

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Fifth Legislature
State of Maine

Daily Edition

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

In Senate Chamber
Tuesday
January 31, 2012

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

Prayer by Cantor Daniel Leeman of Beth Israel Congregation in Bath.

CANTOR LEEMAN: It is a great honor for me to be with you this morning to offer a prayer for our government. Dear God, bless all of us gathered here today, together with our loved ones. May today's legislative session be blessed with the success that can only come with Your guidance and Your love. We are grateful, God, for the legacy we have been given in our fine state of Maine. We are grateful, Lord, for living in a place where citizens are measured not by their wealth or influence, but rather by the extent of their kindness, their generosity, and their community spirit of volunteerism and efforts to be a good neighbor. We're also grateful, Lord, for the immense natural beauty with which You have blessed us. We're grateful for the magnificent mountains and forests, beautiful lakes and mighty rivers, rich farmlands and a glorious coastline that You have given us. We are grateful for the clean air, clean water, and fine soil that You have given us. We know that this is an abundant blessing which only comes from You. In Maine we know that we are blessed with an industrious and honest workforce, proud to produce fine products and services that improve our quality of life. We are grateful for the peaceful and well organized towns and villages that are spread throughout our great state. In addition, we are blessed with safe streets, good schools, and fair governance. We can be proud of our police forces and our fire departments and all our municipal workers that help make Maine the great place that it is. We are grateful to be greeted by name by our friends and neighbors as we pass them on the streets of our neighborhoods, towns, and cities. Today, together with our friends and neighbors, we are grateful to You, God. As we appreciate our blessings, let us all take a moment to recognize the active duty military men and women, together with all the veterans who have faithfully served our communities and our nation. We are grateful for their sacrifice and that of their families who supported them. Let us also gratefully remember those who made the ultimate sacrifice of life itself to guard us and secure our freedom. May they be sheltered in the shadow of God's wings. A moment of silence. As we recognize our bounties and our heroes with gratitude, we are also cognizance of the fact that we are a nation at war and that we have been at war for over ten years. We ask for Your insight and Your wisdom and the light of Your truth. We ask for Your help, Lord. Please, God, give us the courage, strength, and privilege to lead by example so that by our actions we may promote equality and peace, not only here at home, but throughout the world. May we soon see a time when war and conflict will end. May the wrongdoers be punished and the worthy be rewarded in a new time of justice and peace. As we are

gathered on the cusp of a new year, we are about to see, God willing, a tremendous and remarkable transition from a war footing, one based on fear and preempted violence, to a great time of prosperity, diplomacy, kindness, hope, and peace. May it lead to a time where greed and corruption, selfish pride and violence will be crushed. May it be a time when industry and generosity, thoughtfulness and discovery will be rewarded. May this be God's will for all the citizens of Maine and those of our great country. Amen.

Pledge of Allegiance led by Senator Brian D. Langley of Hancock County.

Reading of the Journal of Thursday, January 26, 2012.

Doctor of the day, Janis Petzel, MD of Hallowell.

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1324

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation shall submit, to the House, a Bill, "An Act to Review and Repeal Income Tax Return Checkoffs."

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

READ and **PASSED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 679

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

January 20, 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 Criminal Justice and Public Safety has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1095 An Act To Facilitate the Construction and Operation of Private Prisons by Authorizing the Transport of Prisoners out of State

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

Sincerely,

S/Sen. Garrett P. Mason
Senate Chair

S/Rep. Gary E. Plummer
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 680

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

January 25, 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. 980 An Act To Prohibit Cyberbullying in Public Schools

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.

The Following Communication: S.C. 681

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

January 20, 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 Energy, Utilities and Technology has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 425 An Act To Stimulate Demand for Renewable Resources

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

Sincerely,

S/Sen. Michael D. Thibodeau
Senate Chair

S/Rep. Stacey A. Fitts
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 682

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

January 24, 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 Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 612 An Act To Provide Reimbursement for Medication Therapy Management Services

L.D. 646 An Act To Ensure the Safety of Children in the MaineCare Program Who Are Prescribed Antipsychotic Medications

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

Sincerely,

S/Sen. Earle L. McCormick
Senate Chair

S/Rep. Meredith N. Strang Burgess
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 683

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

January 26, 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. 1064 Resolve, To Expand the Scope of the Study of Existing Highway Infrastructure and Future Capacity Needs West of Route 1 in York and Cumberland Counties Being Conducted by the Department of Transportation and the Maine Turnpike Authority

L.D. 1604 Resolve, Directing the Department of Public Safety, Bureau of State Police To Review Motor Vehicle Inspection Rules

L.D. 1642 Resolve, To Direct the Department of Transportation To Restrict Spending on the Ricker Hill Bridge in the Town of Turner (EMERGENCY)

L.D. 1677 An Act To Modernize Maine's Motor Vehicle Inspection Program

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. 684

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

January 20, 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 Veterans and Legal Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 896 An Act To Adopt the Uniform Military and Overseas Voters Act

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

Sincerely,

S/Sen. Nichi S. Farnham
Senate Chair

S/Rep. Michael G. Beaulieu
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act To Create Efficiencies in Cases Concerning Court-ordered Child Contact and Care by Providing for Parent Education"

S.P. 621 L.D. 1801

Presented by Senator SCHNEIDER of Penobscot.
Cosponsored by Representative PRIEST of Brunswick and
Senators: DILL of Cumberland, HASTINGS of Oxford,
Representatives: FOSTER of Augusta, NASS of Acton.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

On motion by Senator HASTINGS of Oxford, REFERRED to the
Committee on JUDICIARY and ordered printed.

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

REPORTS OF COMMITTEES

House

Pursuant to Resolve

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Reform Land Use Planning in the Unorganized Territory"

H.P. 1325 L.D. 1798

Reported that the same be REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, pursuant to Resolve, chapter 113, section 9.

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Report READ and ACCEPTED, in concurrence.

Bill and accompanying papers REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in concurrence.

Senate at Ease.

Senate called to order by the President.

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

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

Off Record Remarks

On motion by Senator COURTNEY of York, ADJOURNED to
Thursday, February 2, 2012, at 10:00 in the morning.