

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

In Senate Chamber
Tuesday
April 12, 2011

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

Prayer by Reverend Thomas L. Blackstone, Ph. D, Green Street United Methodist Church of Augusta.

REVEREND BLACKSTONE: One hundred and fifty years ago today, at 4:30 in the morning, the first shots of the American Civil War were fired upon Ft. Sumter in Charleston Harbor in South Carolina. As we turn towards God this morning surely it is with a profound sense of that history, which came to have so great an effect upon the sons and daughters of Maine. Will you join me in prayer.

Holy and Gracious One, whom we call by different names, each in our own way, we take up the business of the state of Maine this morning deeply aware of the long reach of history, of the high expectations of our ancestors who left Maine with a heavy heart and returned far too few in number from places far away. May our work this morning be worthy of those who sacrificed personal safety on behalf of their communities and loved ones long ago through national service, the conducting of former slaves to freedom, and the healing of the nation's wounds. Bless our work this day and save us from regarding too lightly the responsibilities that are ours, the humanity of those who disagree with us, or the call of the future yet unseen. By our conduct today may we place self-interests at the service of generations yet to come. Amen.

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

Reading of the Journal of Thursday, April 7, 2011.

Doctor of the day, Jennifer Hayman, MD of Falmouth.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 238

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

April 6, 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 Veterans & Legal Affairs has had under consideration the nomination of the Honorable Richard A. Crabtree of Hope, for appointment to the Gambling Control Board.

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	Farnham of Penobscot, Plowman of Penobscot
	Representatives	7	Beaulieu of Auburn, Chipman of Portland, Damon of Bangor, Longstaff of Waterville, Russell of Portland, Valentino of Saco, Willette of Presque Isle
NAYS		0	
ABSENT		4	Rep. Carey of Lewiston, Rep. Crockett of Bethel, Rep. Johnson of Eddington, Sen. Patrick of Oxford

Rep. Mitchell of Penobscot Nation does support the Committee's recommendation.

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of the Honorable Richard A. Crabtree of Hope, for appointment to the Gambling Control Board be confirmed.

Signed,

S/Nichi S. Farnham
Senate Chair

S/Michael G. Beaulieu
House Chair

READ and ORDERED PLACED ON FILE.

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

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 (#30)

YEAS: Senators: None

NAYS: Senators: ALFOND, BARTLETT, 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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Richard A. Crabtree** of Hope for appointment to the Gambling Control Board was **CONFIRMED**.

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

The Following Communication: S.C. 239

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

April 7, 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 appoint Connie Jones, Executive Director of the Midcoast Chapter of the American Red Cross, 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.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

SENATE PAPERS

Bill "An Act Regarding Offenses against an Unborn Child"
S.P. 454 L.D. 1463

Presented by Senator PLOWMAN of Penobscot.
Cosponsored by Senator: WHITTEMORE of Somerset.

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

Senator **MASON** of Androscoggin moved to **REFER** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **MASON** of Androscoggin to **REFER** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Bill "An Act To Amend the Yarmouth Water District Charter"
S.P. 448 L.D. 1441

Presented by Senator WOODBURY of Cumberland.
Cosponsored by Representative: INNES of Yarmouth.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Create Efficiencies in State Government by Transferring the Duties of the Public Advocate to the Office of the Attorney General"

S.P. 451 L.D. 1455

Presented by Senator THIBODEAU of Waldo.
Cosponsored by Representative KESCHL of Belgrade and Representatives: CRAY of Palmyra, CURTIS of Madison, DAVIS of Sangerville.

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

Sent down for concurrence.

Bill "An Act To Improve the Permitting Process for Wind Energy Developments and To Protect Maine's Quality of Place"
S.P. 450 L.D. 1443

Presented by Senator PATRICK of Oxford.

Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested and ordered printed.

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

Resolve, To Implement the Recommendations of the Report on Services for Elders and Other Adults Who Need Long-term Home-based and Community-based Care
S.P. 452 L.D. 1461

Presented by President RAYE of Washington.
Cosponsored by Representative CAIN of Orono and Senators: CRAVEN of Androscoggin, FARNHAM of Penobscot, MASON of Androscoggin, McCORMICK of Kennebec, Representatives: EVES of North Berwick, MacDONALD of Boothbay, Speaker NUTTING of Oakland, STRANG BURGESS of Cumberland.

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

Sent down for concurrence.

Bill "An Act To Establish Standards for Portable Electronic Device Insurance"

S.P. 455 L.D. 1464

Presented by Senator SNOWE-MELLO of Androscoggin.
Cosponsored by Senator: BRANNIGAN of Cumberland, Representatives: BECK of Waterville, GOODE of Bangor, MORISSETTE of Winslow, RICHARDSON of Warren.

