MELLO of Androscoggin.
Cosponsored by Representative PRESCOTT of Topsham and Senators: COLLINS of York, THOMAS of Somerset, Representatives: CEBRA of Naples, CRAFTS of Lisbon, O'CONNOR of Berwick, SIROCKI of Scarborough.

Bill "An Act To Limit Taxes on Hospitals"
S.P. 169 L.D. 577

Presented by Senator SAVIELLO of Franklin.

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

Sent down for concurrence.

Bill "An Act To Regulate the Use of Traffic Surveillance Cameras"
S.P. 162 L.D. 570

Presented by Senator BRANNIGAN of Cumberland.

Bill "An Act To Extend the Time of a Temporary Registration Plate"
S.P. 166 L.D. 574

Presented by Senator SNOWE-MELLO of Androscoggin.
Cosponsored by Representative BRYANT of Windham and Senators: COLLINS of York, THOMAS of Somerset, Representatives: CEBRA of Naples, CRAFTS of Lisbon, DOW of Waldoboro, MCKANE of Newcastle, O'CONNOR of Berwick, PRESCOTT of Topsham.

Bill "An Act To Make Supplemental Allocations from the Highway Fund and Other Funds 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)

S.P. 168 L.D. 576

Presented by Senator COLLINS of York. (GOVERNOR'S BILL)
Cosponsored by Representative CEBRA of Naples and Senator: DIAMOND of Cumberland, Representatives: GILLWAY of Searsport, MAZUREK of Rockland, PARRY of Arundel, PEOPLES of Westbrook, RIOUX of Winterport, ROSEN of Bucksport, THERIAULT of Madawaska.

Bill "An Act To Establish a National Rifle Association License Plate"

S.P. 175 L.D. 583

Presented by Senator MARTIN of Kennebec.
Cosponsored by Representative DAVIS of Sangerville and Senators: McCORMICK of Kennebec, SAVIELLO of Franklin, TRAHAN of Lincoln, Representatives: CLARK of Millinocket, WOOD of Sabattus.

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

Sent down for concurrence.

Bill "An Act To Clarify Certain Provisions in the Harness Racing Laws"

S.P. 153 L.D. 561

Presented by Senator SHERMAN of Aroostook.
Cosponsored by Representative WILLETTE of Mapleton and Senators: COURTNEY of York, PLOWMAN of Penobscot.

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.

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator RECTOR for the Committee on LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act To Provide Temporary Changes to the Extended Benefit Triggers in Accordance with the Federal Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010" (EMERGENCY)

S.P. 75 L.D. 224

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-3).

Report READ and ACCEPTED.

READ ONCE.

Committee Amendment "A" (S-3) READ and ADOPTED.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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 (2/8/11) Assigned matter:

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

Tabled - February 8, 2011, by Senator HASTINGS of Oxford

Pending - REFERENCE

(In House, February 8, 2011, REFERRED to the Committee on EDUCATION AND CULTURAL AFFAIRS and ordered printed.)

On motion by Senator HASTINGS of Oxford, REFERRED to the Committee on JUDICIARY, in NON-CONCURRENCE.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

SENATE PAPERS

Resolve, To Enhance Economic Development in the City of Eastport by Facilitating the Ability of the City of Eastport To Transfer Ownership of Property (EMERGENCY)
S.P. 177 L.D. 594

Presented by President RAYE of Washington.
Cosponsored by Representative BURNS of Whiting and Senators: SULLIVAN of York, THOMAS of Somerset, Representatives: COTTA of China, MAKER of Calais, McFADDEN of Dennysville, SOCTOMAH of the Passamaquoddy Tribe, TILTON of Harrington.

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

Sent down for concurrence.

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

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

COMMUNICATIONS

The Following Communication: S.C. 83

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

February 14, 2011

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 125th Maine Legislature, the Joint Standing Committee on Criminal Justice & Public Safety has had under consideration the nomination of Joseph Ponte of Pahrump, Nevada, for appointment as the Commissioner of the Department of Corrections.

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

YEAS	Senators	3	Mason of Androscoggin, Gerzofsky of Cumberland, Whittemore of Somerset
	Representatives	7	Plummer of Windham, Burns of Whiting, Clarke of Bath, Lajoie of Lewiston, Long of Sherman, Morissette of Winslow, Sanderson of Chelsea
NAYS	Senators	0	
	Representatives	2	Blodgett of Augusta, Haskell of Portland
ABSENT		1	Rep. Hanley of Gardiner

Ten members of the Committee having voted in the affirmative and two in the negative, it was the vote of the Committee that the nomination of Joseph Ponte of Pahrump, Nevada, for appointment as the Commissioner of the Department of Corrections be confirmed.

