

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

In Senate Chamber  
Thursday  
March 3, 2011

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

Prayer by Pastor Samuel Lacombe, Windham First Church of Nazarene.

**PASTOR LACOMBE:** Let us pray. Heavenly Father and Almighty God, we thank You and I thank You, Father, for this blessing and this privilege of being able to represent these men and women, these servant leaders of the state of Maine, Lord, who have chosen to walk this path. There are many places they could be right now, Lord, and many other things they could be doing but they have chosen, Lord, to be servant leaders for this great state and to stand in the gap for their brothers and sisters and make decisions, Lord, tough decisions that must be made. They have chosen, Lord, to look to You for wisdom this morning and with that in my heart, Father, I lift them to You. I ask You, Lord, to bestow upon them Your wisdom and Your understanding, Lord, for the things that they have to discuss and decide upon today. Lord, there are many varied opinions that are going on and I ask You, Lord, to bring Your wisdom to their hearts. Lord, with that I pray that You would bring Your protection also. Would You watch over each one, Lord, each one that would sit in this room and be a part of this deciding body. Would You protect them, Father, from the things that would distract them and things that would delay the decisions that must be made. Father, I also pray for Your peace upon their hearts. Father, there is nothing that helps us decide easier and smoother than Your peace settling in upon us. Father, I pray for them this morning, that You would bring Your peace down upon their lives. Father, together, all of us, we lift up all of those in this wonderful state that You have allowed us to live in and, Father, we pray for those boys and girls and those teenagers, and those Moms and Dads that are out everyday making a living. Father, we pray for the elderly. All of us, together, we lift them to You, Lord, and we ask You to bestow Your wisdom upon them as well. As these decisions are made, they will see that it was with Your foresight and Your love in place. Be with them I pray, Father, and watch over them. I ask this all in Your mighty name. Amen.

Pledge of Allegiance led by Senator Roger J. Katz of Kennebec County.

Reading of the Journal of Tuesday, March 1, 2011.

Doctor of the day, Jonathan Fanburg, MD, MPH of Portland.

Out of order and under suspension of the Rules, on motion by Senator **COURTNEY** of York, the following Joint Order:  
S.P. 247

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 8, 2011, at 10:00 in the morning.

**READ and PASSED.**

Ordered sent down forthwith for concurrence.

**COMMUNICATIONS**

The Following Communication: S.C. 111

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

February 28, 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, §11, I am pleased to reappoint Representative Margaret R. Rotundo of Lewiston to the Citizen Trade Policy Commission.

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. 120

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

March 1, 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, §3371, I am pleased to appoint the following Representatives to the Maine Fire Protection Services Commission:

Representative Richard D. Long of Sherman  
Representative Dean A. Cray of Palmyra  
Representative Michel A. Lajoie of Lewiston

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

Sincerely,

S/Robert W. Nutting  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 112

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

February 28, 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 Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 99 An Act To Allow the Use of Public Funds for the Repair and Maintenance of Private Roads and Bridges and To Ensure Public Access to the Seboomook Lake Region

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

Sincerely,

S/Sen. Roger L. Sherman  
Senate Chair

S/Rep. Peter E. Edgecomb  
House Chair

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

The Following Communication: S.C. 113

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

February 28, 2011

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

Dear President Raye and Speaker Nutting:

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

- L.D. 148 An Act To Set Uniform Standards for School Construction
- L.D. 236 An Act To Require High School Students To Register To Vote as a Requirement for Graduation

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

Sincerely,

S/Sen. Brian D. Langley  
Senate Chair

S/Rep. David E. Richardson  
House Chair

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

The Following Communication: S.C. 118

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

March 1, 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. Clark of Millinocket, to report the following bill Leave to Withdraw:

L.D. 233 An Act To Establish the State Board of Education as the Appointing Authority for the Commissioner of Education

Sincerely,

S/Sen. Brian D. Langley  
Senate Chair

S/Rep. David E. Richardson  
House Chair

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

The Following Communication: S.C. 114

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

February 28, 2011

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

Dear President Raye and Speaker Nutting:

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

L.D. 173 Resolve, To Allow the Possession of an Unlimited Number of Game Birds

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

Sincerely,

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

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

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

The Following Communication: S.C. 115

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

February 28, 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 bills out "Ought Not to Pass":

- L.D. 136 An Act To Amend the Unemployment Compensation Law Regarding Denial of Benefits for Refusing To Accept Work
- L.D. 152 An Act To Prohibit Employment Discrimination Based on a Prior Criminal Conviction
- L.D. 169 An Act To Allow Veterans Who Work for Employers with More than 50 Employees To Take Veterans Day Off with Full Pay

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

Sincerely,

S/Sen. Christopher W. Rector  
Senate Chair

S/Rep. Kerri L. Prescott  
House Chair

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

The Following Communication: S.C. 119

**STATE OF MAINE  
ONE HUNDRED AND TWENTY FIFTH LEGISLATURE  
COMMITTEE ON MARINE RESOURCES**

February 25, 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. Tilton of Harrington, to report the following bill Leave to Withdraw:

L.D. 371 An Act To Control Costs to the Lobster Industry

Sincerely,

S/Sen. Lois A. Snowe-Mello  
Senate Chair

S/Rep. Windol C. Weaver  
House Chair

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

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The Following Communication: S.C. 116

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

February 23, 2011

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

Dear President Raye and Speaker Nutting:

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

L.D. 7 An Act Concerning Taxation of Automobile Manufacturers' Rebates

L.D. 42 An Act Regarding the Tax on Fuel Used for Commercial Agriculture, Fishing and Forestry

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

Sincerely,

S/Sen. A. David Trahan  
Senate Chair

S/Rep. L. Gary Knight  
House Chair

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

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The Following Communication: S.C. 117

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

February 28, 2011

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

Dear President Raye and Speaker Nutting:

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

L.D. 27 An Act Concerning Maine Veterans License Plates

L.D. 96 An Act To Reduce Noise and Emissions Associated with Trains

L.D. 102 An Act To Allow Landowners Access across Railroad Tracks

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

Sincerely,

S/Sen. Ronald F. Collins  
Senate Chair

S/Rep. Richard M. Cebra  
House Chair

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

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**SENATE PAPERS**

Bill "An Act To Improve the Enforcement of Laws Protecting Dogs"

S.P. 253 L.D. 850

Presented by Senator GERZOFISKY of Cumberland. (BY REQUEST)

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 To Authorize a General Fund Bond Issue To Invest in Railroads To Reduce the Cost of Shipping to Maine Businesses, Attract Tourists to Maine and Facilitate the Development of Commuter Rail Transportation To Reduce the Use of Oil in Maine"

S.P. 254 L.D. 851

Presented by Senator HOBBS of York.  
Cosponsored by Representative HOGAN of Old Orchard Beach and Senators: ALFOND of Cumberland, BLISS of Cumberland, BRANNIGAN of Cumberland, CRAVEN of Androscoggin, GERZOFISKY of Cumberland, HILL of York, JACKSON of Aroostook, PATRICK of Oxford.

