

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
Thursday
February 9, 2012

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

Prayer by Rev. Arthur Rudman of Sebago Lake Congregational Church in Standish.

REVEREND RUDMAN: Let us bow our heads in humble prayer. Almighty God, Our Father in Heaven, and our Creator, we exalt Your holy name. We ask for Your blessing on this session today and we seek wisdom and discernment as we face today's problems. We pray for grace and strength as we take up our tasks; for courage and perseverance as we discharge our duties. Father, grant us vision and insight, wisdom and commonsense, inspiration and initiative to meet the needs of this state and its people, whoever and wherever they may be. May we help and encourage one another today and every day, regardless of our political orientation. Father, You are a God who moves in human history, who raises up and brings down not only state governments, but even kings, nations, and empires. We're grateful for the responsibilities to which You have called us. Make us aware that in all that we do in these positions of responsibility, we are accountable not only to the people of Maine, but even more importantly are accountable to You and that one day we'll be held to that accounting. May all of our work be carried forward under the guidance of Your holy spirit. We pray in the name of Jesus the Christ, with whom we have the promise to live and reign one day in a world that finally works right. Amen.

Pledge of Allegiance led by Senator Elizabeth M. Schneider of Penobscot County.

Reading of the Journal of Wednesday, February 8, 2012.

Doctor of the day, Sydney Sewall, MD of Hallowell.

Out of order and under suspension of the Rules, on motion by Senator **COURTNEY** of York, the following Joint Order:
S.P. 626

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 14, 2012 at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

Out of order and under suspension of the Rules, on motion by Senator **COURTNEY** of York, the following Senate Order:
S.O. 26

Ordered, that a message be sent to the House of Representatives proposing a Convention of the two branches of the Legislature be held at 10:30 this morning in the Hall of the House for the purpose of extending to the Honorable Leigh Ingalls Saufley, Chief Justice of the Supreme Judicial Court, the Justices of the Supreme Judicial Court, and members of the Judiciary, an invitation to attend and request the Chief Justice make such communication as pleases her.

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.

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

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Resolve, Directing the Department of Health and Human Services To Review Reimbursement for Prescription Drugs under the MaineCare Program

H.P. 1335 L.D. 1811

Presented by Representative **MARTIN** of Eagle Lake. Cosponsored by Senator **SHERMAN** of Aroostook and Representative: **THERIAULT** of Madawaska. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Resolve, Directing the Department of Health and Human Services To Amend Its Rules Governing Electronic Benefits Transfer Cards To Require a Person To Show Photographic Identification When Using a Card

H.P. 1336 L.D. 1812

Presented by Representative HARVELL of Farmington. Cosponsored by Senator COURTNEY of York and Senators: GOODALL of Sagadahoc, KATZ of Kennebec, SNOWE-MELLO of Androscoggin, THOMAS of Somerset, Representatives: AYOTTE of Caswell, BEAULIEU of Auburn, BLACK of Wilton, BLODGETT of Augusta, BRIGGS of Mexico, BURNS of Whiting, CASAVANT of Biddeford, CEBRA of Naples, CHASE of Wells, CLARK of Easton, CORNELL du HOUX of Brunswick, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, CURTIS of Madison, CUSHING of Hampden, DAMON of Bangor, DAVIS of Sangerville, DOW of Waldoboro, DUCHESNE of Hudson, DUNPHY of Embden, EDGECOMB of Caribou, ESPLING of New Gloucester, FITTS of Pittsfield, FITZPATRICK of Houlton, FOSSEL of Alna, FOSTER of Augusta, GIFFORD of Lincoln, GILBERT of Jay, GRAHAM of North Yarmouth, GUERIN of Glenburn, HAMPER of Oxford, HANLEY of Gardiner, HARMON of Palermo, JOHNSON of Greenville, KAENRATH of South Portland, KESCHL of Belgrade, KNAPP of Gorham, KNIGHT of Livermore Falls, KUMIEGA of Deer Isle, LIBBY of Waterboro, LONG of Sherman, MAKER of Calais, MALABY of Hancock, MALONEY of Augusta, MARTIN of Eagle Lake, McCABE of Skowhegan, McCLELLAN of Raymond, McFADDEN of Dennysville, McKANE of Newcastle, MONAGHAN-DERRIG of Cape Elizabeth, MORISSETTE of Winslow, MOULTON of York, NASS of Acton, NEWENDYKE of Litchfield, Speaker NUTTING of Oakland, O'CONNOR of Berwick, OLSEN of Phippsburg, PARKER of Veazie, PARRY of Arundel, PETERSON of Rumford, PICCHIOTTI of Fairfield, PILON of Saco, PLUMMER of Windham, PRESCOTT of Topsham, RICHARDSON of Carmel, RICHARDSON of Warren, RIOUX of Winterport, ROSEN of Bucksport, SANDERSON of Chelsea, SARTY of Denmark, SIROCKI of Scarborough, THERIAULT of Madawaska, TILTON of Harrington, TIMBERLAKE of Turner, TURNER of Burlington, TUTTLE of Sanford, VOLK of Scarborough, WALLACE of Dexter, WATERHOUSE of Bridgton, WEAVER of York, WILLETTE of Mapleton, WILLETTE of Presque Isle, WOOD of Sabattus. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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.

