

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Fifth Legislature  
State of Maine

Daily Edition

Second Regular Session  
January 4, 2012 to May 31, 2012

Pages 1594 - 2357

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

In Senate Chamber  
Thursday  
January 19, 2012

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

Prayer by Pastor Arlin Larson of First Congregational Church in Searsport.

**PASTOR LARSON:** Almighty God, as we ready ourselves for the business of this day we pause a moment to give thanks and to ask Your blessing upon this group of men and women who have been charged with the welfare of the people of our state. You do not ask a lot of us, Lord, but to love mercy, establish justice, walk humbly with You, our Creator, and to love our neighbors as ourselves. These men and women, who have been appointed shepherds of the people, have the heavy responsibility of putting into practice those principles of fairness and justice and of giving due consideration to the needs of all. This is a mighty task and we ask for Your guidance and for divine wisdom as they wrestle with competing interests and priorities and diverse and difficult circumstances. Thank You for each man and woman who serves in our Legislature and for all others who serve in the governance of our state. May they find satisfaction, knowing that their call to public service is a proud and honorable vocation and may they be richly rewarded as by their efforts happiness, health, justice, and enlightenment are increased in the state of Maine. In Your holy name we pray. Amen.

Pledge of Allegiance led by Senator Seth A. Goodall of Sagadahoc County.

Reading of the Journal of Tuesday, January 17, 2012.

Doctor of the day, Russell DeJong, MD of Belgrade.

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. 619

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 24, 2012, at 5:00 in the evening.

**READ and PASSED.**

Ordered sent down forthwith for concurrence.

Off Record Remarks

**COMMUNICATIONS**

The Following Communication: S.C. 661

STATE OF MAINE  
125TH MAINE LEGISLATURE

November 30, 2011

The Honorable Paul R. LePage  
Governor of Maine  
1 State House Station  
Augusta, Maine 04333

Dear Governor LePage:

We are pleased to invite you to deliver the State of the State address at a Joint Session of the 125th Maine Legislature on Tuesday, January 24, 2012 at 7:00pm. We look forward to seeing you then.

Sincerely,

S/Kevin L. Raye  
President of the Senate

S/Robert W. Nutting  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 662

STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

January 10, 2012

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

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1316 An Act To Expand Magnet Schools in Maine

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Brian D. Langley  
Senate Chair

S/Rep. David E. Richardson  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 663

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
COMMITTEE ON MARINE RESOURCES**

January 13, 2012

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

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1579 An Act To Amend the Lobster Promotion Council

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Lois A. Snowe-Mello  
Senate Chair

S/Rep. Windol C. Weaver  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 664

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

January 11, 2012

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

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 287 An Act To Provide Savings to the State by Contracting Out Certain Services

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Douglas A. Thomas  
Senate Chair

S/Rep. H. David Cotta  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 660

**STATE OF MAINE  
DEPARTMENT OF PROFESSIONAL  
AND FINANCIAL REGULATION  
BUREAU OF FINANCIAL INSTITUTIONS  
36 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0036**

January 13, 2012

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

Dear President Raye:

In accordance with Title 9-B MRSA §217, as amended, enclosed please find a copy of the "Annual Report from the Superintendent of the Bureau of Financial Institutions to the Legislature." In addition to the annual statistical information, the Report also includes informational segments which address issues of current importance to the Legislature, the Executive Branch, and the Maine financial institution community.

If you or your staff have any questions regarding the information contained in this Report, the Bureau would be pleased to respond. This Report will also be available in electronic format on the Bureau of Financial Institution's web site at [www.maine.gov/financialinstitutions](http://www.maine.gov/financialinstitutions).

Very truly yours,

S/Lloyd P. LaFountain III  
Superintendent

**READ and with accompanying papers ORDERED PLACED ON FILE.**

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**SENATE PAPERS**

Bill "An Act To Update the Career and Technical Education Laws" (EMERGENCY)

S.P. 616 L.D. 1779

Presented by Senator LANGLEY of Hancock.  
Submitted by the Department of Education pursuant to Joint Rule 204.