Signed,

S/Garrett P. Mason
Senate Chair

S/Gary E. Plummer
House Chair

READ and ORDERED PLACED ON FILE.

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

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm pleased to stand here today in full support of Joe Ponte for Commissioner of the Department of Corrections. As people in this chamber know, we've had some questions on this nominee around private prisons, his association working for a private prison system. Out of 41 years, the last 8 years of his career he spent in private prisons. That brought concerns to us, especially where during this past campaign we had talked about and we had heard mentioned privatizing our system or bringing private prisons to the state of Maine. That brought a lot of concern and questions from my committee, from this side of the aisle, and I heard some from the other side of the aisle. We spent many hours going over these questions with the nominee and going over it with the Governor's Office. We had assurances that this wasn't going to be the case, to bring private prisons to the state of Maine, because there was no real need of

it. We have the capacity to be able to incarcerate more people in the state of Maine. We talked about the nominee's stocks that he owns in the company and his willingness to sell those stocks so there wouldn't be a question going forward. We talked about his qualifications, especially in the area of juvenile incarceration, women, and people with mental illness. He answered all those questions and showed that he had a deep understanding of modern thinking on incarceration, especially with those populations. He brought, I believe, quite a bit of comfort to the committee through the process. Chief Executives get to appoint the Commissioners and the Senate gets to advise and consent. We certainly gave a little bit of advice, but we really gave a lot of consent. I stand today in full support, as I hope the Body will today, and will vote in a unanimous manner for this nominee.

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

Senator **MASON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise in support of Mr. Ponte today. We had our committee hearing yesterday, as the Senator from Cumberland, Senator Gerzofsky, pointed out. He was really quite impressive, to say the least. He endured well over an hour of questions from the committee. He answered them thoroughly and to the point and, in my opinion, satisfactorily. Anyone who can endure an hour of questioning in a committee is worth their weight in salt in my opinion. This gentleman has 40 years of experience in corrections. He has a proven history of reform. He's recommended by private and public prison officials as well as dignitaries from around the country. We had a litany of people who were clamoring to support Mr. Ponte for this position. I think we had ample testimony in his favor. One of the most telling recommendations came from a gentleman who didn't even intend to testify; a former inmate of the Maine State Prison who came to listen to the proceedings because he understands what it's like to be on the inside of a prison. He stood up to say that this man nailed it on the head; he knew the relationships that prisoners and guards and corrections officers were supposed to have with each other. Coming from an inmate, I think that this is admirable. In closing, Mr. President, we need someone who has been outside of the box and knows how to think out there. I think that it's admirable that this nominee is willing to come to our state and look at it, as he said, with no dog in the fight and be willing to look at our prison system, improve on it, and make it better than it already is. We have a well qualified candidate here that has graciously accepted the Chief Executive's offer to take this position. Mr. President, I would ask the Senate to unanimously confirm Mr. Ponte today. Thank you.

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

Senator **BRANNIGAN:** Thank you Mr. President. Lance Tapley approves of it.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#12)

YEAS: Senators: None

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

ABSENT: Senator: BARTLETT

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

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

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

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

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

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, I neglected to jump up in time. This is a serious piece. Item 4-10 on today's calendar was a Joint Resolution in memoriam for Marc Charles Bellefeuille. He was a firefighter from Biddeford for many many years. He has two children, grown. He suffered, after spending a day sliding with his grandchildren, an irreversible stroke. For two days they kept him on life support, long enough in order to be able to bring in firefighters and people who he had touched their lives in training. Well known throughout the state as a firefighter and a trainer of safety. He was buried out at one of the Catholic churches in Biddeford. A huge funeral. I had the good fortune of being personal friends with the family, especially his wife, Annette. Mr. President, if we could, when we adjourn today could it be in memory of him? Thank you very much.

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

The President appointed the Senator from York, Senator **COURTNEY**, to serve as President Pro Tem for the session on Thursday, February 17, 2011.

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

On motion by Senator **COURTNEY** of York, **ADJOURNED** until Thursday, February 17, 2011, at 10:00 in the morning, in memory of and lasting tribute to Marc Charles Bellefeuille of Biddeford.