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 10:30 this morning for the purpose of extending to the Honorable Leigh Ingalls Saufley, Chief Justice of the Supreme Judicial Court, the Justices of the Supreme Judicial Court, and members of the

Judiciary, an invitation to attend and request the Chief Justice make such communication as pleases her.

COMMUNICATIONS

The Following Communication: S.C. 690

**STATE OF MAINE
125TH LEGISLATURE**

January 4, 2012

Chief Justice Leigh I. Saufley
Maine Supreme Judicial Court
P.O. Box 368
Portland, ME 04112

Dear Chief Justice Saufley:

We are pleased to invite you to address a Joint Session of the 125th Maine Legislature on Thursday, February 9, 2012 at 11:00 a.m. concerning the State of the Judiciary and any other matters that you may care to bring to our attention.

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. 691

**STATE OF MAINE
SUPREME JUDICIAL COURT**

January 6, 2012

The Honorable Kevin L. Raye
President of the Senate
3 State House Station
Augusta, Maine 04333-0003

The Honorable Robert W. Nutting
Speaker of the House
2 State House Station
Augusta, Maine 04333-0002

Dear President Raye and Speaker Nutting:

I am pleased to accept your invitation to address a Joint Session of the 125th Maine Legislature on Thursday, February 9, 2012, at 11:00 a.m. I appreciate the courtesy of the Legislative Branch of

government in inviting me to address the cause of justice in
Maine.

I look forward to seeing you on February 9, 2012.

Sincerely,

S/Leigh I. Saufley
Chief Justice

READ and ORDERED PLACED ON FILE.

The Following Communication: H.C. 305

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

February 8, 2012

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

Dear Secretary Carleton:

Please be advised that pursuant to House Rule 201.1 (l) (a), the Speaker has rescinded his appointment of Representative Karen D. Foster of Augusta to the Joint Standing Committee on Judiciary and appointed Representative Leslie T. Fossel of Alna to the Joint Standing Committee on Judiciary effective immediately.

Sincerely,

S/Heather J.R. Priest
Clerk of the House

READ and ORDERED PLACED ON FILE.

REPORTS OF COMMITTEES

House

Pursuant to Joint Order

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Laws Governing Confidentiality of Health Care Information"

H.P. 1337 L.D. 1813

Reported that the same be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, pursuant to Joint Order, H.P. 1328.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

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

Bill and accompanying papers **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, in concurrence.

Ought to Pass

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Enforce Prompt Payment to Career and Technical Education Regions"

H.P. 1304 L.D. 1772

Reported that the same **Ought to Pass**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Report **READ**.

On motion by Senator **LANGLEY** of Hancock, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT**, in concurrence.

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Preserve the Integrity of the Maine Certified Public Accountant Examination" (EMERGENCY)

H.P. 1216 L.D. 1607

Reported that the same **Ought to Pass**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator **LANGLEY** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish Multidistrict Online Classes in Maine"

S.P. 206 L.D. 675

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-375)**.

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

READ ONCE.

Committee Amendment "B" (S-375) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator COLLINS for the Committee on **TRANSPORTATION** on:
Resolve, To Name 2 Bridges in the Town of Harmony
S.P. 525 L.D. 1615

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-374)**.

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

READ ONCE.

Committee Amendment "A" (S-374) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SECOND READERS

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

House

Bill "An Act Regarding the School Fund in the Town of Burlington"
H.P. 1264 L.D. 1712

READ A SECOND TIME and **PASSED TO BE ENGROSSED**, in concurrence.

House As Amended

Bill "An Act To Provide a Sales Tax Exemption to Commercial Horticulturists" (EMERGENCY)

H.P. 187 L.D. 234
(C "B" H-687)

Resolve, To Amend the Resolve Establishing the Task Force on Franco-Americans (EMERGENCY)

H.P. 1209 L.D. 1601
(C "A" H-686)

Bill "An Act To Ensure the Safety of Bait Used in Maine's Fishery" (EMERGENCY)

H.P. 1218 L.D. 1609
(C "A" H-690)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Act

An Act To Update the Laws Concerning the Maine School of Science and Mathematics

H.P. 1197 L.D. 1592

PASSED TO BE ENACTED and having been signed by the President was presented by the Secretary to the Governor for his approval.

Resolve

Resolve, Directing the Department of Administrative and Financial Services, Bureau of Revenue Services To Develop a Pilot Project for a Tax Simulation Model for State Dynamic Fiscal Analysis

H.P. 1127 L.D. 1535
(C "A" H-685)

FINALLY PASSED and having been signed by the President was presented by the Secretary to the Governor for his approval.

Senate at Ease.

Senate called to order by the President.

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

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

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

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, February 14, 2012, at 10:00 in the morning.