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 Amend the Laws Governing Freedom of Access"
S.P. 456 L.D. 1465

Presented by Senator ROSEN of Hancock.
Cosponsored by Senators: ALFOND of Cumberland, COLLINS of York, DIAMOND of Cumberland, FARNHAM of Penobscot, HILL of York, HOBBS of York, KATZ of Kennebec, LANGLEY of Hancock, MARTIN of Kennebec, MASON of Androscoggin, McCORMICK of Kennebec, PLOWMAN of Penobscot, RECTOR of Knox, SHERMAN of Aroostook, SNOWE-MELLO of Androscoggin, THIBODEAU of Waldo, WHITTEMORE of Somerset, Representatives: BEAVERS of South Berwick, DUNPHY of Embden, EVES of North Berwick, GUERIN of Glenburn, HARVELL of Farmington, HAYES of Buckfield, HINCK of Portland, O'CONNOR of Berwick, OLSEN of Phippsburg, ROSEN of Bucksport, SIROCKI of Scarborough, STRANG BURGESS of Cumberland, TURNER of Burlington.

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 the Department of Marine Resources' Administrative Suspension Process"
S.P. 453 L.D. 1462

Presented by Senator RECTOR of Knox.
Cosponsored by Representative DOW of Waldoboro and Senators: LANGLEY of Hancock, ROSEN of Hancock.

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

Sent down for concurrence.

Bill "An Act Concerning the Recording of Plans for Subdivisions"
S.P. 447 L.D. 1460

Presented by Senator THOMAS of Somerset.

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

Sent down for concurrence.

Bill "An Act To Clarify Enforcement of Maine's Building Codes"
S.P. 449 L.D. 1442

Presented by Senator BARTLETT of Cumberland.

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

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

Bill "An Act To Amend the Nonresident Income Tax Filing Requirements"
S.P. 446 L.D. 1440

Presented by Senator WOODBURY of Cumberland.
Cosponsored by Senator: TRAHAN of Lincoln, Representatives: BENNETT of Kennebunk, BERRY of Bowdoinham, BICKFORD of Auburn, FLEMINGS of Bar Harbor, HARMON of Palermo, KNIGHT of Livermore Falls, PILON of Saco.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

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

ORDERS

Joint Order

On motion by Senator **THOMAS** of Somerset, the following Joint Order:

S.P. 457

ORDERED, the House concurring, that Bill, "An Act To Amend the Powers and Duties of Municipal Treasurers," H.P. 390, L.D. 497, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

READ and **PASSED**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend Certain Provisions Regarding Evidence under the Law Concerning Post-judgment DNA Analysis"
H.P. 620 L.D. 824

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

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

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

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Enhance Public Participation in Decisions Relating to the Large-scale Extraction and Transportation of Water"
H.P. 812 L.D. 1077

Reported that the same be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**.

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

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

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing Criminal History Record Information" (EMERGENCY)
H.P. 278 L.D. 352

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-74)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-74)**.

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

READ ONCE.

Committee Amendment "A" (H-74) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Provide Sales Tax Exemption or Refund on Parts and Supplies Purchased To Operate Windjammers"

H.P. 52 L.D. 59

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-72)**.

Signed:

Senator:

TRAHAN of Lincoln

Representatives:

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

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

Signed:

Senator:

WOODBURY of Cumberland

Representatives:

- BURNS of Alfred
- HARMON of Palermo

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-72)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-72) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass

Senator THOMAS for the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Directing the Maine Community College System To Extinguish Certain Easements

S.P. 358 L.D. 1183

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator SAVIELLO for the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Improve Harbor Safety by Clarifying Requirements for Maintenance Dredging Permits"

S.P. 91 L.D. 311

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-30)**.

Report **READ**.

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

Senator THOMAS for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Provide Certainty to Businesses and Development"

S.P. 41 L.D. 86

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-33)**.

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

READ ONCE.

Committee Amendment "A" (S-33) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator FARNHAM for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Taste Testing of Wine Law"

S.P. 120 L.D. 416

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-29)**.

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

READ ONCE.

Committee Amendment "A" (S-29) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve Employment Opportunities for Workers in the Forest Industry"

S.P. 94 L.D. 314

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

Signed:

Senators:

RECTOR of Knox
MARTIN of Kennebec

Representatives:

PRESCOTT of Topsham
DOW of Waldoboro
NEWENDYKE of Litchfield
VOLK of Scarborough
WINTLE of Garland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-32)**.

Signed:

Senator:

JACKSON of Aroostook

Representatives:

DRISCOLL of Westbrook
GILBERT of Jay
HERBIG of Belfast
HUNT of Buxton
TUTTLE of Sanford

Reports **READ**.

