

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Fifth Legislature

State of Maine

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

In Senate Chamber
Wednesday
January 12, 2011

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

Prayer by Pastor Don Davenport, Manchester Community Church.

PASTOR DAVENPORT: Would you join me in prayer. Creator God, we come to this day aware of Your gifts of time and opportunity for us to serve the citizens of this glorious state. Give this assembly, this Senate, wisdom and courage to carry out its responsibilities with honesty and integrity. Keep it ever mindful of the trust given each member by the public it serves. As each day of this session rolls by may their passion be compassion for the weak, patience for the strong, and fairness for all. Help us, O God, to be politic while moving beyond the politically expedient. Let us remember that in each Winter's heart there is the promise of Spring and no matter how great the challenge You, O God, make all things possible. We ask all this, confident of Your presence in our midst and hopeful that our judgment will reflect Your love, Your hope, and Your peace. Amen.

Pledge of Allegiance led by Senator Michael D. Thibodeau of Waldo County.

Reading of the Journal of Tuesday, January 11, 2011.

Doctor of the day, Dr. David Jones, MD of Presque Isle.

Out of order and under suspension of the Rules, on motion by Senator COURTNEY of York, the following Joint Order:
S.P. 38

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 18, 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 Amend the Laws Governing the Maine Potato Board" (EMERGENCY)

H.P. 34 L.D. 41

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.

Bill "An Act To Increase Potential Criminal Penalties for the Possession of Cocaine and Cocaine Base"

H.P. 37 L.D. 44

Comes 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.

Bill "An Act To Allow Marriage and Family Therapists To Serve as Mental Health Professionals in Public Schools"

H.P. 38 L.D. 45

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.

Bill "An Act To Require Oral Disclosure of the Cost of Certain Public Telephone Calls"

H.P. 41 L.D. 48

Comes 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.

Bill "An Act To Allow Storage of Lobster Traps on Docks"

H.P. 42 L.D. 49

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.

Resolve, To Update the Study Regarding the Feasibility of Establishing a Single-payor Health Care System
H.P. 50 L.D. 57

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

Comes from the House, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

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

Bill "An Act To Allow the Owner of Waterfront Property To Fish That Body of Water without a Fishing License"
H.P. 49 L.D. 56

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.

Bill "An Act To Extend Fair Trade Practice to Automobile Rentals Provided When Insured Automobiles Are Damaged"
H.P. 46 L.D. 53

Bill "An Act To Extend Coverage under the State's Mini-COBRA Law"
H.P. 53 L.D. 60

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

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

Bill "An Act Related to Family Law Magistrates"
H.P. 32 L.D. 39

Bill "An Act Regarding Access to Sexually Explicit Material"
H.P. 44 L.D. 51

Bill "An Act To Prohibit Enforcement of the Federal Patient Protection and Affordable Care Act"
H.P. 51 L.D. 58

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

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

Bill "An Act To Allow Marriage and Family Therapists To Serve as Mental Health Professionals in the Civil Service System"
H.P. 39 L.D. 46

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

On motion by Senator **RECTOR** of Knox, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

Bill "An Act To Repeal the Maine Uniform Building and Energy Code"
H.P. 36 L.D. 43

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the House of Representatives
H.P. 33 L.D. 40

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 Regarding the Tax on Fuel Used for Commercial Agriculture, Fishing and Forestry"
H.P. 35 L.D. 42

Bill "An Act To Provide Sales Tax Exemption or Refund on Parts and Supplies Purchased To Operate Windjammers"
H.P. 52 L.D. 59

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 Amend the Laws Governing Access to State and State Aid Highways To Allow a Break in a Control of Access"
H.P. 40 L.D. 47

Bill "An Act To Allow Provisional Drivers To Transport Persons under Guardianship and Children of Active Military Personnel"
H.P. 43 L.D. 50

Bill "An Act To Revise the Law Regarding Vehicle Turning and Signals"
H.P. 47 L.D. 54

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

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

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

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

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

COMMUNICATIONS

The Following Communication: S.C. 31

**STATE OF MAINE
125TH LEGISLATURE
OFFICE OF THE PRESIDENT**

December 22, 2010

The Honorable Joseph G. Carleton, Jr.
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Carleton:

Pursuant to my authority under Senate Order 2, I have made the following appointments to the Committee on Senatorial Vote:

Senator Jonathan T.E. Courtney of York, Chair
Senator Debra D. Plowman of Penobscot
Senator Earle L. McCormick of Kennebec
Senator Nichi S. Farnham of Penobscot
Senator Margaret M. Craven of Androscoggin
Senator Seth A. Goodall of Sagadahoc
Senator John L. Patrick of Oxford

If you have any questions, please do not hesitate to contact me.

