

MAINE STATE LEGISLATURE

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

In Senate Chamber
Wednesday
January 11, 2012

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

Prayer by Rabbi Akiva Herzfeld of Congregation Shaarey Tphiloh in Portland.

RABBI HERZFELD: Ve'eleh' Shemot B'nei Yisroel Ha'baim Mitzraimah - Ait Yaakov Ish U'baito Ba'u. These then are the names of the people of Israel who went to Egypt with Jacob. Each man and his house came. In the Jewish synagogues this very week we start reading the Exodus story from the Hebrew Torah scroll. The Book of Exodus is called Shemot in Hebrew, which means "names". Exodus in English, but Shemot, "names", in Hebrew. Behind the Exodus story are the names of the people, the individual names of those in the exodus story of the Hebrew Bible. This story is one of everlasting meaning. God redeemed the people from Egypt and led them through the waters of the Red Sea as the horse-drawn chariots of the army of the wicked Pharaoh gave chase. We remember drawing close to the glory of God on the Mountain of Sinai. Moses, the lawgiver, climbed the mountain and came down with the Torah, a body of moral and ethical laws for the people, each one of them with a name. Today, in 2012, we few, we happy few, here in Augusta, Maine, in our glorious Senate Chamber, we too continue this godly pursuit of establishing the law; promoting bills that support justice, tranquility, and equality for each one of the 1.2 million people who live in our state. We acknowledge the sovereign of the universe as we work to protect the natural beauty of our state; our lakes and rivers and majestic mountains and our beautiful earth and oceans that we share with other living animals and plant life. I stand before you as a Jewish person, a Rabbi. The Prophet Isaiah once said to the Jewish people in Israel, in the name of the Lord, "What to me is the multitude of your sacrifices?" God asks us to cease to do evil, learn to do good, seek justice, correct oppression, bring justice to the fatherless, plead the widow's cause. Let these holy words guide us, to bring our hearts and conscience to our work so that we are directed toward protecting the rights of every person in Maine; ensuring education for our children, bringing equal opportunity for advancement to all the citizens of our state's future, helping children start school and receive an education that they deserve from a young age, no matter where that child may live. Let the laws enacted here help bring a healthy living environment for our residents and the laws direct advances of modern healthcare and medicine to each one of our citizens so they may be strengthened and cured of illness. Let God bless our state with a balanced budget. As it says in the book of Proverbs, "The Lord abhors dishonest measures, but a perfect accounting is His delight." Let us pray together that we shall walk in the ways of mercy and peace, in the way of God, according to the visions of the Prophets, so that the names and persons of our friends and neighbors are of value to us. With our

deeds, let us restore the world in which we live from past mistakes and preserve our righteous institutions of governance for future generations. To this we conclude by saying as one, Amen.

Pledge of Allegiance led by Senator Cynthia A. Dill of Cumberland County.

Reading of the Journal of Tuesday, January 10, 2012.

Doctor of the day, Thomas Page, DO of Leeds.

Out of order and under suspension of the Rules, on motion by Senator **COURTNEY** of York, the following Joint Order:
S.P. 611

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 17, 2012, at 10:00 the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Amend the Laws Governing the Pull Events Commission"

H.P. 1294 L.D. 1759

Presented by Representative CRAY of Palmyra.
Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

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 Ensure Notification to Victims of Domestic Violence, Sexual Assault and Stalking When Defendants Are Released on Bail" (EMERGENCY)

H.P. 1295 L.D. 1760

Presented by Representative CASAVANT of Biddeford.
Cosponsored by Senator: HOBBS of York, Representatives: BEAVERS of South Berwick, BRIGGS of Mexico, CHASE of Wells, GRAHAM of North Yarmouth, PARRY of Arundel, ROCHELO of Biddeford, RUSSELL of Portland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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 Authorize the Commissioner of Education To Allow Access to Criminal History Record Information to Entities Providing Document Management and To Remove Applicants' Fingerprints from the Fingerprint File"

H.P. 1301 L.D. 1767

Presented by Representative RICHARDSON of Carmel.
Submitted by the Department of Education pursuant to Joint Rule 204.

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 Improve and Ensure Adequate Funding for E-9-1-1 Services" (EMERGENCY)

H.P. 1296 L.D. 1761

Presented by Representative FITTS of Pittsfield.
Submitted by the Public Utilities Commission pursuant to Joint Rule 204.