Senator **RECTOR** of Knox moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, the bill that we have before us today is a bill that we actually had, the very same thing, last session. If you remember, it was fairly contentious and I spoke a lot about it last session. What the bill did was, in cases where landowners weren't using Maine workers for harvesting purposes, take away their Tree Growth Tax provision. That Tree Growth Tax is money that all of us in this room and all of our constituents make up to give the landowners a tax break to harvest their wood or to maintain their land. I think it's very appropriate that we can put some restrictions on who they are using to harvest timber because we're giving them the tax break. I don't understand why we would want to give a tax break if no one in Maine is going to benefit from it, either by actually cutting and hauling the wood or by the wood going to Maine mills. In my area I couldn't tell you the exact number but I can tell you that almost all of the lumber that is harvested in my area goes to Canadian mills. The only thing really that we can get for a benefit is the actual harvesting of it. We have all kinds of problems. We've had all kinds of problems for years and years with foreign labor coming and taking the jobs that, in my opinion, should go to Maine workers. This past winter was no different. In September many of the contractors got laid off. I actually spoke with some of the landowners and they said, "Well you know the market was bad" and they had a down turn. I said, "But yet you still have Canadian contractors who are working in the St. Pamphile area." They said, "That's different." Well, I don't know how it's different but the fact is that Maine people were laid off while foreign labor was continuing to work this season, as it has every other season. I can go back a long long time. My grandfather told me stories of walking into logging camps and being refused work while there were Canadians there with their horses. It's a generational problem, obviously, that I've been pushing for all my time. It's probably the reason why I actually ran for the legislature.

I imagine that you are going to hear arguments that this is going to hurt Maine mills. I disagree. As I said, we have so much lumber being cut in Maine that is going to Canada, if there is a shortage we can certainly stop some of that lumber going to Canada and keep it here in our Maine mills. This summer I took a camera crew from Portland up and we went to St. Pamphile. It's so striking that when you come down over the top of the hill for the Quebec-Maine border that on the Maine side there is nothing, there is just trees, and right on the Quebec border there are four mills. It's like driving to Portland. The sky is lit up. There are things going on like you wouldn't believe right on the Maine border. Yet those jobs are all in Quebec and we've lost all that. The majority of the timber is coming from Maine. I went into the customs office and talked to the customs officer. He told me that from December to the middle of March, on average, 225 loads a day leave Maine and go into Canada and none is coming this way. That millions and millions of board feet that are crossing just the St. Pamphile check point. The U.S. census bureau figures that with every Maine board foot that leave Maine we're losing 13.7 full time year around jobs. I could tell you that there are probably over 15 million board feet that are leaving right there at that one check point. Then you have St. Zacharie, you have St. Juste, and you can go all the way around. It's been said that Northern Maine is the crown of Maine, well the jewels of the crown are all in Canada. That being the mills.

It would be the same thing as Canadian boats coming down into the Maine and taking the lobsters and us giving a tax break for them to do it. It'd be the same thing as people harvesting potatoes and sending them here and us giving a tax break to put our Maine farmers out of business. It's the very same argument.

I don't know of any other way to get at this problem. Like I said, last session we actually passed a bill. It went to the Governor's desk. We compromised and passed another bill instead of it. Well, the reason why I put this bill back in is because that law that we compromised on, that most of us who were here last session actually voted for, is not being followed. We asked the Department of Labor, in Appropriations hearings, if we had any other laws that the Department is not following. They said this is the only one. The reason is because one of the large Canadian contractors has been found, or been possibly been in violation of that law. If they were found to be guilty of it they would have a two year disbarment from working in Maine and the landowners don't want to lose that contractor. We're not following that law for whatever reason. I don't understand, if they are putting Maine people out of work by doing some things that are illegal I don't understand why we wouldn't want to be working to try to correct that. I sent around this article to prove that this isn't just a Northern Maine issue. This article talks about how the Katahdin Mill might be shut down for lack of supply, which would probably fly in the face of my argument. If you read the article Mike Beardsley, who is the Executive Director of the Professional Log Contractors of Maine, says that the problems for them is that they are under capacity. They could cut a lot more but they are not allowed to. There isn't a problem of getting Maine loggers to do the jobs here in Maine, there is a problem of these people being allowed to actually do the harvesting. The Professional Log Contractors of Maine, I would bet there are probably people in that organization in almost every one of our districts. They are a big organization. They feel that they have about 80% of the harvesting capacity in Maine. They are huge contractors. The Pelletiers, of the American Loggers fame; Billy Gardner; Harold Bouchard; all these big contractors are in this organization. They are saying that they are not able to cut to their capacity. They would hire more people if they were allowed to. They would put on more equipment if they were allowed to. That's exactly what my argument has been all along. People that I know, that I represent, are not afraid to invest. They are not afraid to get more equipment and put more people to work, but they are not allowed to because the landowners want this foreign labor to come in for a host of different reasons. If we are the Maine Senate and we represent the people of Maine, I don't understand why we wouldn't want to do everything we can to put Maine people to work. I am sure people are going to get up and this is going to hurt the mills. I just disagree 100%. There is all kinds of fiber. There is all kinds of wood that could be going to any Maine mills. The minimal loss of this foreign labor could certainly be picked up by Maine loggers to do the harvesting. I would encourage you to vote against the pending motion and support the Minority Report that actually puts Maine people to work over foreign workers. Thank you.