Bill "An Act To Authorize a General Fund Bond Issue To Support Maine's Natural Resource-based Economy"

S.P. 255 L.D. 852

Presented by Senator TRAHAN of Lincoln.  
Cosponsored by Representative CAIN of Orono and Senators: ALFOND of Cumberland, GOODALL of Sagadahoc, McCORMICK of Kennebec, RECTOR of Knox, SAVIELLO of Franklin, Representatives: DUCHESNE of Hudson, FITTS of Pittsfield, FLOOD of Winthrop.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish the Maine State Endowment Trust

S.P. 257 L.D. 853

Presented by Senator WOODBURY of Cumberland.

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 Require the Treasurer of State To Publish All State Liabilities"

S.P. 258 L.D. 854

Presented by Senator THOMAS of Somerset.  
Cosponsored by Senator: THIBODEAU of Waldo, Representatives: DUNPHY of Embden, HARLOW of Portland, MORRISON of South Portland, PARRY of Arundel.

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

Sent down for concurrence.

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Bill "An Act To Increase the Amount of Deductible Business Expense Allowed for Property Placed in Service Beginning in 2011"

S.P. 250 L.D. 847

Presented by Senator BARTLETT of Cumberland.

Bill "An Act To Provide Tax Relief for Maine's Citizens by Reducing Income Taxes"

S.P. 252 L.D. 849

Presented by Senator TRAHAN of Lincoln.  
Cosponsored by Representative KNIGHT of Livermore Falls and Senators: COURTNEY of York, SNOWE-MELLO of Androscoggin, Representatives: BENNETT of Kennebec, BURNS of Alfred, HARMON of Palermo, KESCHL of Belgrade, SHAW of Standish, WATERHOUSE of Bridgton.

Bill "An Act To Treat Plantations in the Same Manner as Towns for Purposes of Tax Increment Financing"

S.P. 259 L.D. 855

Presented by Senator THOMAS of Somerset.  
Cosponsored by Senators: COLLINS of York, MARTIN of Kennebec, SHERMAN of Aroostook, WHITTEMORE of Somerset, Representatives: COTTA of China, CRAY of Palmyra, GIFFORD of Lincoln, HARVELL of Farmington.

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

Sent down for concurrence.

Bill "An Act To Hold the Maine Turnpike Authority Accountable for Its Obligation under Maine Law To Transfer Annual Surplus Revenue to the Department of Transportation for Road and Bridge Projects around the State"

S.P. 248 L.D. 845

Presented by Senator HILL of York.  
Cosponsored by Representative CEBRA of Naples and Senators: COLLINS of York, PATRICK of Oxford, THOMAS of Somerset, Representatives: BEAVERS of South Berwick, BICKFORD of Auburn, HOGAN of Old Orchard Beach, THERIAULT of Madawaska, WEAVER of York.

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

Sent down for concurrence.

Resolve, Directing the Commission on Governmental Ethics and Election Practices To Study Modifying the Maine Clean Election Act

S.P. 251 L.D. 848

Presented by Senator PATRICK of Oxford.  
Cosponsored by Representative VALENTINO of Saco and Senators: BARTLETT of Cumberland, JACKSON of Aroostook, PLOWMAN of Penobscot, Representatives: BRIGGS of Mexico, CAREY of Lewiston, ROTUNDO of Lewiston, RUSSELL of Portland, TREAT of Hallowell.

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

Sent down for concurrence.

Bill "An Act To Assist Nonprofit Corporations Harmed by a Casino"

S.P. 249 L.D. 846

Presented by Senator PATRICK of Oxford.  
Cosponsored by Representative PETERSON of Rumford and Senator: JACKSON of Aroostook.

Committee on **VETERANS AND LEGAL AFFAIRS** suggested and ordered printed.

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

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

**ORDERS**

**Joint Order**

On motion by Senator **JACKSON** of Aroostook, the following Joint Order:

S.P. 256

ORDERED, the House concurring, that the Joint Standing Committee on Labor, Commerce, Research and Economic Development shall report out, to the Senate, a bill directing the Department of Labor, Bureau of Unemployment Compensation to examine decisions made by the bureau to determine if an extension may be granted due to technological errors.

**READ.**

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **JACKSON** of Aroostook to **PASS**.

**SECOND READERS**

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

**Senate**

Bill "An Act To Clarify the Method of Creating or Severing Joint Tenancy"

S.P. 25 L.D. 10

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

Sent down for concurrence.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

**HELD MATTER**

Bill "An Act Relating to Identification of Service Animals" (EMERGENCY)

H.P. 592 L.D. 785

(In House, March 1, 2011, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.)

(In Senate, March 1, 2011, on motion by Senator **SHERMAN** of Aroostook, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.)

On motion by Senator **HASTINGS** of Oxford, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in concurrence.

On further motion by same Senator, **REFERRED** to the Committee on **JUDICIARY**, in **NON-CONCURRENCE.**

Sent down for concurrence.

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**ORDERS OF THE DAY**

**Unfinished Business**

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

The Chair laid before the Senate the following Tabled and Later (2/8/11) Assigned matter:

SENATE COMMUNICATION - Senate President Appointments to the Citizen Trade Policy Commission  
S.C. 57

Tabled - February 8, 2011, by Senator **COURTNEY** of York

Pending - **FURTHER CONSIDERATION**

(In Senate, February 8, 2011, **READ.**)

**ORDERED PLACED ON FILE.**

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Senate at Ease.

Senate called to order by the President.

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The Chair laid before the Senate the following Tabled and Later (3/1/11) Assigned matter:

Bill "An Act To Protect Ratepayers While Enhancing Energy Independence and Security"  
S.P. 231 L.D. 793

Tabled - March 1, 2011, by Senator **SAVIELLO** of Franklin

Pending - **REFERENCE**

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

On motion by Senator **SAVIELLO** of Franklin, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY.**

Sent down for concurrence.

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

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

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

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

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

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Senator **LANGLEY** of Hancock was granted unanimous consent to address the Senate off the Record.