Sincerely,

S/Kevin L. Raye
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 32

**STATE OF MAINE
125TH LEGISLATURE
REPORT OF THE COMMITTEE ON
SENATORIAL VOTE**

January 12, 2011

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

Dear President Raye:

In compliance with Senate Order 2, the Committee appointed by you to examine the returns of votes for Senators for the political years 2011 and 2012, has attended to its duties and asks leave to report that the returns of votes cast, as submitted by the Secretary of State to the President of the Senate, meets with the approval of the Committee.

Sincerely,

S/Jonathan T.E. Courtney, Chair
Senatorial Vote Committee

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Resolve, To Require Dementia Care Training in Long-term Care Facilities, Adult Day Care Programs, Certain Residential Care Facilities and Supported Living Arrangements
S.P. 39 L.D. 65

Presented by Senator **CRAVEN** of Androscoggin.
Cosponsored by Representative **STRANG BURGESS** of Cumberland and Senator: **BRANNIGAN** of Cumberland,
Representatives: **EVES** of North Berwick, **LAJOIE** of Lewiston, **PETERSON** of Rumford, **SANBORN** of Gorham, **WAGNER** of Lewiston, **WEBSTER** of Freeport.

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

Sent down for concurrence.

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 Paper

Bill "An Act Relating to Standardbred Horse Breeding" (EMERGENCY)

H.P. 55 L.D. 67

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 Paper

Bill "An Act To Legalize the Sale, Possession and Use of Fireworks" (EMERGENCY)

H.P. 71 L.D. 83

Comes 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 Amend the Laws Governing the Capital Reserve Funds of the Maine Educational Loan Authority" (EMERGENCY)
H.P. 54 L.D. 66

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

Resolve, Directing the Public Utilities Commission To Examine the Purchase of Low-cost Electric Power from Quebec
H.P. 56 L.D. 68

Bill "An Act To Improve the Sewer District Rate Collection Procedures" (EMERGENCY)

H.P. 72 L.D. 84

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 Papers

Bill "An Act To Include Independent Practice Dental Hygienists in MaineCare"

H.P. 58 L.D. 70

Resolve, Directing the Department of Health and Human Services To Amend Its Rules Governing Electronic Benefits Transfer Cards
H.P. 63 L.D. 75

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Allow Antlerless Deer Permits To Be Transferred to Family Members"

H.P. 66 L.D. 78

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 Restore the Historical Town Boundary between Harpswell and Brunswick"

H.P. 57 L.D. 69

Bill "An Act To Designate the Whoopie Pie as the State Dessert"

H.P. 59 L.D. 71

Bill "An Act To Require State Agencies To Give Priority to State Armories When Renting Space for Meetings"

H.P. 60 L.D. 72

Bill "An Act To Change the Name of Township 3, Range 9, NWP, to Cedar Lake Township" (EMERGENCY)

H.P. 69 L.D. 81

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

Bill "An Act To Base the Excise Tax on Vehicles on a Percentage of the Manufacturer's Suggested Retail Price"

H.P. 67 L.D. 79

Comes 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 Papers

Bill "An Act To Establish a Uniform Deadline for Persons Qualifying as Candidates"

H.P. 61 L.D. 73

Bill "An Act To Impose Liability on a Landlord for Damages Caused by a Tenant's Pet"

H.P. 62 L.D. 74

Bill "An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee"

H.P. 64 L.D. 76

Bill "An Act Regarding Maine Clean Election Act Funds for a Candidate without a Primary Opponent"

H.P. 68 L.D. 80

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Restore Hunting Rights in the Katahdin Lake Region" (EMERGENCY)

H.P. 48 L.D. 55

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Include the Study of Franco-American History in the System of Learning Results"

H.P. 65 L.D. 77

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.

Off Record Remarks

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

On motion by Senator **COURTNEY** of York, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, January 18, 2011, at 10:00 in the morning.