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

Senator **RECTOR:** Thank you Mr. President. Men and women of the Senate, I have enormous respect for my friend and colleague from Aroostook, Senator Jackson, and have learned a lot from

him serving on the Labor Committee this year. This is a challenging issue and it is an issue, as he points out, has been around for a long while. It's important to know that bonded labor, in order to meet the federal qualifications to harvest in Maine, has to meet a standard that says those jobs have been advertised and offered to Mainers, to American citizens, first and that they could not find a workforce ready, willing, and able to harvest the timber where it stands. The issue that we have here in Maine is not that there are not enough loggers. The issue is the loggers aren't where the harvest is taking place. Under the circumstance, we end up having to harvest with the workforce that is available. I agree with the good Senator from Aroostook that there has been a supply problem this year and there continues to be a supply problem, to me, again. That argues for the ability to use bonded labor when necessary in order to bring in the fiber. Finally, I think that the thing that is most disturbing about this is that it takes what is an issue of a tax benefit that applies to the land to keep us in open forested land, and not follow other paths of development for that property, to allow the forest products industries to thrive here in Maine, it puts that status, the Tree Growth status, in jeopardy by all of a sudden mixing it with what is a labor related issue and a labor related issue that is already solved at the federal level with an HTA visa and bonded labor. With that, I would encourage you all to accept the Majority Ought Not to Pass Report and follow my light. Thank you, Mr. President.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, there is no one in this room that wants to see American loggers work any more than I do but this bill would not only hurt the mills that they are supplying and hurt the people that are working in those mills but it would hurt the very loggers that it proposes to help. The Senator from Aroostook, Senator Jackson, is right. You can watch logs go north all day long and go across the border into Canada. It has nothing to do with labor. It has everything to do with a poor business climate in Maine. It has everything to do with electric rates that are so high in Maine that you can't afford to saw lumber any more. It has everything to do with the cost of doing business in Maine and there is so much difference that you can afford to transport the logs to Canada, manufacture them, and then haul them back and still be able to compete with Maine mills. It's been going on for generations. It's wrong and we need to deal with it. This is not the bill to deal with it. Those jobs have to be offered to American workers and they don't take them. What do you do if you have timber to harvest and you can't find American workers to harvest it? You need to get that wood cut so that you can get it to the mills. If the mills in Maine can't get wood, and most of them this Spring are just praying they don't run out of wood and a lot of them will, then they will be shut down because the harvest is so far down because of all kinds of other rules. We need those mills to survive. When you look at the people who are sawing lumber today in Maine, and the disadvantage that they have, for them to be able to be as successful as they are you can't help but admire them. They are great people and they don't need to get poked in the eye with a bill like this. Please vote for the Majority Ought Not to Pass Report.

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

Senator **BARTLETT**: Thank you Mr. President. This legislation doesn't prohibit the use of bonded labor. It doesn't prohibit folks from bringing in people from Canada to do the work. What this bill does do is say that we are not going to use Maine tax dollars to help support that effort. At the end of the day we've got to decide what we want to spend our money on and every tax break is a form of spending our money to help some individual or some group. Here we are providing a tax benefit to landowners who are looking past Maine workers and bringing in out-of-state workers. If Canada wants to provide tax benefits to those landowners so their folks can work, great, they can do it. If Canada wants to provide tax benefits to help get those workers down, fine. That's not our responsibility. Maine tax breaks should be given to help Maine people and if they are not going to do it we should end the tax break. The idea here is to keep this land open, let's have tree growth so that Maine people can go work those forests. Why in the world are we spending Maine money to help Canadian workers work in our forests? It's wrong. It's a bad business model. If you want Maine to be open for business let's have it open to Maine businesses and Maine workers and not simply let other people come and exploit us. Thank you, Mr. President.

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

Senator **TRAHAN**: Thank you Mr. President. Ladies and gentlemen of the Senate, in response to the previous speaker's comments related to the Tree Growth Tax program, I just would caution the Senate on the ramifications of opening up the program that we use extensively across the state to protect open space. What might the ramifications be if we go down this road of using it as a punishment for not doing what some of us might think would be better for individual workers? I know that Roxanne Quimby would like a national park in Maine. Some of her lands are in Tree Growth. I know that there are some groups that would love to take away your Tree Growth Tax break if you don't allow hunting or snowmobiling or ATVing. The road that you open up is big. Its ramifications and its ripple effects could be very damaging to the state when it comes to conservation. Imagine what is left when you take away a Tree Growth Tax Break for someone who has 10,000 acres of land and much of that land is bordering on our lakes. Your next option is development if you want to keep your taxes low. Do we want to subdivide? Imagine a decision between landowners, "Do we want to subdivide on the lake or do we want to subdivide on an area that is near, let's say, a deer yard?" What we do here by moving into this area of using tax policies as punishment could have ripple effects that go from the coast to the tip of Northern Maine. I agree with the Senator from Aroostook, Senator Jackson, that this issue needs to be addressed but he's using a guillotine to do what we should be doing with fingernail clippers.

