

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

In Senate Chamber
Thursday
March 1, 2012

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

Prayer by Senator Rodney L. Whittemore of Somerset County.

SENATOR WHITTEMORE: Good morning everyone. Let us pray. God in heaven, it is our privilege to invite You here as the guest of honor at today's legislative session. It is our request that You would bestow Your blessing upon our work, but more than that, it is more important that we desire that You would be here with us this morning. Among other things, O God, You are the creator of human minds, which You molded in some fashion after Your own great mind. Although we acknowledge that Your thoughts are infinitely higher and more profound than ours, we glory in the notion that we may, at our own level, model some of our own thoughts after Yours today. Thank You for the precious gifts of knowledge and discovery. I ask on behalf of those gathered here that You would, indeed, bless each of these legislators. Give them the grace to make a difference for the good in whatever they may encounter. Lord, we ask that You be with those who are in need of Your comforting, especially Senator Diamond, Senator McCormick, and their families. Amen.

Posting of the Colors by Loring Job Corps

Pledge of Allegiance led by Senator Douglas A. Thomas of Somerset County.

Reading of the Journal of Wednesday, February 29, 2012.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **COURTNEY** of York, the following Joint Order:
S.P. 636

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 6, 2012, at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1356

**JOINT RESOLUTION RECOGNIZING
MAINE ADULT EDUCATION**

WHEREAS, since 1871 Maine's public schools have supported the development of an adult education system that has grown and adapted to meet the needs of people throughout the State; and

WHEREAS, Maine's adult education programs are uniquely positioned to provide adults with the opportunity to learn wherever they live in the State, with services in 85% of municipalities; and

WHEREAS, Maine's adult education programs are educating Maine people about the use of broadband Internet through the ConnectME Community Connections project; and

WHEREAS, adult education programs are vital to the economic development of Maine and are actively responding to the current crisis of lost jobs by providing programs and courses specifically designed to help educate the workforce and prepare Maine adults for success, including:

1. Direct service to Maine adults who have experienced job loss or who need improved skills to obtain employment;
2. Career preparation and courses for Maine workers, partnerships with postsecondary and workforce institutions, as well as certificate programs, including the implementation of the WorkReady program focusing on workforce development skills for success on the job;
3. Literacy and English as a Second Language programs and successful family literacy programs combining adult education and early childhood education and parenting instruction;
4. High school completion and general educational development programs, which annually award 3,000 credentials in Maine;
5. Comprehensive college transition programs in place in 22 regions covering every county in Maine, which provide career guidance, college orientation and refresher and prerequisite classes for adults seeking college success;
6. Community education, including a vibrant array of courses contributing to the quality of life in Maine communities, offering the opportunity for Mainers of all ages to share talents and learn from others; and

7. A new emphasis on collaboration through the use of distance learning and videoconferencing to bring new learning opportunities to rural communities through a newly awarded federal grant; and

WHEREAS, the Maine Adult Education Association launched a web portal system of coordinated websites for local programs allowing statewide searching for courses and online registration and payment, with 925,300 visits and 4.8 million page views in the past 3 years and with visits up 15% from 2010 to 2011; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, pause to acknowledge and express our appreciation and strong support of Maine's adult education programs, which uniquely meet the needs of the communities they serve and provide a vital system of service to the population of the State as new challenges are faced in this period of economic uncertainty; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Education.

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

READ.

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

Senator **ALFOND:** Thank you Mr. President. I briefly want to talk about this Joint Resolution, recognizing Maine adult education here in the state of Maine. I know many of you were downstairs yesterday looking at all the diversity of our adult eds across the state. Adult eds play a huge role in our education system, as you all know. As you also know, we are trying to create multiple pathways for all students here in Maine and adult ed provides a crucial one for those students at risk and for those students coming into this country that don't have all of the English skills that they might need in order to be in our high schools or to be in our colleges. It is critical that we keep supporting adult ed, that we keep having a great infrastructure of adult ed, because it is a crucial part of our economy, making sure that all students and all adults have a place to go and succeed here in Maine. Thank you, Mr. President.

