

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

In Senate Chamber
Wednesday
February 8, 2012

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

Prayer by Rev. Ellen Bridge of Peoples United Methodist Church in Newport.

REVEREND BRIDGE: It's an honor and a privilege, President Raye, distinguished Senators, nurses, visitors, and guests, to be with you this morning. I am one of a growing number of persons with dual and second careers, as both a nurse and as a clergy person I have heard the call to both a vocation and a profession. As it is with all of you, who have been called to serve here in the State Legislature as Senators representing the people of Maine, that we share that sense of call to serve. The state of Maine is a beautiful place to live, to raise families, to retire, and to visit, but this state, like all states, has challenges that lead to opportunities. In many ways, we address those opportunities just from different perspectives. It takes all of us working together. We care about each other. We care about improving the quality of life for individuals, families, and communities. I know the commitment, the time, and the energy that it takes to come here and dedicate yourselves to the people of Maine. I commend and thank each one of you for that.

In the Book of Micah, chapter 6, are wonderful words about God's call to us to walk with God humbly, doing justice, loving mercy, and serving one another. There is a hymn that includes these words; "Come, live into the light. Shine with the joy and the love of God. We are called to be light for the kingdom, to live in the freedom of the city of God. We are called to act with justice. We are called to love tenderly. We are called to serve one another and to walk humbly with God."

Let us be in the spirit of prayer. Creator God, the giver of life, the source of strength, and the hope of our tomorrows, we thank You for the possibilities within this Senate chamber and, indeed, within this Legislature. You have given leadership of the state to friends and colleagues, and we are grateful. May they be compassionate towards each other. May they listen to the needs. May they recognize the strengths in others. May they affirm the goodness and gifts of many. You have created for us life and community, so may each person here be grateful for those relationships that sustain and support their life together. O God, You have given this Body meaningful work and we are grateful to those who have responded to the call to serve. You, O God, have called all people to lives of peace and wholeness. Lead each Senator in directions of purpose, caring, and support. Bless those who gather in this place. Give them the gifts of discernment and the gifts of wisdom. Give them the gifts of vision. To those who lead here, grant patience of cooperation. To those who debate here, grant clarity of thought. To those who decide here, grant courage of truth. Keep ever before them the broken places of their lives and their work together. Grant them

the grace to work together, respecting all. May our hearts and ears hear Your voice as You seek what is best for all persons, O God. May each heart be in rhythm with Yours. O God, blend us with all people of good will, both in this Senate Chamber and beyond, so that this state might be a place of hope and fulfillment. May Your presence be felt here and in the work at hand. May Your grace, mercy, and guidance always abound. In thanksgiving for all who serve in these public duties, we give You praise. Amen.

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

Reading of the Journal of Tuesday, February 7, 2012.

Doctor of the day, Lani Graham, MD, MPH of Freeport.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Apply the Sales Tax on Camper Trailers and Motor Homes Purchased for Rental in the Same Manner as on Automobiles Purchased for Rental"
H.P. 1333 L.D. 1809

Presented by Representative VOLK of Scarborough.
Cosponsored by Senators: COURTNEY of York, HASTINGS of Oxford, SHERMAN of Aroostook, WHITTEMORE of Somerset, Representatives: BENNETT of Kennebunk, HARMON of Palermo, KNIGHT of Livermore Falls, WATERHOUSE of Bridgton.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

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

Bill "An Act To Exempt from the Prohibition against Text Messaging While Driving Emergency Personnel Who Are Acting in the Course of Their Duties"
H.P. 1332 L.D. 1808

Presented by Speaker NUTTING of Oakland.
Cosponsored by Senator COLLINS of York and Representatives: CEBRA of Naples, CRAY of Palmyra, CURTIS of Madison, HANLEY of Gardiner, ROSEN of Bucksport.
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.

Senate at Ease.

Senate called to order by the President.

Joint Orders

Expressions of Legislative Sentiment recognizing:

Fire Chief Jeffrey Cammack, of Bangor, who is retiring after 15 years as Fire Chief and 33 years as a firefighter. Chief Cammack joined the Bangor Fire Department in 1979, was promoted to Lieutenant in 1988, to Captain in 1989 and to Assistant Fire Chief in 1994. He is a graduate of the Fire Science Technology Program at Southern Maine Technical College. Chief Cammack has been a member of the Maine Fire Protection Services Commission since 2000, one of the 21 original members of the commission. We send our appreciation to Chief Cammack for his many years of dedicated commitment to his profession, his community and to the State. We extend our congratulations and best wishes to him;

HLS 963

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

READ.

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

Senator **FARNHAM:** Thank you Mr. President. I just wanted to call our attention to Fire Chief Jeffery Cammack of Bangor, who is retiring after 15 years as the Fire Chief. He's been a true asset to our fire safety in the city of Bangor. We are so grateful to have had his service for this amount of time. I just wanted to draw your attention to that and congratulate him on his time in service.