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 Improve the Department of Environmental Protection's Annual Waste Discharge License Fee System"
H.P. 1302 L.D. 1768

Presented by Representative KNAPP of Gorham.
Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

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.

Bill "An Act Regarding Subrogation of Medical Payments Coverage"

H.P. 1303 L.D. 1769

Presented by Representative PICCHIOTTI of Fairfield.
Cosponsored by Senator WHITTEMORE of Somerset.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Comes 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 To Sustain the Elver Fishery"

H.P. 1298 L.D. 1765

Presented by Representative TILTON of Harrington.
Cosponsored by President RAYE of Washington and Representative: BURNS of Whiting.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

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

Bill "An Act To Conform the Maine Tax Laws for 2011 to the United States Internal Revenue Code" (EMERGENCY)
H.P. 1289 L.D. 1748

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

Bill "An Act To Amend the Tax Laws"
H.P. 1290 L.D. 1749

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

Bill "An Act To Create the Maine Board of Tax Appeals"
(EMERGENCY)
H.P. 1291 L.D. 1750

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

Resolve, Authorizing the State Tax Assessor To Convey the
Interest of the State in Certain Real Estate in the Unorganized
Territory
H.P. 1292 L.D. 1751

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

Bill "An Act Concerning Technical Changes to the Tax Laws"
H.P. 1293 L.D. 1752

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

Bill "An Act To Prohibit Computer Software Programs Used To
Evade Sales Tax" (EMERGENCY)
H.P. 1297 L.D. 1764

Presented by Representative BERRY of Bowdoinham.
Cosponsored by Senator WOODBURY of Cumberland and
Representatives: HASKELL of Portland, KNIGHT of Livermore
Falls, PLUMMER of Windham.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

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 Prohibit Municipalities from Imposing Fees on Ice
Fishing Shacks" (EMERGENCY)
H.P. 1288 L.D. 1747

Presented by Representative SHAW of Standish.
Cosponsored by Senator DIAMOND of Cumberland and Senator:
GOODALL of Sagadahoc, Representatives: BRIGGS of Mexico,
CLARK of Millinocket, CRAFTS of Lisbon, DAVIS of Sangerville,
FITTS of Pittsfield, MARTIN of Eagle Lake, SARTY of Denmark.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

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

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

Pursuant to Statute
Department of Education and the State Board of Education

Representative RICHARDSON submitted the Report of the
Department of Education and the State Board 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 61: Rules for Major
Capital School Construction Projects, a Major Substantive Rule of
the Department of Education and the State Board of Education
(EMERGENCY)

H.P. 1300 L.D. 1766

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.

SENATE PAPERS

Bill "An Act To Encourage Parental Involvement in Education"
S.P. 609 L.D. 1770

Presented by Senator ALFOND of Cumberland.
Cosponsored by Representative NELSON of Falmouth and
Senator: GERZOFKY of Cumberland, Representatives:
LOVEJOY of Portland, McCLELLAN of Raymond, RANKIN of
Hiram.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

On motion by Senator **LANGLEY** of Hancock, **REFERRED** to the
Committee on **EDUCATION AND CULTURAL AFFAIRS** and
ordered printed.

Sent down for concurrence.

Bill "An Act To Amend Maine's Gambling Laws"
S.P. 610 L.D. 1771

Presented by Senator FARNHAM of Penobscot.
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

On motion by Senator FARNHAM of Penobscot, REFERRED to the Committee on VETERANS AND LEGAL AFFAIRS and ordered printed.

Sent down for concurrence.

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

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

REPORTS OF COMMITTEES

Senate

Change of Committee

Senator ROSEN for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act To Provide Funding to the Department of Transportation for a Feasibility Study of an East-west Highway" (EMERGENCY)

S.P. 570 L.D. 1671

Reported that the same be REFERRED to the Committee on TRANSPORTATION.

Report READ and ACCEPTED.

REFERRED to the Committee on TRANSPORTATION.

Sent down for concurrence.

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

Off Record Remarks

Senator LANGLEY of Hancock was granted unanimous consent to address the Senate off the Record.

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 KATZ of Kennebec 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 17, 2012, at 10:00 in the morning.