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

Senator **PATRICK**: Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I think it was in 2003 and 2004 that I served on the Labor Committee and one of the facts that I heard during debates such as this is that the landowners' profit, I think it was in 2003, was up 165%, yet the

harvesters, the haulers and the cutters was down 39%. I have no problem using a guillotine if that is what it takes to turn things around for Maine workers because I think our Chief Executive just put a big sign down at the beginning of Maine saying "Maine is Open for Business." Well, is it open for business for Canadian workers or are we going to start protecting Maine workers? Thank you, Mr. President.

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

Senator **JACKSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, I want to thank the good Senator from Knox, Senator Rector, for his kind words. The Senator has been a very good Chair of the Labor Committee and I respect him very much. To say this in no disrespect to the Senator, I'm not looking for respect. I don't care if anyone respects me. I really don't. What I'm looking for is prosperity for the communities that I represent, even for the landowners. I don't really care any more what they do to me because the industry I worked in I really haven't had any great benefit from. This is an issue that continues, goes on and on, and, like I said, it's generational. People say that it needs to be rectified. No one offers any solutions. It just keeps getting swept under the carpets. This is certainly an attempt. It's something. It would cut to the heart of the problem. Do you want to give tax breaks, money from the very people that can't get work on those lands? In the Allagash we have 72,000 acres out of the 77,000 that is in Tree Growth and I would think that almost every one in the community would say that they are getting no benefit from giving that tax break. There are very few jobs that are going to the people in that community. I'd tell you, the poke in the eye is getting up in the morning and watching the Canadian trucks go by my house, going to Canadian mills, while the guys I know, guys I used to work with, are sitting in their dooryards wondering how in hell they are going to pay for their stuff. That's a poke in the eye. I have already said that all the bonds that are used for the most part are in Northern and Northwestern Maine. I would argue that the majority of that wood is going to Canada. If we get rid of the bonded labor that's not going to hurt the Maine mills because that wood is going to Canada. I mean, just forget that argument. We could certainly do something to send more of our wood to any Maine mills that are struggling. Maybe we should take the tax break that we are giving here and give it to those same people to send the wood to Maine mills? That would maybe be something I certainly could support. To give tax breaks to landowners that have every intent on using foreign labor, I think, is foolish. I challenge you to go back to your districts and tell people that you think it's a good idea to give tax breaks to companies that hire foreign workers, not Maine workers. Get out there and tell people that you are actually supporting taking their tax money and giving it to companies that don't use Maine people. I challenge you to do that. I know that this issue is out of sight, out of mind and in Northern Maine but I don't think anyone in any community is going to support that. I won't belabor it any more, but I would ask you to vote against the pending motion and support Maine people.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#31)

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

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

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the Governor To Be Elected by a Majority Vote

S.P. 187 L.D. 607

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

Signed:

Senators:
THOMAS of Somerset
COLLINS of York

Representatives:
COTTA of China
BOLAND of Sanford
BOLDUC of Auburn
CELLI of Brewer
HARVELL of Farmington
MOULTON of York
TURNER of Burlington

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-31)**.

Signed:

Senator:
SULLIVAN of York

Representatives:
CASAVANT of Biddeford
GRAHAM of North Yarmouth

Reports **READ**.

Senator **THOMAS** of Somerset moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

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

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, I stand just to explain my vote more than anything. I'm aware that this may not be the bill that will do this but I think the public is concerned. I know my constituents are. We need to do something to be sure that we have majority votes somehow. I'm not sure this is it but the discussion needs to begin and it's a good place to begin it here in the Senate Chamber where we make laws and we need to look at that. I'm not expecting the groundswell to say, "Oh, we think the Senator is right on this particular bill." I hope this begins the discussion that must happen and it should be happening here as we make laws. Thank you very much, Mr. President.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm going to try not to make it a habit to speak two or three times every day but since this bill came through our committee I'd like to explain it. It seems like a great idea at first. The Chief Executive of any state should have a mandate when they take office. That mandate would start 50% of the vote plus one. How do you get there when you have three or four or five different candidates? It's been a long, long time since we had a Governor with a majority support with the exception of once in the last few years. This bill extends the time and drives the cost up so that it gets very, very expensive. In the end that Chief Executive may not have as much of a mandate as he would have had had we allowed the original vote to stand. What has to happen, if the top vote getter, the majority winner under our system now, doesn't get 50% of the vote then the first and second top vote getters would have a run-off. It says instant run-off but it takes 20 days to gather up all the votes and get them to Augusta and count them. That is the process that we go through. Then if there is a recount between second and third place that means we have to have a statewide recount. We might have a clear winner in the majority of votes, in the plurality of votes, but not have a clear winner in the second and third place contestants, so we'd have to have a recount. That takes time. Then the Legislature has to meet in joint session in order to pick a time for that run-off. We meet the first part of December, if there is no recount. If there is a recount it might be later. Then we're having a run-off election at a time when snow storms are prevalent in Maine, or we could have a real bad ice storm, so the turn out is less and chances are, in a run-off election, that the turn out would be less than it would in the first election anyways. After spending all this money to