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

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Off Record Remarks

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

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Off Record Remarks

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

After Recess

Senate called to order by the President.

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (3/1/11) Assigned matter:

Bill "An Act To Ensure That Municipalities Refund Amounts Collected in Excess of Tax Liens"

H.P. 571 L.D. 764

Tabled - March 1, 2011, by Senator **THOMAS** of Somerset

Pending - **REFERENCE**

(In House, March 1, 2011, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.)

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

Sent down for 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**

Resolve, To Improve the Predictability of Land Use Regulation in the Unorganized Territories (EMERGENCY)

H.P. 615 L.D. 819

Presented by Representative McCABE of Skowhegan. Cosponsored by Senator JACKSON of Aroostook and Senators: PATRICK of Oxford, SHERMAN of Aroostook, Representatives: EDGECOMB of Caribou, HAYES of Buckfield, MARTIN of Eagle Lake.

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

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

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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 Bonding Authority of the Maine Governmental Facilities Authority"

H.P. 603 L.D. 807

Presented by Representative WATERHOUSE of Bridgton. Cosponsored by Senator ROSEN of Hancock and Representatives: CHASE of Wells, CLARK of Easton, CURTIS of Madison, FLOOD of Winthrop, WINSOR of Norway.

Bill "An Act To Authorize a General Fund Bond Issue To Invest in Transportation, Broadband Infrastructure, Downtown Revitalization, Land for Maine's Future and Training Facilities in Labor Market Areas with Higher than Average Unemployment for Tourism-related Training"

H.P. 625 L.D. 829

Presented by Representative McCABE of Skowhegan. Cosponsored by Senator: PATRICK of Oxford, Representatives: CAREY of Lewiston, EVES of North Berwick, GOODE of Bangor, HUNT of Buxton, MARTIN of Eagle Lake, ROTUNDO of Lewiston.

Bill "An Act To Establish a Debt Limit for the State"

H.P. 627 L.D. 830

Presented by Representative CHASE of Wells. Cosponsored by Senator COLLINS of York and Senator: THIBODEAU of Waldo, Representatives: CEBRA of Naples, CURTIS of Madison, CUSHING of Hampden, FLOOD of Winthrop, NASS of Acton, SARTY of Denmark, WINSOR of Norway.

Bill "An Act To Authorize a General Fund Bond Issue To Support Research and Sustainable Development of Maine's Natural Resources"

H.P. 639 L.D. 842

Presented by Representative HUNT of Buxton. Cosponsored by Senator JACKSON of Aroostook and Representatives: DOW of Waldoboro, EVES of North Berwick, FLEMINGS of Bar Harbor, McCABE of Skowhegan, PRESCOTT of Topsham.

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 Certain Provisions Regarding Evidence under the Law Concerning Post-judgment DNA Analysis"  
H.P. 620 L.D. 824

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

Bill "An Act To Bring the State's Laws into Compliance with the National Instant Criminal Background Check System"  
H.P. 623 L.D. 827

Presented by Representative BLODGETT of Augusta.  
Cosponsored by Senator: PATRICK of Oxford, Representatives: MORRISON of South Portland, O'BRIEN of Lincolnville, PLUMMER of Windham, RUSSELL of Portland, STEVENS of Bangor, VALENTINO of Saco.

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 Require Every School Administrative Unit To Have a Food Service Director"

H.P. 609 L.D. 813

Presented by Representative RANKIN of Hiram.  
Cosponsored by Senator LANGLEY of Hancock and Representatives: BERRY of Bowdoinham, EVES of North Berwick, LOVEJOY of Portland, NASS of Acton, NELSON of Falmouth, RICHARDSON of Carmel, ROTUNDO of Lewiston, SANBORN of Gorham.

Bill "An Act To Stabilize Short-term Funding of Public Kindergarten to Grade 12 Education" (EMERGENCY)  
H.P. 613 L.D. 817

Presented by Representative DOW of Waldoboro.

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

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

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

**PAPERS FROM THE HOUSE**

**House Paper**

Resolve, To Study Motor Fuel and Fuel Additives and To Explore Alternatives to Ethanol Motor Fuel  
H.P. 636 L.D. 839

Presented by Representative O'CONNOR of Berwick.  
Cosponsored by Representatives: MacDONALD of Boothbay, STEVENS of Bangor and Senator: THOMAS of Somerset, Representatives: DUNPHY of Embden, GIFFORD of Lincoln, HARVELL of Farmington, LIBBY of Waterboro, MALABY of Hancock, McCLELLAN of Raymond, PARRY of Arundel.

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

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

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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 Provide Public Access to Price Lists of Hospitals and Ambulatory Surgical Facilities"  
H.P. 602 L.D. 806

Presented by Representative BERRY of Bowdoinham.  
Cosponsored by Senator LANGLEY of Hancock and Senator: WOODBURY of Cumberland, Representatives: BECK of Waterville, BOLAND of Sanford, EVES of North Berwick, FOSSEL of Alna, MALABY of Hancock, RICHARDSON of Warren.

Bill "An Act To Amend the Maine Certificate of Need Act of 2002 for Nursing Facility Projects To Provide Alternative Means To Satisfy MaineCare Neutrality"  
H.P. 621 L.D. 825

Presented by Representative MARTIN of Eagle Lake.  
Cosponsored by Representatives: EVES of North Berwick, MALABY of Hancock.

Bill "An Act To Amend the Maine Certificate of Need Act of 2002 for Nursing Facility Projects"  
H.P. 624 L.D. 828

Presented by Representative MARTIN of Eagle Lake.  
Cosponsored by Representative: MALABY of Hancock.

Bill "An Act To Protect the State from Accumulating Future Hospital Debt"

H.P. 628 L.D. 831

Presented by Representative CUSHING of Hampden. Cosponsored by Senator COURTNEY of York and Senators: PLOWMAN of Penobscot, TRAHAN of Lincoln, Representatives: CRAFTS of Lisbon, CURTIS of Madison, FLOOD of Winthrop, WINSOR of Norway.

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 Allow Hunting on Sunday in Certain Wildlife Management Districts"

H.P. 606 L.D. 810

Presented by Representative MacDONALD of Boothbay. Cosponsored by Representative WOOD of Sabattus, Senator PATRICK of Oxford and Representatives: BEAUDOIN of Biddeford, CRAFTS of Lisbon, TIMBERLAKE of Turner.