PASSED, in concurrence.

State Fire Marshal John C. Dean, of Winthrop, on the occasion of his retirement from a 40-year career in public safety. Mr. Dean began his career as a member of the Old Town Fire Department, serving from 1971 to 1989. From 1989 to 1998, he was the Fire Chief for the Wells Fire Department. He left the Wells Fire Department to accept the position of State Fire Marshal, serving in that position for 14 years, and he was president of the National Association of State Fire Marshals from 1996 to 1998. He is one of the 21 original members of the Maine Fire Protection Services Commission. Throughout his career, Mr. Dean became known for his strong leadership and his commitment to fire safety as he

oversaw the updating of Maine's fire codes to incorporate national standards. We extend our appreciation to Mr. Dean for his commitment to the citizens of the State and wish him well in his future endeavors;

HLS 965

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

READ.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of Senate, I just wanted to rise and acknowledge State Fire Marshal John Dean's career in fire fighting. He was the definition of a professional fire fighter. I've known John for well over 20 years. He always kept up with the latest technologies and always was a true public servant. One of his communities is my hometown of Wells. John and I became close friends. He is a professional and I hate to see him retire, but I guess we all reach that point sometime in our lives, with the exception of some legislators who stay here for a long time. In any event, I wish John the best and I think he's still too young to retire. Thank you.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, John Dean's retiring. As long as I've been here in this Legislature John Dean's been a Fire Marshal. He's been in front of our committee time and time again. Every time we had a major problem I could look at John and get some help. When we needed to cut budgets, he could help us. When we needed to sweep a budget, he always had something to sweep out. I don't think going forward we're going to think along those lines, but in the past he has. He's been a credit to the State of Maine. I really wanted to get up and say how much we appreciated him on the committee and how good he was to work with.

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

Senator **MASON:** Thank you Mr. President. I would just like to stand up really quick and just say something about Mr. Dean. As a first year legislator and as a freshman on the Criminal Justice and Public Safety Committee, Mr. Dean was always helpful for us and helpful for me and the other freshmen members of our committee to understand the issues at hand. Thank you, Mr. Dean, for your service. Thank you, Mr. President.

PASSED, in concurrence.

Off Record Remarks

REPORTS OF COMMITTEES

House

Pursuant to Resolve

The Committee on **JUDICIARY** on Bill "An Act To Implement Recommendations of the Committee To Review Issues Dealing with Regulatory Takings"

H.P. 1334 L.D. 1810

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**, pursuant to Resolve, chapter 111, section 9.

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.

Bill and accompanying papers **REFERRED** to the Committee on **JUDICIARY**, in concurrence.

Ought to Pass

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding the School Fund in the Town of Burlington"
H.P. 1264 L.D. 1712

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.

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Amend the Resolve Establishing the Task Force on Franco-Americans (EMERGENCY)

H.P. 1209 L.D. 1601

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-686)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-686)**.

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

READ ONCE.

Committee Amendment "A" (H-686) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **MARINE RESOURCES** on Bill "An Act To Ensure the Safety of Bait Used in Maine's Fishery"
H.P. 1218 L.D. 1609

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-690)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-690)**.

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

READ ONCE.

Committee Amendment "A" (H-690) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Provide a Sales Tax Exemption to Commercial Horticulturists"
H.P. 187 L.D. 234

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-687)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-687)**.

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

READ ONCE.

Committee Amendment "B" (H-687) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Protect Legislative Intent in Rulemaking"

H.P. 426 L.D. 543

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-688).**

Signed:

Senators:
THOMAS of Somerset
COLLINS of York

Representatives:
COTTA of China
BOLAND of Sanford
BOLDUC of Auburn
CASAVANT of Biddeford
GRAHAM of North Yarmouth
HARVELL of Farmington
KAENRATH of South Portland
MOULTON of York
TURNER of Burlington

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "C" (H-689).**

Signed:

Senator:
SULLIVAN of York

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-688)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-688).**

Reports **READ.**

Senator **THOMAS** of Somerset moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-688)** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-688)** Report, in concurrence.

SECOND READERS

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

House

Bill "An Act To Enhance the Duties and Responsibilities of the Director of the Division for the Deaf, Hard of Hearing and Late Deafened"

H.P. 1228 L.D. 1638

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

Senate As Amended

Bill "An Act To Simplify Toll Discounts and Amend Certain Powers and Procedures of the Maine Turnpike Authority" (EMERGENCY)
S.P. 533 L.D. 1623
(C "A" S-373)

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

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Allow the Adjutant General To Address a Joint Session of the Legislature

H.P. 1229 L.D. 1639

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

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

Off Record Remarks

Senator **CRAVEN** of Androscoggin was granted unanimous consent to address the Senate off the Record.

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

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

Off Record Remarks

On motion by Senator **COURTNEY** of York, **ADJOURNED** to Thursday, February 9, 2012, at 10:00 in the morning.