have another election, having the candidates go through what they have already been through for months and months and months, then we have an election with an extremely light turn out, which is very possible. You've got a candidate who wins different than the candidate who won the first election, with fewer votes. They have a majority but they don't have as many votes as the person who won the plurality in the November election. It could be way after the first of the year before we could seat the new Governor. After spending all that money, we could, in fact, make things worse and probably would. That's why the majority of the committee voted Ought Not to Pass on this bill. I agree, we need to have a Chief Executive with the moral authority that a 50% vote gets. This bill doesn't accomplish that and is, in fact, another one of those bills that has good intensions but might well, in fact, make things worse. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, this is my bill and I thought I might say something this morning very briefly. First of all I understand the good Senator from Somerset, Senator Thomas' comments about the 50% less in the second election. It doesn't matter to me. I don't care if five people vote. If it's one plus 50% it means it's a majority vote. My math is simple. Secondly, this is the people's choice. I feel confident that if we send this out to the people and they said to do it we'll figure out a way to do it pretty inexpensively and pretty expediently. I just feel comfortable with that and I will share with you all the e-mails I've gotten. It's interesting because most of them, until recently, asked all of us to support that. Interestingly enough, they were from your constituents. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#32)

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

NAYS: Senators: ALFOND, BARTLETT, BLISS, CRAVEN, GERZOFISKY, GOODALL, HILL, HOBBS, JACKSON, PATRICK, SAVIELLO, SCHNEIDER, SULLIVAN, WOODBURY

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

Sent down for concurrence.

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

SECOND READERS

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

House

Bill "An Act To Establish Juneteenth Independence Day"
H.P. 560 L.D. 753

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

House As Amended

Bill "An Act To Eliminate Dual Certification Requirements for Speech-language Pathologists"
H.P. 111 L.D. 129
(C "A" H-68)

Bill "An Act To Amend the Laws Governing Aquatic Nuisance Species"
H.P. 205 L.D. 252
(C "A" H-66)

Resolve, To Establish a Single Construction Permit for Aboveground Oil Storage Tanks in Gravel Pits and Quarries
H.P. 206 L.D. 253
(C "A" H-67)

Bill "An Act To Allow an Angler To Gift a Freshwater Fish to a Person Who Is Not Licensed To Fish"
H.P. 244 L.D. 302
(C "A" H-69)

Bill "An Act To Amend the Natural Resources Protection Act Regarding Coastal Sand Dune Systems"
H.P. 313 L.D. 387
(C "A" H-65)

Resolve, Regarding Legislative Review of Portions of Chapter 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)
H.P. 329 L.D. 411
(C "A" H-61)

Bill "An Act To Amend the Telecommunications Education Access Fund"

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

Bill "An Act To Amend the Law Pertaining to Loaner Registration Plates"

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

ROLL CALL (#33)

Bill "An Act To Create an Apprentice Trapper License"
H.P. 480 L.D. 650
(C "A" H-70)

YEAS: Senators: ALFOND, BARTLETT, 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

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

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

NAYS: Senators: None

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

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate As Amended

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

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

Acts

Bill "An Act To Reduce Costs for Businesses with Previous Utility Payment Records"

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

An Act To Repeal the Restriction on Serving or Executing Civil Process on Sunday

H.P. 81 L.D. 95

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

An Act To Revise the Laws Governing the Licensure of Public Water System Operators

S.P. 128 L.D. 424
(C "A" S-18)

Sent down for concurrence.

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

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

ENACTORS

Resolve

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

Resolve, Regarding MaineCare Tobacco Treatment and Smoking Cessation Benefits

S.P. 67 L.D. 216
(C "A" S-17)

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products, a Major Substantive Rule of the Department of Environmental Protection
H.P. 330 L.D. 412

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

All matters thus acted upon were ordered sent down forthwith 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:

PAPERS FROM THE HOUSE

House Paper

Resolve, To Enhance Agriculture and Farming
H.P. 1058 L.D. 1444

Presented by Representative CROCKETT of Bethel.

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.

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 Videoconferencing for Civil and Criminal Proceedings for Inmates"
H.P. 1069 L.D. 1438

Presented by Representative BURNS of Whiting.
Cosponsored by President RAYE of Washington and Representatives: CLARKE of Bath, CROCKETT of Bethel, CURTIS of Madison, ESPLING of New Gloucester, GUERIN of Glenburn, OLSEN of Phippsburg, SANDERSON of Chelsea.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act Regarding Permits To Carry Concealed Firearms"
H.P. 1070 L.D. 1439

Presented by Representative HANLEY of Gardiner.
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Come from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Establish the Maine Farm and Fish to School Program"
H.P. 1060 L.D. 1446

