

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

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
Tuesday
January 24, 2012

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

Prayer by Rabbi Darah Lerner of Congregation Beth El in Bangor.

RABBI LERNER: Source of all, as in the past You inspired such leaders as Abraham and Sarah, Moses and Miriam, we ask that today You encourage our leaders, these men and women who serve our great state of Maine. Should debates grow stronger and the hours grow longer, sustain them in body, in spirit, and in mind. If the discussions become vehement and charged, help them, God, so that they will be able to hear each other with open hearts. Support these women and men and, indeed, all who work in these hallowed halls so that they may keep their mission and purpose ever in their sight. Guide their deliberations, that their leadership will continue to strengthen Maine and bring added vigor to our nation. Let us say, Amen.

Pledge of Allegiance led by Senator Christopher Rector of Knox County.

Reading of the Journal of Thursday, January 19, 2012.

Out of order and under suspension of the Rules, on motion by Senator **COURTNEY** of York, the following Senate Order:
S.O. 25

Ordered, that a message be sent to the House of Representatives proposing a Convention of the two branches of the Legislature be held at 7:00 this evening, in the Hall of the House for the purpose of extending to Governor Paul R. LePage, an invitation to attend and make such communication as pleases him.

READ and PASSED.

The Chair appointed the Senator from York, Senator **COURTNEY** to deliver the message to the House of Representatives. The Senator was escorted to the House of Representatives.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Subsequently, the Senator from York, Senator **COURTNEY** reported that he had delivered the message with which he was charged.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Repeal the Requirement That Canadian Big Game or Wild Turkey Hunters Be Accompanied by Guides Licensed in the State"

H.P. 1310 L.D. 1785

Presented by Representative DAVIS of Sangerville.
(GOVERNOR'S BILL)

Cosponsored by Senator MARTIN of Kennebec and Senators: MASON of Androscoggin, PLOWMAN of Penobscot, THOMAS of Somerset, Representatives: CRAFTS of Lisbon, FLOOD of Winthrop, GIFFORD of Lincoln, SARTY of Denmark, WINSOR of Norway.

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 Repeal the Requirement That the Department of Labor Calculate the Livable Wage"

H.P. 1311 L.D. 1786

Presented by Representative PRESCOTT of Topsham.
Cosponsored by Senator RECTOR of Knox.
Submitted by the Department of Labor pursuant to Joint Rule 204.

Bill "An Act To Create Efficiencies in the Administration and Enforcement of the Maine Uniform Building and Energy Code"

H.P. 1312 L.D. 1787

Presented by Representative PRESCOTT of Topsham.
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Come 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.

**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 Chapter 140: Public Charter Schools, a Major Substantive Rule of the Department of Education (EMERGENCY)
H.P. 1308 L.D. 1783

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
Department of Education and the Maine Municipal Bond Bank**

The **Department of Education and the Maine Municipal Bond Bank**, 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 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education and the Maine Municipal Bond Bank (EMERGENCY)
H.P. 1313 L.D. 1788

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**

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

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 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

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
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 101: Maine Unified Special Education Regulation Birth to Age Twenty, Including Certain Sections and the Appendix, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1307 L.D. 1782

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.

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. 1314 L.D. 1789

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
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 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 1315 L.D. 1790

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
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 815: Consumer Protection Standards for Electric and Gas Transmission and Distribution Utilities, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 1316 L.D. 1791

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
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 421: Safety and Operation Standards for Liquefied Petroleum Gas (LPG) Distribution Systems, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 1317 L.D. 1792

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 Environmental Protection**

The **Department of Environmental Protection**, 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 375: No Adverse Environmental Effect Standard of the Site Location Law, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

H.P. 1318 L.D. 1793

Be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** 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 **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218, in concurrence.

Joint Order

The following Joint Order:

H.P. 1319

ORDERED, the Senate concurring, that the Joint Rules be amended by amending Joint Rule 206, subsection 3 to read:

3. Indian Representatives. The member of the Penobscot Nation, the member of the Passamaquoddy Tribe and, at the beginning of the Second Regular Session of the 125th Legislature, the member of the Houlton Band of Maliseet Indians elected or appointed to represent their people at each biennial Legislature may sponsor legislation specifically relating to Indians and Indian land claims, may offer floor amendments to this legislation, may cosponsor any other legislation and may sponsor and cosponsor expressions of legislative sentiment in the same manner as other members of the House.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 316 to read:

Rule 316. Penobscot Nation, Passamaquoddy Tribe and Houlton Band of Maliseet Indians.