Bill "An Act To Restrict Permits Available to the Holder of a Super Pack License"

H.P. 630 L.D. 833

Presented by Representative KNIGHT of Livermore Falls. Cosponsored by Senator SAVIELLO of Franklin and Senator: TRAHAN of Lincoln, Representatives: BRIGGS of Mexico, CHASE of Wells, CLARK of Millinocket, DAVIS of Sangerville, EBERLE of South Portland, RICHARDSON of Warren, TIMBERLAKE of Turner.

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 Paper**

Bill "An Act To Provide Affordable Health Insurance for Municipal and School Employees through Competition"

H.P. 641 L.D. 844

Presented by Representative DILL of Cape Elizabeth. Cosponsored by Senator BLISS of Cumberland and Representatives: HASKELL of Portland, KRUGER of Thomaston, MacDONALD of Boothbay, MORRISON of South Portland.

Comes 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.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Resolve, To Improve the Training and Retention of Maine's Professional Direct Care and Personal Supports Workforce  
H.P. 614 L.D. 818

Presented by Representative PETERSON of Rumford. Cosponsored by Representative SANBORN of Gorham and Representatives: EVES of North Berwick, STUCKEY of Portland.

Resolve, To Establish the Blue Ribbon Commission on Affordable Housing (EMERGENCY)

H.P. 638 L.D. 841

Presented by Representative CUSHING of Hampden. Cosponsored by Senator ALFOND of Cumberland and Senator: PLOWMAN of Penobscot, Representatives: CAIN of Orono, CAREY of Lewiston, CURTIS of Madison, HAYES of Buckfield, VOLK of Scarborough.

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.

Bill "An Act To Clarify Provisions of the Law Concerning Municipal Inspections of Buildings"

H.P. 612 L.D. 816

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

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Allow Municipalities the Option To Subsidize Publicly Owned Bus Stops through Advertising"  
H.P. 608 L.D. 812

Presented by Representative HARLOW of Portland.  
Cosponsored by Senator PATRICK of Oxford and Representatives: CHIPMAN of Portland, CLARKE of Bath, LOVEJOY of Portland, MORRISON of South Portland, MOULTON of York, RANKIN of Hiram, ROCHELO of Biddeford, STUCKEY of Portland.

Bill "An Act Regarding the Hiring of Immediate Family Members in State Government"  
H.P. 637 L.D. 840

Presented by Representative DILL of Cape Elizabeth.  
Cosponsored by Senator BLISS of Cumberland and Senators: BARTLETT of Cumberland, JACKSON of Aroostook, PATRICK of Oxford, Representatives: CAREY of Lewiston, DUCHESNE of Hudson, MORRISON of South Portland, RUSSELL of Portland.

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Decrease the Tax Burden on Maine's Seniors"  
H.P. 601 L.D. 805

Presented by Representative VOLK of Scarborough.  
Cosponsored by Senator: JACKSON of Aroostook, Representatives: BENNETT of Kennebunk, BURNS of Alfred, CHASE of Wells, CUSHING of Hampden, HARMON of Palermo, KNIGHT of Livermore Falls.

Bill "An Act Regarding Property Taxes in the Unorganized Territories"  
H.P. 604 L.D. 808

Presented by Representative CROCKETT of Bethel. (BY REQUEST)

Bill "An Act Regarding the Fairness of Sales Tax on Certain Precious Metals Purchases"  
H.P. 605 L.D. 809

Presented by Representative DAMON of Bangor.  
Cosponsored by Representatives: BEAULIEU of Auburn, CAREY of Lewiston, CROCKETT of Bethel, FOSTER of Augusta, JOHNSON of Eddington.

Bill "An Act To Remove Taxes on Equipment Used for Business"  
H.P. 618 L.D. 822

Presented by Representative DAMON of Bangor.  
Cosponsored by Representatives: BEAULIEU of Auburn, CHIPMAN of Portland, CROCKETT of Bethel, FOSTER of Augusta, JOHNSON of Eddington, WILLETTE of Presque Isle.

Bill "An Act To Amend the Law Governing Tax Increment Financing Districts"  
H.P. 619 L.D. 823

Presented by Representative ROCHELO of Biddeford.  
Cosponsored by Senator HOBBS of York and Senators: COURTNEY of York, HASTINGS of Oxford, Representatives: BEAUDOIN of Biddeford, BERRY of Bowdoinham, CASAVANT of Biddeford, FLEMINGS of Bar Harbor, HARLOW of Portland.

Bill "An Act To Permit a Local Option Sales Tax"  
H.P. 622 L.D. 826

Presented by Representative DILL of Cape Elizabeth.  
Cosponsored by Senator BLISS of Cumberland and Representatives: BERRY of Bowdoinham, FLEMINGS of Bar Harbor, MORRISON of South Portland, VOLK of Scarborough.

Bill "An Act To Exempt Orthotics from Sales Tax"  
H.P. 631 L.D. 834

Presented by Representative KNIGHT of Livermore Falls.  
Cosponsored by Senator SAVIELLO of Franklin and Representatives: BURNS of Alfred, DUCHESNE of Hudson, GILBERT of Jay, KENT of Woolwich, NELSON of Falmouth, PICCHIOTTI of Fairfield, SHAW of Standish, VOLK of Scarborough.

Bill "An Act To Strengthen Maine's Economy through Improvements to the Educational Opportunity Tax Credit"  
H.P. 632 L.D. 835

Presented by Representative KNIGHT of Livermore Falls.  
Cosponsored by Senator SNOWE-MELLO of Androscoggin and Senator: HASTINGS of Oxford, Representatives: AYOTTE of Caswell, BERRY of Bowdoinham, CHAPMAN of Brooksville, CURTIS of Madison, O'BRIEN of Lincolnville, RUSSELL of Portland, SOCTOMAH of the Passamaquoddy Tribe.

Bill "An Act To Repeal the Alternative Minimum Tax"  
H.P. 633 L.D. 836

Presented by Representative KNIGHT of Livermore Falls.  
Cosponsored by Senator HASTINGS of Oxford and  
Representatives: BENNETT of Kennebunk, CHASE of Wells,  
CURTIS of Madison, DAVIS of Sangerville, HARMON of Palermo,  
RICHARDSON of Warren, TIMBERLAKE of Turner,  
WATERHOUSE of Bridgton.

Bill "An Act To Make the Homestead Property Tax Exemption  
More Flexible for Municipalities and Remain Revenue Neutral for  
the State"  
H.P. 635 L.D. 838

Presented by Representative CHASE of Wells.  
Cosponsored by Senator COLLINS of York and Representatives:  
HARMON of Palermo, KNIGHT of Livermore Falls, KUMIEGA of  
Deer Isle, PILON of Saco.