Presented by Representative McCABE of Skowhegan.
Cosponsored by Senator LANGLEY of Hancock and Senators: ALFOND of Cumberland, GOODALL of Sagadahoc, Representatives: BEAVERS of South Berwick, BECK of Waterville, BERRY of Bowdoinham, BLACK of Wilton, BOLAND of Sanford, BRIGGS of Mexico, BRYANT of Windham, CAIN of Orono, CAREY of Lewiston, CHAPMAN of Brooksville, CHIPMAN of Portland, CORNELL du HOUX of Brunswick, CRAY of Palmyra, CROCKETT of Bethel, DILL of Cape Elizabeth, DILL of Old Town, DOW of Waldoboro, EDGECOMB of Caribou, EVES of North Berwick, FLEMINGS of Bar Harbor, FOSSEL of Alna, FOSTER of Augusta, GIFFORD of Lincoln, GILBERT of Jay, GOODE of Bangor, GRAHAM of North Yarmouth, HARLOW of Portland, HARMON of Palermo, HARVELL of Farmington, HERBIG of Belfast, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, INNES of Yarmouth, KENT of Woolwich, KRUGER of Thomaston, KUMIEGA of Deer Isle, LOVEJOY of Portland, LUCHINI of Ellsworth, MAZUREK of Rockland, McKANE of Newcastle, MITCHELL of the Penobscot Nation, MORRISON of South Portland, NELSON of Falmouth, O'BRIEN of Lincolnville, RANKIN of Hiram, RICHARDSON of Warren, ROCHELO of Biddeford, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SHAW of Standish, STEVENS of Bangor, STUCKEY of Portland, TIMBERLAKE of Turner, TREAT of Hallowell, WAGNER of Lewiston, WEBSTER of Freeport, WELSH of Rockport.

Comes 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 Papers

Bill "An Act To Create Jobs through the Establishment of the Renewable Energy Resources Feed-in Tariff Program"
H.P. 1061 L.D. 1447

Presented by Representative RUSSELL of Portland.
Cosponsored by Senator ALFOND of Cumberland and Senator: BARTLETT of Cumberland, Representatives: BERRY of Bowdoinham, INNES of Yarmouth, KENT of Woolwich, MacDONALD of Boothbay.

Bill "An Act To Ensure Regulatory Parity among Telecommunications Providers"
H.P. 1075 L.D. 1466

Presented by Representative FITTS of Pittsfield.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Transfer Recycling Technical Assistance and Solid Waste Policy Responsibilities from the State Planning Office to the Department of Environmental Protection" (EMERGENCY)
H.P. 1073 L.D. 1458

Presented by Representative MOULTON of York.
Cosponsored by Senator SULLIVAN of York and Representatives: GRAHAM of North Yarmouth, HINCK of Portland.

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.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act Regarding the Right of Native Americans To Be Issued Hunting, Trapping and Fishing Licenses"
H.P. 1071 L.D. 1456

Presented by Representative SOCTOMAH of the Passamaquoddy Tribe.
Cosponsored by President RAYE of Washington and Senators: ALFOND of Cumberland, HASTINGS of Oxford, SULLIVAN of York, Representatives: CAIN of Orono, CURTIS of Madison, FITTS of Pittsfield, MALONEY of Augusta, MITCHELL of the Penobscot Nation.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Protect Time-share Condominium Associations"
H.P. 1062 L.D. 1448

Presented by Representative CROCKETT of Bethel.
Cosponsored by Senator PATRICK of Oxford and Senator: BLISS of Cumberland, Representatives: CRAY of Palmyra, HAYES of Buckfield, PRIEST of Brunswick, RICHARDSON of Warren, WATERHOUSE of Bridgton.

Bill "An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons"
H.P. 1072 L.D. 1457

Presented by Representative CRAFTS of Lisbon.
Cosponsored by Senator MASON of Androscoggin and Representatives: ESPLING of New Gloucester, GUERIN of Glenburn, MORISSETTE of Winslow, O'CONNOR of Berwick, PARKER of Veazie, SIROCKI of Scarborough, TURNER of Burlington.

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

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 Provide More Efficient Notice of Public Activities"
H.P. 1059 L.D. 1445

Presented by Representative HAYES of Buckfield.
Cosponsored by Representative DUCHESNE of Hudson.

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Strengthen Maine Industry through Energy Efficiency Investment"
H.P. 1063 L.D. 1449

Presented by Representative HINCK of Portland.
Cosponsored by Senator: THIBODEAU of Waldo,
Representatives: BERRY of Bowdoinham, FITTS of Pittsfield,
FLEMINGS of Bar Harbor, HAYES of Buckfield, KNIGHT of Livermore Falls, RUSSELL of Portland.

Bill "An Act Concerning Technical Changes to the Tax Laws"
H.P. 1077 L.D. 1468

Presented by Representative KNIGHT of Livermore Falls.
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

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

REFERRED to the Committee on **TAXATION** 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 Allow Police Officers To Operate Mobile Command Units without a Special License"

H.P. 1068 L.D. 1454

Presented by Representative HASKELL of Portland.
Cosponsored by Senator BRANNIGAN of Cumberland and
Representatives: CELLI of Brewer, DRISCOLL of Westbrook,
FOSSEL of Alna, HANLEY of Gardiner, HOGAN of Old Orchard Beach, PEOPLES of Westbrook.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

REFERRED to the Committee on **TRANSPORTATION** 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 Permit Video Gaming for Money Conducted by Nonprofit Organizations"
H.P. 1078 L.D. 1469

Presented by Representative FITTS of Pittsfield.
Cosponsored by Senator PATRICK of Oxford and
Representative: PETERSON of Rumford.