ADOPTED, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 727

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

February 29, 2012

The Honorable Kevin Raye
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Raye,

This is to inform you that I am today nominating Gail Dana-Sacco of Scarborough for appointment to the Maine Indian Tribal-State Commission.

Pursuant to Title 30, MRSA §6212, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 726

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

February 22, 2012

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

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Veterans and Legal Affairs from the review and evaluation of the Department of Defense Veterans and Emergency Management under the State Government Evaluation Act. In its review, the Committee found that the Department of Defense Veterans and Emergency Management is operating within its statutory authority.

Sincerely,

S/Senator Nichi Farnham
Senate Chair

S/Representative Michael Beaulieu
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

Senate at Ease.

Senate called to order by the President.

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

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Relating to the Calculation of Population for Purposes of the Maine Uniform Building and Energy Code and Public Safety Answering Point Assessments" (EMERGENCY)

H.P. 1249 L.D. 1697

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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide Public Access to Price Lists of Hospitals and Ambulatory Surgical Facilities"

H.P. 602 L.D. 806

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-719)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-719)**.

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

READ ONCE.

Committee Amendment "A" (H-719) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Extend Certain Insurance Protection to Emergency Responders"

H.P. 1226 L.D. 1636

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-722)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-722)**.

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

READ ONCE.

Committee Amendment "A" (H-722) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Permit Financial Institutions To Share Certain Information for the Purpose of Preventing Electronic Bank Card Losses and Other Fraud"

H.P. 1227 L.D. 1637

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-717)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-717)**.

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

READ ONCE.

Committee Amendment "A" (H-717) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Amend the Probate Code Regarding Powers of Attorney, Education of Children and Guardianship"

H.P. 722 L.D. 978

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-720)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-720)**.

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

READ ONCE.

Committee Amendment "A" (H-720) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Establish Veterans Treatment Courts" (EMERGENCY)
H.P. 1250 L.D. 1698

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-729)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-729)**.

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

READ ONCE.

Committee Amendment "A" (H-729) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Provide Additional In-store Space for Maine's Businesses by Removing License and Permit Posting Requirements"
H.P. 1247 L.D. 1695

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-726)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-726)**.

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

READ ONCE.

Committee Amendment "A" (H-726) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Require Review of Certain Changes to Sales Tax Policy Application or Practice prior to Implementation"

H.P. 448 L.D. 590

Reported that the same **Ought to Pass as Amended by Committee Amendment "C" (H-718)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-718)**.

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

READ ONCE.

Committee Amendment "C" (H-718) **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 Create Excise Tax Equity and Consistency for Buses"
H.P. 1251 L.D. 1699

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-724)**.

Signed:

Senators:

COURTNEY of York
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BERRY of Bowdoinham
BICKFORD of Auburn
FLEMINGS of Bar Harbor
HARMON of Palermo
PILON of Saco
WATERHOUSE of Bridgton
WEAVER of York

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

Signed:

Representative:
BRYANT of Windham

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-724)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-724) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator **RECTOR** for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, To Streamline Forester Licensing Requirements
S.P. 613 L.D. 1776

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-406)**.

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

READ ONCE.

Committee Amendment "A" (S-406) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Amend the Circuitbreaker Program To Include Claimants Occupying Property Pursuant to a Trust and To Require Proof of Payment of Rent"

S.P. 579 L.D. 1680

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-407)**.

Signed:

Senators:

COURTNEY of York
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BERRY of Bowdoinham
BICKFORD of Auburn
FLEMINGS of Bar Harbor
HARMON of Palermo
PILON of Saco
WATERHOUSE of Bridgton
WEAVER of York

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

Signed:

Representative:
BRYANT of Windham

Reports **READ**.