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 Paper**

Bill "An Act To Limit the Placement of Motor Vehicle Inspection  
Stickers in Automobiles"  
H.P. 611 L.D. 815

Presented by Representative BEAUDOIN of Biddeford.  
Cosponsored by Senator PATRICK of Oxford and  
Representatives: BEAVERS of South Berwick, BRIGGS of  
Mexico, CASAVANT of Biddeford, FITZPATRICK of Houlton,  
GOODE of Bangor, KUMIEGA of Deer Isle, RUSSELL of  
Portland, SOCTOMAH of the Passamaquoddy Tribe.

Comes 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 Relating to Political Action Committees in Maine"  
H.P. 610 L.D. 814

Presented by Representative CAREY of Lewiston.  
Cosponsored by Senator ALFOND of Cumberland and Senators:  
CRAVEN of Androscoggin, GOODALL of Sagadahoc, HILL of  
York, PATRICK of Oxford, Representatives: CAIN of Orono, DILL  
of Cape Elizabeth, MARTIN of Eagle Lake, ROTUNDO of  
Lewiston.

Bill "An Act To Alter the Distribution of Maine Clean Election Act  
Funding"  
H.P. 616 L.D. 820

Presented by Representative CAREY of Lewiston.

Bill "An Act To Transfer Responsibility for the Enforcement of  
Liquor Laws to the Department of Administrative and Financial  
Services, Bureau of Alcoholic Beverages and Lottery Operations"  
H.P. 617 L.D. 821

Presented by Representative CAREY of Lewiston.  
Cosponsored by Senator PATRICK of Oxford and Senator:  
PLOWMAN of Penobscot, Representatives: BEAULIEU of  
Auburn, DAMON of Bangor, FITTS of Pittsfield, RUSSELL of  
Portland, VALENTINO of Saco.

Bill "An Act Regarding Write-in Candidates in Municipal and City  
Elections"  
H.P. 629 L.D. 832

Presented by Representative DILL of Cape Elizabeth.  
Cosponsored by Senator BLISS of Cumberland and  
Representatives: CAREY of Lewiston, HASKELL of Portland,  
KRUGER of Thomaston, MORRISON of South Portland.

Bill "An Act To Modernize the Maine Clean Election Act by  
Allowing for Private Contributions"  
H.P. 640 L.D. 843

Presented by Representative CORNELL du HOUX of Brunswick.

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

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

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

**PAPERS FROM THE HOUSE**

**Joint Resolution**

The following Joint Resolution:  
H.P. 626

**JOINT RESOLUTION RECOGNIZING COLON CANCER AWARENESS MONTH**

WHEREAS, the Maine Colorectal Cancer Control Program has initiated a campaign for Colon Cancer Awareness Month, funded through a cooperative agreement with the United States Centers for Disease Control and Prevention; and

WHEREAS, the goal of having March designated as Colon Cancer Awareness Month is to increase awareness and understanding among all people in Maine, regardless of age, income and insurance status, regarding the importance and effectiveness of screening for colorectal cancer; and

WHEREAS, colorectal cancer is the 2nd leading cause of new cancer cases and deaths in Maine, and it is estimated that each year more than 800 people in Maine will be diagnosed with colorectal cancer and that 270 people in Maine will die of this cancer; and

WHEREAS, many deaths could be prevented with early screening for colorectal cancer, and only 66.6% of people in Maine 50 through 64 years of age reported receiving endoscopic screening within the past 10 years; and

WHEREAS, the Maine Colorectal Cancer Control Program's goal is to reduce Maine's colorectal cancer morbidity and mortality rates through the promotion and provision of early detection services and by providing no-cost colorectal cancer screening services for low-income, average-risk people in Maine over 50 years of age who are underinsured or uninsured; and

WHEREAS, program activities through the month will include conducting statewide public and health care provider education, providing patient assistance and developing initiatives to ensure that systems and policies are in place to promote and sustain high-quality colorectal screening, diagnosis and treatment; now therefore, be it

RESOLVED: That We, The Members of the One Hundred and Twenty-fifth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to declare March as Colon Cancer Awareness Month and that we encourage the people of Maine to take advantage of early screening for colorectal cancer.

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

**READ** and **ADOPTED**, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **JUDICIARY** on Bill "An Act Related to Family Law Magistrates"

H.P. 32 L.D. 39

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

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

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

**READ ONCE**.

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Allow Marriage and Family Therapists To Serve as Mental Health Professionals in the Civil Service System"

H.P. 39 L.D. 46

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

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

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

**READ ONCE**.

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

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

**ENACTORS**

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

**Emergency Resolve**

Resolve, Regarding Legislative Review of the Final Repeal of Chapter 270: Adjustment of Volume Fees, a Major Substantive Rule of the Department of Professional and Financial Regulation  
H.P. 6 L.D. 14

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

Senate at Ease.

Senate called to order by the President.

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in concurrence.

**Emergency Resolve**

Resolve, Regarding Legislative Review of Chapter 285: Adjustment of Non-bank Mortgage Lending Fees, a Major Substantive Rule of the Department of Professional and Financial Regulation

H.P. 7 L.D. 15

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in concurrence.

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

**COMMUNICATIONS**

The Following Communication: S.C. 121

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

March 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 Education and Cultural Affairs has had under consideration the nomination of Honorable Stephen L. Bowen of Rockport, for appointment as the Commissioner of the Department of Education.

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	Langley of Hancock, Mason of Androscoggin
	Representatives	7	Richardson of Carmel, Edgecomb of Caribou, Johnson of Greenville, Maker of Calais, McClellan of Raymond, McFadden of Dennysville, Wagner of Lewiston
NAYS	Senators	1	Alfond of Cumberland
	Representatives	3	Lovejoy of Portland, Nelson of Falmouth, Rankin of Hiram

ABSENT 0

Rep. Soctomah of Passamaquoddy Tribe does not support the Committee's recommendation.

Nine members of the Committee having voted in the affirmative and four in the negative, it was the vote of the Committee that the nomination of Honorable Stephen L. Bowen of Rockport, for appointment as the Commissioner of the Department of Education be confirmed.