Comes 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.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Administrator of the Unorganized Territory**

The **Administrator of the Unorganized Territory**, pursuant to the Maine Revised Statutes, Title 36, section 1604 asked leave to report that the accompanying Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2011-12" (EMERGENCY)
H.P. 1074 L.D. 1459

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

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

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

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

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. 1081

**JOINT RESOLUTION RECOGNIZING APRIL 18, 2011 AS
WORLD AMATEUR RADIO DAY**

WHEREAS, because it uses an international natural resource, the radio spectrum, amateur radio must organize nationally and internationally for better mutual use of the radio spectrum among radio amateurs throughout the world; and

WHEREAS, amateur radio communication has evolved from crude spark-gap technology to true digital communication, integrating the use of computers and radio to communicate locally as well as worldwide; and

WHEREAS, on April 18, 1925, the International Amateur Radio Union was founded, which illustrates how international cooperation and communication are hallmarks of amateur radio; and

WHEREAS, the International Amateur Radio Union has given amateur radio a voice in developing international agreements that allow amateurs to communicate over international borders; and

WHEREAS, there are more than 3,000,000 amateur radio operators worldwide, with more than 730,000 in the United States and more than 5,000 in the State of Maine; and

WHEREAS, each year on April 18th, amateur radio operators throughout the world celebrate World Amateur Radio Day and sponsor special events to promote and publicize amateur radio; and

WHEREAS, this year's theme is "Amateur Radio: The First Technology-based Social Network"; and

WHEREAS, amateur radio is a licensed service that may be used only among licensees and only for noncommercial use and, at times of emergency or natural disasters, is often the only dependable way to communicate locally or internationally; and

WHEREAS, amateur radio operators volunteer their equipment and time to provide this valuable service and Maine amateur radio operators routinely provide public service communications for such events as the Dempsey Challenge, the Trek Across Maine, the Beach to Beacon 10K Road Race, the New England Forest Rally, the Kenduskeag Stream Canoe Race, the Tour de Cure, the National Multiple Sclerosis Society walkathons, the Can-Am Crown International Sled Dog Race, the Loon Echo Bike Trek and the World Biathlon Championship; 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 recognize and acknowledge the accomplishments and public service provided by amateur radio operators as they celebrate World Amateur Radio Day on the 86th anniversary of the founding of the International Amateur Radio Union; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the American Radio Relay League and the International Amateur Radio Union.

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:

RECALLED FROM GOVERNOR'S DESK

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

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

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

On motion by Senator **THOMAS** of Somerset, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

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

Off Record Remarks

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

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

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

Senator **HASTINGS**: Thank you Mr. President. I, too, thought maybe we was going to do this on Thursday, but I don't want to pass up the opportunity. I do want to tell the Body how much of a pleasure it has been to serve on the Judiciary Committee with Senator Bliss for both the last legislature and as far as we've gotten in this legislature. He came to the committee. I'd been sitting in that same seat for six years on the Judiciary Committee. I had become quite accustom to the Senator from York, our Minority Leader, Senator Hobbins, as the Chair. We sort of had a rhythm going. Last year the chairs moved around a little bit. My chair didn't move. I sat in that same chair for my fifth and sixth year. Senator Bliss came to the committee as our new Chair and I wondered how things would go. He's not a lawyer. We deal with some pretty social issue things but we also deal with some really dull legal issues. I wondered how Senator Bliss would deal with that. I found, as the two years went by, what a pleasure it was to have him as our Chair. I thought he was extremely fair. He caught onto the legal stuff real quickly. For those of us who are lawyers, it made us wonder if maybe it wasn't that complicated after all and we just like to pretend it is. It's been a great pleasure. In fact, the other day I told Senator Bliss, "I'm not sure if you are going to take this as a compliment or an insult, but I was just asked in the hall by a gentleman what kind of law does Senator Bliss practice." He still didn't tell me if he was insulted or complimented by that. I also want to say, as we've entered into this legislature and our fortunes from the election change, I found myself as the Chair and I was so pleased that Senator Bliss asked, I think he asked, and wanted to come back to Judiciary. It continued to be a pleasure working with Senator Bliss. I've looked to him for advice and he's been free with it. I have appreciated it, just knowing the process of running a committee and he's been so helpful to me. I have appreciated his insight on bills and I know all of us on the Judiciary Committee are going to greatly miss Senator Bliss and all he has added to the committee over the last 2-1/2 years. Thank you very much, Mr. President.

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

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

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

Senator **SNOWE-MELLO** of Androscoggin was granted unanimous consent to address the Senate off the Record.

On motion by Senator **COURTNEY** of York, **ADJOURNED** to Wednesday, April 13, 2011, at 10:00 in the morning.