On motion by Senator **COURTNEY** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-407) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

H.P. 1285 L.D. 1743

Bill "An Act Regarding the Oversight and Safety of Certain Commercial Vessels Operating in Maine Waters"

H.P. 1321 L.D. 1795

Bill "An Act To Increase the Amount of Time an Employer May Employ an Employee without Being Charged for Unemployment Benefits"

H.P. 1352 L.D. 1832

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

House As Amended

Bill "An Act To Dedicate a Percentage of the Sales and Use Tax on Motor Vehicles and Motor Vehicle Parts to the Highway Fund"

H.P. 45 L.D. 52
(C "A" H-694)

Bill "An Act To Clarify the Laws Governing Pharmacy Interns"

H.P. 1217 L.D. 1608
(C "A" H-715)

Resolve, To Exempt Maple Sugarhouses from the 1,000-foot Setback Requirement of the Maine Land Use Regulation Commission

H.P. 1241 L.D. 1689
(C "A" H-716)

Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II, a Major Substantive Rule of the Department of Education and the State Board of Education (EMERGENCY)

H.P. 1306 L.D. 1775
(C "A" H-713)

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

Senate

Bill "An Act To Increase the Membership of the Homeland Security Advisory Council"

S.P. 585 L.D. 1720

Bill "An Act To Amend Certain Provisions of Law Governing the Department of Corrections"

S.P. 602 L.D. 1754

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

Sent down for concurrence.

Senate As Amended

Bill "An Act To Amend the Laws Governing the Maine Clean Election Act"

S.P. 528 L.D. 1618
(C "A" S-405)

Bill "An Act To Clarify the Authority of the Department of Health and Human Services To Impose Administrative Sanctions upon Vendors, Providers and Participants in the Women, Infants and Children Special Supplemental Food Program"

S.P. 536 L.D. 1626
(C "A" S-404)

Resolve, To Establish a Stakeholder Group for the Development of a Plan for the Inventory and Proper Care of Veterans' Graves

S.P. 540 L.D. 1630
(C "A" S-403)

Bill "An Act To Amend the Election Laws"

S.P. 563 L.D. 1664
(C "A" S-402)

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 Amend the Charter of the Lucerne-in-Maine Village Corporation

S.P. 580 L.D. 1681
(C "A" S-384)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 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.

Ordered sent down forthwith.

Acts

An Act To Amend the Limited-entry Program for Taking Lobsters in the Monhegan Lobster Conservation Area

H.P. 1261 L.D. 1709

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

Ordered sent down forthwith.

An Act To Support Maine Farms and Alleviate Hunger
H.P. 862 L.D. 1164
(C "A" H-710)

On motion by Senator **ROSEN** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

Senate at Ease.
Senate called to order by the President.

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 (1/19/12) Assigned matter:

Pursuant to Statutes

SENATE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding the Matching Funds Provisions of the Maine Clean Election Act" (EMERGENCY)
S.P. 612 L.D. 1774

Majority - **Ought to Pass**, pursuant to Resolve (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-371)**, pursuant to Resolve (6 members)

Tabled - January 19, 2012, by Senator **FARNHAM** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, January 19, 2012, Reports **READ**.)

On motion by Senator **FARNHAM** of Penobscot, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

READ ONCE.

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

The Chair laid before the Senate the following Tabled and Later (2/23/12) Assigned matter:

Bill "An Act To Correct an Inconsistency in the Employment Security Law"

S.P. 614 L.D. 1777

Tabled - February 23, 2012, by Senator **COURTNEY** of York

Pending - **PASSAGE TO BE ENGROSSED**

(In Senate, February 23, 2012, **READ A SECOND TIME**.)

On motion by Senator **RECTOR** of Knox, Senate Amendment "A" (S-399) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-399).

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (2/29/12) Assigned matter:

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 122: Grant Application and Award Procedure: Fund for the Efficient Delivery of Educational Services, a Major Substantive Rule of the Department of Education

H.P. 1272 L.D. 1723

Tabled - February 29, 2012, by Senator **ALFOND** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, February 23, 2012, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, February 28, 2012, **FINALLY PASSED**.)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 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.

Ordered sent down forthwith.

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

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

On motion by Senator **COURTNEY** of York, **ADJOURNED**,
pursuant to the Joint Order, to Tuesday, March 6, 2012, at 10:00
in the morning.