Signed,

S/Brian D. Langley  
Senate Chair

S/David E. Richardson  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

**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 in support of the nomination of the Honorable Stephen L. Bowen for the position of Commissioner of Education. Stephen Bowen withstood a grueling four and a half hour confirmation hearing yesterday during which he answered questions from every possible angle. The theme of all his answers was simple; we need to do what is best for kids. Time and time again, we need to do what is best for kids. Many people came to support the nomination of Stephen Bowen and I would like to share a few of those comments. Eliot Cutler had these comments to say, "This is a superb appointment, one that I would have been proud to make had I been elected Governor. I congratulate Governor LePage for selecting Steve." Mr. Cutler

went on to say, "We need accountability. We need innovation. We need competition. We need choice and we need a long-term plan. All of which Stephen Bowen will address."

You might hear in opposition that Mr. Bowen lacks experience to perform the duties of Commissioner. Mr. Cutler, in his testimony, states, "When I was nominated to be the Associate Director of the White House at 31 I had no experience in managing a \$100 billion budget and a staff of 250 people but I was qualified." Steve Bowen is qualified. Mr. Cutler was not the only one to speak. Two Superintendents from high performing districts, with the qualifications themselves to be Commissioner, testified in support. These two Superintendents are uniquely qualified to evaluate the skill set required to be Commissioner as they have those skills themselves. They both stated they would stand by Mr. Bowen. When I add up all the years of educational experience of the two Superintendents, the combined educational experience of members of the Education Committee, it was well over 200 years of classroom and administrative experience that supported Mr. Bowen. One last comment of experience, in my experience I've worked with people who have 30 years of experience and also those who have one year of experience 30 times. One supporter yesterday said Steve's qualifications and experience transcend decades. I ask you to support the nomination of Stephen Bowen by voting not to overturn the Education Committee's support of his confirmation. Thank you, Mr. President.

**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 with due respect for my colleague. We were both there for four and a half hours, though it did feel like four and a half years, yesterday. We did talk a lot with Mr. Bowen. Let me be clear, I believe Mr. Bowen is smart. I believe that he is very driven. I do believe he'll bring a different way of looking at education here in Maine.

I rise because I want to share some of the reasons why I voted against Mr. Bowen yesterday. Mr. Bowen has either very thin or no experience around four major issues. First, managing people. Nowhere yesterday did we hear him talk about managing people. He's now going to be in charge of 141 people. Budgets: Mr. Bowen has never put together a budget on his own and now he'll be in charge of a \$2 billion budget. Teaching experience: Mr. Bowen does bring teaching experience. However, when you look across this great state of Maine and you think of all the great teachers, 80% of teachers in the classroom today have more experience than Mr. Bowen. Implementing any educational reforms: Mr. Bowen has implemented, from what we heard yesterday, one educational reform when he was in the other Body.

I think it's unprecedented, from my understanding, that we are putting someone in a position to be the head of an agency that, in their previous experience working for a think tank, they did every thing they could to disparage the Department of Education, teachers, and really every facet of our educational system. I bring this up because now Mr. Bowen has to have credibility when he is talking to superintendents, credibility as he's talking to teachers, and credibility across this state to try to move our biggest investment, our investment in our education and our future.

Yesterday many people spoke about how our educational system is stagnant. They made many references that Steve

Bowen is the perfect leader that will turn the Department of Education upside down. I would ask you all to think about a couple other maverick educational leaders in this country who were supposed to do the same thing, one being Joe Klein, who went into New York City's school districts. This was a non-traditional educator. He was going to go in and fix things and turn things around. Well, Mr. Klein no longer has a job in New York City schools. He left after, I believe, two and a half or three years. The superstar that we hear about a lot is Michelle Rhee of Washington D.C. Troubled school system. Here's our leader, here's the person that is going to shape things up, turn things around. As far as I know, currently she's unemployed also. I worry about putting mavericks in charge of our biggest agency in the State of Maine.

Yesterday Steve Bowen talked about morale and I'm really glad that he did because I am glad that he's going to make it a point to figure out how to get the morale on the fifth floor in a better place and also out in the field. What I still don't understand is typically good leaders understand the pulse. They understand the pulse of who is working around them and also who is working in the field. We've had many conversations about educational policy in the two-plus years that I've been here. There are some policies that don't seem to be supported by the field. There might be certain groups that have a lot of interest in our educational policies. I'm trying to understand how many, if you did a survey of Maine educators right now, of them would be supporting charters? How many of them would be supporting vouchers? How many of them would be supporting tax dollars going into parochial schools, which Mr. Bowen said yesterday that would happen? He is in favor of it and our parochial schools now will take Maine tax dollars. Finally, how many of them are saying merit pay is going to change our educational system? I believe not many. Yet these are the policies that we have to look forward to.

Mr. Bowen also talked a lot yesterday, and it seemed he was talking out of both sides of his mouth. He said the Department of Education is stagnant and then he said the Department of Education looks at every educational reform in the country and brings it back and tries to implement it. Are we stagnant? Are we too bold? Then he went on to say, and talk about one of those, the Re-inventing Schools Coalition which is in some of our schools and said, "This is great. This is what I would like to see in all of our schools." Well, we are currently doing that. We are currently doing that and yet he added probably ten to twelve major initiatives to what he says is already a loaded plate in the DOE and in the field. I guess I'm just not understanding whether Steve Bowen is going to be focused. I hope he will be. I hope he does focus our education here in the state of Maine. He also has a very ambitious agenda.

I know I'm going to work with Steve Bowen. I have full confidence that I will work with Steve Bowen and I'm sure members of this Body will to. I have grave concerns about Mr. Bowen. I've listed just a partial list. I urge all of you to think about what we are doing about putting someone with the resume of Mr. Bowen in charge of the Department of Education. Thank you, Mr. President.

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, I rise today in full support and with full faith in

Representative Steve Bowen for the Commissioner of the Department of Education. Mr. Bowen is a teacher. He's a thinker. In my opinion and the opinion of the Education Committee, he's well qualified for the position. I'd just like to point out one thing that was brought up on the floor. I believe that there is a distinct difference between disparaging and disagreeing. This is America. We're allowed to disagree with people. The opinion of one person is allowed to be pitted against the opinion of another. We have a new government. We have a new Chief Executive in this state. Our Chief Executive has chosen Mr. Bowen as the person he would like to see lead this department. They share the same agenda and I think that is important to note. I'd also like to address a few issues that were brought up in the committee hearing yesterday.

