

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Senate Legislative Record
One Hundred and Twenty-Fifth Legislature

State of Maine

Daily Edition

First Regular Session
December 1, 2010 to June 29, 2011

Pages 1 - 1494

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

In Senate Chamber
Thursday
January 6, 2011

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

Prayer by Senator Debra D. Plowman of Penobscot County.

SENATOR PLOWMAN: Good morning. Would you bow your heads in prayer. Dear Father in heaven, thank You for brining us safely here today to begin our work. Please bless us with graces that You have in mind for us, including wisdom, patience, and understanding of one another. As we move through our day please keep in mind the wife of our colleague, Senator Whittemore, who was in a car accident this morning. We pray that she will be well. We ask You to bless our day as we move forward and we ask You to remind us that we are the servants of the people and Your servants as well. Amen.

Pledge of Allegiance led by Senator Lois A. Snowe-Mello of Androscoggin County.

Reading of the Journal of Wednesday, January 5, 2011.

Doctor of the day, Jamie Loggins, MD of Auburn.

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. 27

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 11, 2011, at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Revise Notification Requirements for Pesticides Applications Using Aircraft or Air-carrier Equipment"
H.P. 8 L.D. 16

Bill "An Act To Reform the Land Use and Planning Authority within the Unorganized Territories of the State"
H.P. 9 L.D. 17

Come 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.

Bill "An Act To Extend the School Year"
H.P. 10 L.D. 18

Bill "An Act To Change the Annual Meeting Date and Fiscal Year of Mount Desert Island Regional School District" (EMERGENCY)
H.P. 11 L.D. 19

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

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

Resolve, To Improve Access to Employment Opportunities for Persons with Intellectual Disabilities and Autistic Disorders (EMERGENCY)
H.P. 20 L.D. 28

Bill "An Act To Limit Salaries of Hospital Administrators"
H.P. 21 L.D. 29

Come from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

Bill "An Act To Clarify the Laws Governing Non-compete Clauses in Broadcast Industry Contracts"
H.P. 22 L.D. 30

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

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

Bill "An Act Designating March 29th Vietnam Veterans Day"
(EMERGENCY)

H.P. 12 L.D. 20

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.

Bill "An Act To Exempt from the Sales Tax Meals Provided at Retirement Facilities"

H.P. 13 L.D. 21

Bill "An Act To Improve the Maine Seed Capital Tax Credit"

H.P. 14 L.D. 22

Come 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 Authorize the Inclusion of Information Regarding Blood Type on Driver's Licenses"

H.P. 15 L.D. 23

Resolve, To Name Part of Route 2 in the Town of Lincoln and the Town of Winn the Master Sergeant Gary Gordon Highway

H.P. 16 L.D. 24

Bill "An Act To Allow the Registration of a Bus as an Antique Vehicle"

H.P. 17 L.D. 25

Resolve, To Name a Bridge over the Kennebec River between the Town of Benton and the Town of Fairfield the Brian L. Buker/Frank W. Haskell Medal of Honor Bridge

H.P. 18 L.D. 26

Bill "An Act Concerning Maine Veterans License Plates"

H.P. 19 L.D. 27

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

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

**Pursuant to Statute
Department of Education**

The **Department of Education**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 131: The Maine Federal, State and Local Accountability Standards, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 4 L.D. 12

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED**, and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

**Pursuant to Statute
Public Utilities Commission**

The **Public Utilities Commission**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 316: Long-Term Contracting and Resource Adequacy, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 5 L.D. 13

Be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED**, and the Resolve **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed pursuant to Joint Rule 218, in concurrence.

**Pursuant to Statute
Department of Professional and Financial Regulation**

The **Department of Professional and Financial Regulation**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of the Final Repeal of Chapter 270: Adjustment of Volume Fees, a Major Substantive Rule of the Department of Professional and Financial Regulation (EMERGENCY)

H.P. 6 L.D. 14

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED**, and the Resolve **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218.

Report **READ** and **REJECTED**.

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

**Pursuant to Statute
Department of Professional and Financial Regulation**

The **Department of Professional and Financial Regulation**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 285: Adjustment of Non-bank Mortgage Lending Fees, a Major Substantive Rule of the Department of Professional and Financial Regulation (EMERGENCY)

H.P. 7 L.D. 15

Be **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED**, and the Resolve **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

Off Record Remarks

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

Off Record Remarks

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 Papers

Bill "An Act Relating to Concealed Firearms Locked in Vehicles"
H.P. 28 L.D. 35

Bill "An Act To Amend the Deferred Disposition Law As It Pertains to Sex Offenses"

H.P. 30 L.D. 37

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 Allow Holders of Junior Hunting Licenses To Take Antlerless Deer"

H.P. 31 L.D. 38

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 Paper

Bill "An Act To Protect the Safety of Maine Children by Requiring the Express Consent of a Legal Guardian To Dispense Prescription Medication to a Minor"

H.P. 24 L.D. 31

Comes 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 Papers

Bill "An Act To Require an Independent Audit of State Government Every 4 Years"

H.P. 25 L.D. 32

Bill "An Act To Prohibit Constitutional Officers from Endorsing Candidates for the Legislature"

H.P. 26 L.D. 33

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

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

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

PAPERS FROM THE HOUSE

House Paper

Resolve, To Deauthorize the Naming of the Bridge over Pattagumpus Stream (EMERGENCY)

H.P. 29 L.D. 36

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 Require Candidates for Public Office To Provide Proof of Citizenship"

H.P. 27 L.D. 34

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

Joint Resolution

The following Joint Resolution:

H.P. 23

JOINT RESOLUTION DESIGNATING JANUARY 6, 2011 AS INFANT AND TODDLER AWARENESS DAY

WHEREAS, 14,000 children are born in Maine annually and all parents want their children to grow to be happy, healthy and well educated; and

WHEREAS, young children need positive relationships, rich learning opportunities and safe environments; and

WHEREAS, early experiences determine whether a child's brain architecture will provide a strong or weak foundation for all future learning, behavior and health; and

WHEREAS, the majority of the brain development essential for later academic success is defined by the time a child is 5 years of age; and

WHEREAS, positive experiences for children prior to entering school lead to better results than do remediation programs at a later age; and

WHEREAS, research shows that high-quality early learning programs cut later crime and improve educational outcomes and that children who attend high-quality early learning programs are less likely to commit crimes when they grow up; and

WHEREAS, research also shows that children in high-quality early learning programs learn to get along better with others and follow directions, which may reduce problem behavior that can lead to youth and adult crime; and

WHEREAS, high-quality early learning programs also show strong results for children in improving language and math skills, reducing grade retention and increasing graduation rates and this school success can lead graduates of high-quality early learning programs to have higher rates of employment and earnings; and

WHEREAS, the Maine Children's Growth Council and the Children's Cabinet are dedicated to improving the efficacy of the early childhood education system in Maine; 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 that January 6, 2011 is Infant and Toddler Awareness Day in the State in order to acknowledge the importance of proper early childhood development for our infants and toddlers.

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

READ and **ADOPTED**, in concurrence.

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

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

Off Record Remarks

On motion by Senator **COURTNEY** of York, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, January 11, 2011, at 10:00 in the morning.