

MAINE STATE LEGISLATURE

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

Daily Edition

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

In Senate Chamber
Wednesday
February 15, 2012

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

Prayer by Pastor Mike Whitney of Bath.

PASTOR WHITNEY: Let us pray. God, I thank You for the privilege of bringing these men and women before You today in prayer. They have the tremendous responsibility of representing Your authority in our state as they attempt to uphold righteousness and hold back evil. Please give them wisdom and understanding as they deliberate and cause them to pass righteous laws that will glorify You. I pray that You will cause them to think of You in the midst of their discussions. I pray that You will intervene in the process in such a way that these folks will know that You are there and that You are intensely interested in the outcome of the decisions they make. Thank You for their willingness to serve the people of Maine. I pray that You will help each one here in their personal lives as well. Please give them wisdom and understanding as they raise their families and live their daily lives. I pray that You will protect them and give them strength to perform their duties. In Jesus' name I ask. Amen.

Pledge of Allegiance led by Senator Margaret M. Craven of Androscoggin County.

Reading of the Journal of Tuesday, February 14, 2012.

Doctor of the day, David Jones, MD of Presque Isle.

The President requested the Sergeant-At-Arms escort the Senator from Kennebec, Senator **KATZ** to the rostrum where he assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **ROGER J. KATZ** of Kennebec County.

PAPERS FROM THE HOUSE

House Papers

Resolve, Regarding Access to Eastern Road in Scarborough
H.P. 1340 L.D. 1817

Presented by Representative VOLK of Scarborough.
(GOVERNOR'S BILL)
Cosponsored by Senator BARTLETT of Cumberland and
Senator: MARTIN of Kennebec, Representative: CLARK of
Millinocket.

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.

**Pursuant to Statute
Maine Milk Commission**

The **Maine Milk Commission**, pursuant to the Maine Revised
Statutes, Title 5, section 8072 asked leave to report that the
accompanying Resolve, Regarding Legislative Review of Chapter
26: Producer Margins, a Major Substantive Rule of the Maine Milk
Commission (EMERGENCY)

H.P. 1341 L.D. 1819

Be **REFERRED** to the Committee on **AGRICULTURE,
CONSERVATION AND FORESTRY** 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
AGRICULTURE, CONSERVATION AND FORESTRY and
ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **AGRICULTURE,
CONSERVATION AND FORESTRY** and ordered printed
pursuant to Joint Rule 218, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 699

**STATE OF MAINE
125TH LEGISLATURE**

February 10, 2012

Major General (Retired) John W. Libby
The Adjutant General, Maine National Guard
33 State House Station
Camp Keyes
Augusta, ME 04333

Dear General Libby:

We are pleased to invite you to address a Joint Session of the 125th Maine Legislature on Thursday, February 16, 2012 at 11:00 a.m. concerning matters of defense, veterans' services and emergency management matters 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.

SENATE PAPERS

Bill "An Act To Allow the Change of Location of a Licensed Large Game Shooting Area" (EMERGENCY)
S.P. 630 L.D. 1822

Presented by Senator THOMAS of Somerset.
Cosponsored by Representative DAVIS of Sangerville.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **MARTIN** of Kennebec, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

Sent down for concurrence.

Pursuant to Resolve

Department of Administrative and Financial Services, Bureau of General Services and the Department of Transportation

Senator COLLINS for the **Department of Administrative and Financial Services, Bureau of General Services and the Department of Transportation**, pursuant to Resolve, chapter 74 asked leave to report that the accompanying Resolve, Regarding Prequalification Processes for Contractors
S.P. 629 L.D. 1821

Be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **COLLINS** of York, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

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

ORDERS

Joint Order

Expressions of Legislative Sentiment recognizing:

The following members of the Cheverus High School Football Team, who have won the 2012 Class A State Championship for the second year in a row: players Ethan Jordan, Liam Mahoney, Will Hilton, David Gravel, Liam Fitzpatrick, Mike Flaherty, Louie DiStasio, Spencer Cooke, Donald Goodrich, Cam Olson, Joe Fitzpatrick, Jake Michaud, Jackson McMann, Tintim Tsui, Brent Green, Colie Walsh, Sam Cross, Ryan Casale, Connor Conley, Lucas Richio, Cody O'Brien, Sam Duddy, Nick Jensen, Noah Stebbins, Peter Dutton, Kevin Day, Mitch Holman, Matt Cushing, Pat Ball, Aaron Mendro, Riley Archer, Cavan Dudley, Mike Dedian, Dan Peabody-Harrington, Parker Doyon, Greg Grinnell, Jon Ruterbories, Charlie Walsh, Brad Kritzer, Christian Deschenes, Jim Peabody-Harrington, Brady Murray, Charlie Rainville, Tom Sullivan, Matt Sprague, Mike Orne, Joe Slattery, Mike Sinclair, Ben Weeks and Zordan Holman; Father William R. Campbell, S.J., president; John H. R. Mullen, principal; Gary G. Hoyt, CMAA, athletic director; Patsy Fowler, assistant athletic director; John Wolfgram, head coach; Mike Vance, Paul Roy, Ken Cianchette, Dan Soule and Kyle Bourgoin, assistant coaches; and Katie McCarthy and Brandon Arsenaault, athletic trainers. We send our congratulations to the team on their achievements;
SLS 564

Sponsored by Senator HOBBS of York.
Cosponsored by Senators: ALFOND of Cumberland, BRANNIGAN of Cumberland, Representatives: CHIPMAN of Portland, DION of Portland, HARLOW of Portland, HASKELL of Portland, HINCK of Portland, LOVEJOY of Portland, RUSSELL of Portland, STUCKEY of Portland.

READ.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Hobbins.