As the debate waged on for hours, the argument, to me, quickly became about school choice. It really shocked me, Mr. President, that there are people in this legislature that would stick with the status quo and only extend school choice to the wealthy. Right now in our system of government we allow the wealthy to move around from school to school if that doesn't meet their individual educational needs or the school is failing or for whatever reason they choose. They can move around or go to a private school. The underprivileged, poor, and disenfranchised are not extended that same right. I think that is appalling, Mr. President. Steve Bowen understands we need to shake things up and we need to grant the right of school choice to all people and I believe that he has the knowledge and know how to do that.

The other issue that was brought up was experience. Like I said before, Mr. Bowen has been an educator and he's a thinker. We're not hiring a teacher or a principal or superintendent, for that matter. We're hiring a leader. If that sounds familiar to some people in this room that came from former Gubernatorial candidate Eliot Cutler who came in full support of Mr. Bowen. Mr. Cutler gave a passionate endorsement of Representative Bowen and even said that had he won the race for Governor that he probably would have selected Bowen for the post. That was in the *Morning Sentinel* this morning. A lot has been said lately about our Chief Executive not being elected by a majority of 51% but after yesterday's hearing I'm proud to say that after hearing the endorsements of the Chief Executive and Mr. Cutler I'm one of the 76% that support Representative Bowen for this position. Thank you, Mr. President.

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

Senator **KATZ:** Thank you Mr. President. Ladies and gentlemen of the Senate, I did not sit through the five days yesterday, I was sitting through the five days in Appropriations on State pension issues, or so it seemed as well. I rise today in support of this nomination. It seems to me that Mr. Bowen's critics are unhappy with the fact that he is a challenger of the status quo. For the first time, he's willing to take a look at teacher pay being related in some way to performance, he's willing to take a look at charter schools like the majority of states in this country, and that he realizes the importance, in a rural state, of the expanded use of technology. I got an e-mail a couple weeks ago from one Maine's finest school Superintendents urging me to question Mr. Bowen's nomination and raising many of the concerns that were raised here earlier. Before I got a chance to get back to this person, two days later I got an e-mail back from her in which she said, "Forget about my previous e-mail because I just had an opportunity to

spend a half an hour with Mr. Bowen." I think that she was perhaps somewhat uneasy maybe because of his former employer. I'm not sure. All of her concerns were met and more and she urged me to vote in favor of his nomination. That is what I intend to do today. I hope that the rest of my colleagues will join me. Thank you.

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

Senator **PLOWMAN:** Thank you Mr. President. Men and women of the Senate, I also stand to support the nomination of Stephen Bowen for appointment as the Commissioner's spot in Education. I want to remark on how well poised, calm, collected, and on task he stayed for four and a half hours as he stood at a podium without benefit of a laptop to prompt him with answers, information, or follow up information. To me that shows a kind of person that is willing to put in the time, the effort, and especially understand the gamesmanship that's being played. I started to think that perhaps part of the debate this morning wasn't about the candidate because it referred to people who seemed to have failed in what they wanted to do but then I thought maybe I should comment on that because obviously there are systems where failure has consequences. Isn't that a unique and different thought? It does sound intriguing to me. If those people failed in their missions then they should not be doing what they tried to do. I don't see Mr. Bowen as having failed anything yet. He passed a huge test yesterday. He's passed an incredible amount of questioning. Does he think outside of the box? Yes. Does he make rash decisions? No. Never have I known Steve Bowen to jump to a conclusion or to force an answer. He's one of the most thoughtful people and he actually will listen to other people's points of view and take them into consideration. As for the respect factor, as to whether teachers and superintendents will respect his opinion, I guess that starts here today with the guidance that they get from the words here. I would imagine if the words from the Assistant Minority Leader questioned his abilities to do his job than there might be some people who feel that this is an encouragement to not participate as a working member of the education system in the state of Maine but instead to oppose anything that comes forward. I would suggest that when these speeches are written, and we say all the nice things first and throw in all the challenges second, that there is an understanding that there is a rebound effect with your words. If the disrespect starts here the disrespect will continue. I urge a vote of not to override the confirmation as well as a public statement that says not just that you will work with the upcoming Commissioner but that you will do your best to encourage the respect to the position and to the work he does and that there will be a healthy amount of conversation but not the kind of determination to force an issue that results in a disrespect. Thank you, Mr. President.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I guess with all the talk of Eliot Cutler I'm curious if we want to have a recall. I guess, for my point, I'm not 100% sure but I think I actually came into the House with Stephen. I remember that first session there when he used to get up on different bills. Many times he would have a quote from a



movie that he would use in his argument. I always enjoyed that. I thought that was cool. I looked forward to Steve getting up and debating bills. He came and spoke with us this morning. I was honestly quite impressed with the range of things he spoke about. That's a good thing. I guess the problem that I see or have is that for whatever little bit I have become I can trace back to teachers in my past. I can see who they were who helped me, inspired me, or whatever it was. There is so much rhetoric right now and there is a lot of moving and shaking going on in the hall now. It's all aimed at teachers and the little little bit that they get for salaries and the little little bit they get for retirement. Fortunately, for some of the things that have been said by this candidate in the past, it's extremely, extremely hard to vote in favor and then turn around and see these people in my district and these people in my family. I wish it was different. I really do. I don't know how to get around that. We want to talk about respect. Well respect didn't start today with this vote, respect started last week and last year and before that. I'm sure that even in some of those comments that maybe were taken out of context but it is what it is now. I just, for everything that's going on with this moving and shaking, can't look at those people. I honestly don't care what anyone in this building thinks of me or anything. I can't look at those people that did make me what I am today and tell them that whatever has been said about them, whatever little bit they are making, whatever little bit they are losing, their retirement, I support that. I think this vote is a true justification of that support or lack of support. That's why I'll be supporting the override.

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Rector.

Senator **RECTOR:** Thank you Mr. President. Men and women of the Senate, Mr. Bowen and I came to the House together, as well as the Senator from Aroostook, Senator Jackson, at the same time in the 121<sup>st</sup> Legislature. We both came from Knox County. Mr. Bowen's a constituent of mine and one of whom I am enormously proud. Steve and I drank from the same fire hose as new legislators and tried to understand the issues that we would be facing. I want to tell you, he's a lot smarter than I am and I think he caught on a lot more quickly than I did. He proved to be a terrific mentor to me and a man of wisdom well beyond his years. He is a leader and we need a leader, a leader that people can look up to and recognize as directing the education of the state of Maine in a positive way. He demands accountability and I want a leader who demands accountability because I think we have every reason to expect that. The Senator from Cumberland said in his remarks that Steve has an ambitious agenda. You know what, our kids, they deserve nothing less than an ambitious agenda. I couldn't be more proud of Mr. Bowen, his nomination. I couldn't be more proud than to be supporting the decision of the committee to make him our Commissioner of Education. Thank you.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I will be supporting this nomination but I did want to share some thoughts about the nomination with you. What was just said about accountability, I think it's important we have accountability but there is also an importance to recognize, and I think after having spoken with Mr. Bowen, the problems with

the lack of professional development that our educators have been able to take advantage of. There is a lot, I think, blaming going onto our educators that's completely unfair. He recognizes that we need to do a better job in this state in ensuring that teachers, educators, get what they need. I think all too often there is this blame game that goes along. I really appreciated hearing from him today that he recognizes that it is really atrocious that we don't offer educators continued professional development that is adequate for them to meet the constant requirements that we impose on them.