Bill "An Act To Enhance Career Pathways for Adult Learners"  
S.P. 617 L.D. 1780

Presented by Senator LANGLEY of Hancock.  
Submitted by the Department of Education pursuant to Joint Rule 204.

Bill "An Act To Restructure the National Board Certification Program for Teachers"

S.P. 618 L.D. 1781

Presented by Senator ALFOND of Cumberland.  
Cosponsored by Representative RICHARDSON of Carmel and Senators: JACKSON of Aroostook, PATRICK of Oxford, Representatives: CAIN of Orono, LOVEJOY of Portland, McCLELLAN of Raymond, NELSON of Falmouth, RANKIN of Hiram, TUTTLE of Sanford.  
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.

Resolve, To Streamline Forester Licensing Requirements  
S.P. 613 L.D. 1776

Presented by Senator RECTOR of Knox.  
Submitted by the Department of Conservation pursuant to Joint Rule 204.

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

S.P. 614 L.D. 1777

Presented by Senator JACKSON of Aroostook.  
Cosponsored by Representative TUTTLE of Sanford and Senator: RECTOR of Knox.  
Submitted by the Department of Labor pursuant to Joint Rule 204.

Bill "An Act Relating to the Governance of the Maine State Housing Authority"

S.P. 615 L.D. 1778

Presented by Senator COURTNEY of York.  
Cosponsored by Speaker NUTTING of Oakland and Senators: MARTIN of Kennebec, PLOWMAN of Penobscot, President RAYE of Washington, RECTOR of Knox, Representatives: MORISSETTE of Winslow, PRESCOTT of Topsham.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

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

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**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator MARTIN for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Provide Funding for the Fish Stocking Program"

S.P. 64 L.D. 213

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-372)**.

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

**READ ONCE**.

Committee Amendment "B" (S-372) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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**Divided Report  
Pursuant to Statutes**

The Majority of 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

Reported that the same **Ought to Pass**, pursuant to Resolve.

Signed:

Senators:

FARNHAM of Penobscot  
PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn  
CROCKETT of Bethel  
WILLETTE of Presque Isle  
DAMON of Bangor  
JOHNSON of Eddington

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-371)**, pursuant to Resolve.

Signed:

Senator:

PATRICK of Oxford

Representatives:

CAREY of Lewiston  
VALENTINO of Saco  
RUSSELL of Portland  
LONGSTAFF of Waterville  
CHIPMAN of Portland

(Representative MITCHELL of the Penobscot Nation - of the House - supports the **Minority Ought To Pass as Amended**, pursuant to Resolve Report.)

Reports **READ**.

On motion by Senator **FARNHAM** of Penobscot, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

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**SECOND READERS**

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

**Senate**

Bill "An Act To Improve the Administration of the Legislative Ethics Laws"

S.P. 350 L.D. 1150

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

Sent down for concurrence.

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

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**ORDERS OF THE DAY**

**Unfinished Business**

The following matter 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 (1/11/12) Assigned matter:

Bill "An Act To Prohibit Municipalities from Imposing Fees on Ice Fishing Shacks" (EMERGENCY)

H.P. 1288 L.D. 1747

Tabled - January 11, 2012, by Senator **COURTNEY** of York

Pending - **REFERENCE**, in concurrence

(In House, January 10, 2012, **REFERRED** to the Committee on **TAXATION** and ordered printed.)

On motion by Senator **COURTNEY** of York, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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Senator **SNOWE-MELLO** of Androscoggin was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Create the New Gloucester Water District" (EMERGENCY)

H.P. 1255 L.D. 1703

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-684)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-684)**.

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

**READ ONCE.**

Committee Amendment "A" (H-684) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

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Senator **RECTOR** of Knox was granted unanimous consent to address the Senate off the Record.

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Senator **SAVIELLO** of Franklin was granted unanimous consent to address the Senate off the Record.

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

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On motion by Senator **COURTNEY** of York, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, January 24, 2012, at 5:00 in the evening.