The member of the Penobscot Nation, the member of the Passamaquoddy Tribe and, at the beginning of the Second Regular Session of the 125th Legislature, the member of the Houlton Band of Maliseet Indians elected or appointed to represent their people at the biennial session of the Legislature must be granted seats on the floor of the House of Representatives; be granted, by consent of the Speaker, the privilege of speaking on pending legislation; must be appointed to sit with joint standing committees as nonvoting members during the committees' deliberations; and be granted such other rights and privileges as may from time to time be voted by the House of Representatives. In reports from committees on which a tribal member serves, the position of the member must be noted and included.

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

READ.

Pursuant to Joint Rule 102 a Division was had. 29 Senators having voted in the affirmative and no Senators having votes in the negative, with 29 being more than two-thirds of the members present and voting the Joint Order was **PASSED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 669

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

December 5, 2011

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

The Honorable Robert W. Nutting
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

I thank you for the invitation to deliver the State of the State address at a Joint Session of the 125th Maine Legislature on Tuesday, January 24, 2012 at 7:00 p.m. Please know that I accept your invitation and look forward to seeing you at that time.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 665

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

January 18, 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 Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 362 Resolve, Directing the Department of Conservation To Acquire an Easement To Provide Access to the Dead River

L.D. 1109 Resolve, To Target Job Creation in the Agricultural Sector To Improve the Stability and Economic Strength of Rural Maine

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Roger L. Sherman
Senate Chair

S/Rep. Peter E. Edgcomb
House Chair

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

The Following Communication: S.C. 666

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

January 18, 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 Environment and Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1412 An Act To Promote the Proper Disposal of Used Medical Sharps

L.D. 1646 An Act To Facilitate the Use of Alternative Methods for Biomedical Waste Treatment and Disposal

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Thomas B. Saviello
Senate Chair

S/Rep. James M. Hamper
House Chair

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

The Following Communication: S.C. 667

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

January 17, 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 Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 697 An Act To Provide Funding for the Maine Gateway Bridges

L.D. 1124 An Act To Authorize the Use of Traffic Surveillance Cameras To Prove and Enforce Violations of Overtaking and Passing School Buses

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Ronald F. Collins
Senate Chair

S/Rep. Richard M. Cebra
House Chair

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

The Following Communication: S.C. 668

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

CITIZEN TRADE POLICY COMMISSION

January 13, 2012

The Honorable Kevin L. Raye, President
Maine Senate

The Honorable Robert W. Nutting, Speaker
Maine House of Representatives

Maine State Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

Pursuant to Public Law 2007, c. 266, the Citizen Trade Policy Commission is pleased to submit its final report. Copies of the full report have been distributed to committees or individuals as directed by law and copies have been placed on file with the Law and Legislative Reference Library. Others may access the full report on-line through the website of the Office of Policy and Legal Analysis at www.maine.gov/legis/opla.

Sincerely,

S/Senator Roger L. Sherman, Co-Chair

S/Representative Joyce Maker, Co-Chair

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

REPORTS OF COMMITTEES

House

Pursuant to Resolve

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Implement Recommendations To Reform Telecommunications Regulation"

H.P. 1309 L.D. 1784

Reported that the same be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**, pursuant to Resolve, chapter 69, section 1.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY.**

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

Bill and accompanying papers **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**, in concurrence.

Ought to Pass As Amended

The Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, To Increase the Amount Tagging Agents Receive for Tagging Game

H.P. 467 L.D. 637

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-683).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-683).**

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

READ ONCE.

Committee Amendment "B" (H-683) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

Senate As Amended

Bill "An Act To Provide Funding for the Fish Stocking Program"
S.P. 64 L.D. 213
(C "B" S-372)

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 Create the New Gloucester Water District
H.P. 1255 L.D. 1703
(C "A" H-684)

Senate called to order by the President.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I would like to make the Senator from Androscoggin, Senator Snowe-Mello, aware that this bill absolutely and for no reason needs to go to the Special Appropriations Table.

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

After Convention

In Senate Chamber

Senate called to order by the President

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.

On motion by Senator **COURTNEY** of York, **ADJOURNED** to Thursday, January 26, 2012, at 10:00 in the morning.

Senate at Ease.

Senate called to order by the President.

At this point a message was received from the House of Representatives, borne by Representative CURTIS of Madison informing the Senate that the House concurred with the proposition for a Convention of the two branches of the Legislature to be held in the Hall of the House at 7:00 this evening for the purpose of extending to Governor Paul R. LePage an invitation to attend and make such communication as pleases him.

Off Record Remarks

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

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

Off Record Remarks

RECESSED until 6:30 in the evening.

After Recess