I also want to say something about this notion of charter schools. Having been one who supported Mr. Cutler openly, he and I talked about that issue. This "unholy alliance" was discussed with the unions. Frankly, I disagreed with that. The reason is that, for me, I serve schools who complain today, without choice of parochial schools or without charter schools, that the choice that is going on right now, that we already have, about going to other high schools, and not being mandated to go to a particular high school, is very difficult for them because they are seeing a declining enrollment. The declining enrollment is vast in Maine and it will continue. Our public schools are going to struggle, so it is not about the status quo. This is about a free public education that we can offer through our public institutions today. They are struggling to make ends meet today, what will happen when we introduce additional schools?

I have no problem with the charter school issue. I have said that very frankly. Where is the money going to come from when our schools, our institutions, of today have a certain number of students decide to go to a charter school? Who is going to pay for that? You are talking about additional infrastructure. We keep talking about efficiencies. To me, adding on to additional infrastructure is a major problem. I would love to do it. I would love to add charter schools. The fact of the matter is that I don't think we can afford that. I've been very supportive of the mathematic school because it is an alternative school within our structure. I'm hoping that we go that direction. Let's see how we can work together and utilize what we have with regard to infrastructure so we don't end up duplicating services. It seems to me everybody is concerned with that. I'm sharing this on the record with all of you because I think it's critical that we understand that this is a major financial issue. We can all say yes, yes, yes and that charter schools are wonderful but where are the bucks to pay for that. There will be a cost. I opposed it before, even though there was a three year federal handout, because once you do that, and I know from past experience and municipal experience and state experience, when you start a program it is very difficult to stop it. Everybody knows that, or most of us know that, under the dome. I think the reality is that we have to understand what the costs are, because I'm not against the charter schools at all. I think that this is a positive thing but the money is going to be a major problem.

I also want to say, with regard to the parochial school issue, that it is one about our constitution and the separation of church and state. There has been an awful lot of discussion about our constitution. I think that this is really an issue that we all have to search our souls about and whether or not we think that this within our constitution to stop that. Frankly, I do. I don't think it's appropriate for taxpayer dollars to go to a particular religious organization. I would say that these are things that are issues that are very much on my mind and of grave concern to me as we move forward. It's not that I am opposed to parochial schools at all. However, I do think it's important for us to recognize that we

are responsible for upholding the constitution. I'm just airing these things, these issues, out in the open. I also want to say, as somebody who recognizes the importance of science, technology, engineering, and math education or STEM education, that Mr. Bowen and the man on the second floor have both said very encouraging things about STEM education and the insights here are important to all of us because the jobs that are going to be available are going to be huge in the STEM fields. We, frankly, need to do a much better job in this state inspiring our youth to go into those professions because if we want to raise prosperity in this state those are going to be the good paying jobs. They are today. The Senator from Knox, Senator Rector, and I understand that right now we are losing jobs to out-of-state people because our people are not prepared to take those jobs on today. I want our people to be able, I want Mainers to be able, to take those jobs on so they get the benefit of the high pay and that we don't import people from out-of-state for those jobs. I'm very encouraged by Mr. Bowen's discussion about STEM education and for that reason, and for the reason that I want to support somebody in this position to do as well as he can in it, I am going to be voting red in opposition to overturning the nomination. Thank you very much.

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 (#15)**

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

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

10 Senators having voted in the affirmative and 25 Senators having voted in the negative, and 10 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 **Stephen L. Bowen** of Rockport for appointment as the Commissioner of the Department of Education was **CONFIRMED**.

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

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Off Record Remarks

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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**

Resolve, To Study the Sustainability of the Harness Racing Industry (EMERGENCY)

H.P. 326 L.D. 408

In House, February 15, 2011, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

In Senate, March 1, 2011, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in **NON-CONCURRENCE**.

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

On motion by Senator **SHERMAN** of Aroostook, the Senate **ADHERED**.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act Relating to Child Support and Visitation by Noncustodial Parents"

H.P. 607 L.D. 811

Presented by Representative **MARTIN** of Eagle Lake. Cosponsored by Senator **SAVIELLO** of Franklin and Senator: **JACKSON** of Aroostook, Representatives: **BLODGETT** of Augusta, **PRIEST** of Brunswick.

Committee on **HEALTH AND HUMAN SERVICES** 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.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Protect Children's Health and Promote Safe Schools and Child Care Centers by Limiting the Use of Pesticides"

H.P. 634 L.D. 837

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

Presented by Representative NELSON of Falmouth.  
Cosponsored by Senator ALFOND of Cumberland and Senator: WOODBURY of Cumberland, Representatives: DOW of Waldoboro, MORRISON of South Portland, O'BRIEN of Lincolnville, RICHARDSON of Carmel, RICHARDSON of Warren, STRANG BURGESS of Cumberland, WAGNER of Lewiston.

On motion by Senator **COURTNEY** of York, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, March 8, 2011, at 10:00 in the morning.

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

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

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

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#### ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (2/10/11) Assigned matter:

JOINT ORDER - Directing the Joint Standing Committee on Inland Fisheries and Wildlife To Examine Real Property Owned by the Department of Inland Fisheries and Wildlife  
S.P. 115

Tabled - February 10, 2011, by Senator **TRAHAN** of Lincoln

Pending - motion by Senator **TRAHAN** of Lincoln to **PASS**

(In Senate, February 10, 2011, on motion by Senator **TRAHAN** of Lincoln, **READ**.)

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

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, just real briefly. I was waiting for our new Commissioner to be appointed. Having discussed this issue with him, I think it can be addressed internally and we no longer need this order. With that, Mr. President, I move Indefinite Postponement of this order and any accompanying papers. Thank you.

On motion by Senator **TRAHAN** of Lincoln, the Joint Order was **INDEFINITELY POSTPONED**.

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

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