Senator **HOBBS:** Thank you Mr. President. Ladies and gentlemen of the Senate, it is an honor and privilege to stand here today to recognize the players and coaches of the Cheverus High School football team for winning the 2011 State Class A Championship. Cheverus High School had a hard fought game against an excellent team of Lawrence High School. The final score was 49 - 7. I don't mention that score to rub in to my two colleagues, the Senator from Somerset, Senator Whittemore, or the Senator from Kennebec, Senator Martin, because their team was an excellent team. I am very proud of these fellows. As you may not know, this victory was Cheverus' second state title in a row for the school. Last year was their first State Championship since 1985. They are on a great run and well on their way, we hope, to a dynasty status in Maine football. Furthermore, the

Stags went 12 - 0 this year and completed their second straight perfect season, running their overall winning streak to 24 games. This is a very impressive feat. I am pleased to recognize the State Championship players that are here today with their head coach, John Wolfgram, and assistant coaches; Mike Vance, Paul Roy, Ken Chianchette, Dan Soule, and Kyle Bourgoin. I would also like to recognize the President of Cheverus, Father William Campbell; the Athletic Director, Gary Hoyt; Brian Dudley, the Vice-President of Institutional Advancement; and John Mullen for their support of this team; the athletic program, and the entire educational experience of Cheverus High School. Congratulations to the team, the coaches, and to the administration for this accomplishment. It is so well deserved. We are proud of all of you and wish the best in your future endeavors.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Martin.

Senator **MARTIN:** Thank you Mr. President. I, too, stand to congratulate the team. I attended the game. It was a very bitter loss and it was a very bitterly cold day. I couldn't drink enough hot chocolate. The game was great for about the first 5 minutes, but there is always a loser. Congratulations guys. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Farnham.

Senator **FARNHAM:** Thank you Mr. President. Where Bangor was the loser of the game the year prior, I'd also like to wish congratulations. This past season it was Lawrence that beat Bangor to get to the State Championship game to play Cheverus, so we were kind of hoping for a Bangor - Cheverus rematch. Although that didn't happen, we have utmost respect for your program, your athletic program, and the players on the team. Well done. To repeat that match two years in a row is very impressive. I just also wanted to add the congratulations from the Senator from Bangor.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Somerset, Senator Whittemore.

Senator **WHITTEMORE:** Thank you Mr. President. I suddenly don't want to be left out of this. Unfortunately, I wasn't able to see the game, but I understand it was a terrific game. I, too, want to congratulate the team. Well done.

THE PRESIDENT PRO TEM: The Chair would note, if the Chair is not mistaken, the Cheverus dynasty which began last year had another player on the team, who is the son of the good Senator from York, Senator Hobbins.

PASSED.

Sent down for concurrence.

THE PRESIDENT PRO TEM: The Chair is pleased to welcome in the rear of the chamber the Coaching staff, the offence, the defense, and the special team of the State Championship team from Cheverus High School. Would they please stand and step forward and accept the greetings of the Maine Senate.

REPORTS OF COMMITTEES

House

Pursuant to Public Law

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Implement Recommendations To Provide Additional Flexibility for Funding Infrastructure Improvements for Water Utilities"

H.P. 1342 L.D. 1820

Reported that the same be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**, pursuant to Public Law, chapter 106, section 2.

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 Pursuant to Resolve

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, To Promote the Expansion of the Maine Maple Sugar Industry (EMERGENCY)

H.P. 1338 L.D. 1814

Reported that the same **Ought to Pass**, pursuant to Resolve 2011, chapter 48, section 8.

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

Report **READ**.

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

Ought to Pass

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend Deferred Disposition under the Maine Juvenile Code"

H.P. 1206 L.D. 1599

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 Promote School Attendance and Increase School Achievement"
S.P. 473 L.D. 1503

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-378).**

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

READ ONCE.

Committee Amendment "B" (S-378) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Laws Governing Discontinued Town Ways"
S.P. 522 L.D. 1596

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-377).**

Signed:

Senators:

THOMAS of Somerset
COLLINS of York
SULLIVAN of York

Representatives:

COTTA of China
BOLAND of Sanford
BOLDUC of Auburn
CASAVANT of Biddeford
GRAHAM of North Yarmouth
MOULTON of York
TURNER of Burlington

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass.**

Signed:

Representative:
HARVELL of Farmington

Reports **READ.**

On motion by Senator **THOMAS** of Somerset, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-377) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

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

SECOND READERS

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

House As Amended

Bill "An Act To Protect Legislative Intent in Rulemaking"
H.P. 426 L.D. 543
(C "B" H-688)

Resolve, To Name Route 1-A between Brewer and Ellsworth the Korean War Veterans Highway

H.P. 1198 L.D. 1593
(C "A" H-693)

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

Senate

Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2013"

S.P. 595 L.D. 1736

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

Sent down for concurrence.

Senate As Amended

Bill "An Act To Ensure the Alignment of Truck Weight Limitations on the Interstate with Those Allowed under Federal Law" (EMERGENCY)

S.P. 527 L.D. 1617
(C "A" S-376)

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 Provide a Sales Tax Exemption to Commercial Horticulturists

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

On motion by Senator **ROSEN** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

Off Record Remarks

Emergency Measure

An Act To Ensure the Safety of Bait Used in Maine's Fishery

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

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 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 Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

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

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

On motion by Senator **PLOWMAN** of Penobscot, placed on the **SPECIAL STUDY TABLE**, pending **FINAL PASSAGE**, in concurrence.

Act

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

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

Senate at Ease.

Senate called to order by President Pro Tem
ROGER J. KATZ of Kennebec County.

Senator **PATRICK** of Oxford was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator **COURTNEY** of York, **ADJOURNED** to Thursday, February 16, 2012, at 10:00 in the morning.