

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Fifth Legislature
State of Maine

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

In Senate Chamber
Tuesday
March 6, 2012

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

Prayer by Rev. Harvey Thurston of Thurston Ministries in Searsport.

REVEREND THURSTON: Heavenly Father, we come to You this morning thanking You for this day. We ask You to show us Your favor and Your pleasure. Holy Spirit of God, I believe Your word declares that if we are faithful to what You ask us that Deuteronomy states that You will bless us in the city and in the country and all we have will be blessed by You. You tell us that You will command blessings upon our land and that we will be above and never beneath. We will be the head and not the tail. We would lend and not borrow. All we set our hands to do will prosper. Father, help us to be ready listeners, quick responders to Your word. Lord, we ask for our Governor, that You will guide him in all that he does to lead this state forward. Bless him, his family, and grant him all that he needs to carry out the mission that You have entrusted into his hands. For every Senator here today, I ask that You will give them a heart of understanding, compassion, and integrity. Help each one to be mindful of the incredible responsibility that they are entrusted with. If they are in need of counsel, Your word tells us to ask and You will give it to them. We pray for each of their families, for personal needs that every one of us have that they might not be able to share, but You know and understand. Help them now, we pray. Strengthen them, I ask, and give them the purpose of mind and heart. Allow them to see with Your eyes the needs of the citizens of this state. Show them how to care and to love as You do. Help them to be mindful that You are always watching, not just what they do and say, but with the innermost motives of their hearts. Father, I ask that every action and motion today be guided by Your ever present Holy Spirit and that You will grant great success upon this Chamber. Lord, I bless this day in Your name. I ask that You open the windows of heaven and pour out a blessing upon them that they will not have room enough to receive. Thank You for Your grace that was freely given to us, that it will be made manifest in the lives of these men and women in this Chamber and that righteousness will exalt this state and this nation. Let Your kingdom come, let Your will be done on earth as it is in heaven. Reveal Yourself and Your ways to each one here and bless them, indeed. I pray in Jesus' name. Amen.

Pledge of Allegiance led by Senator Thomas B. Saviello of Franklin County.

Reading of the Journal of Thursday, March 1, 2012.

Doctor of the day, Su-Anne Hammond, DO of Windham.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Authorize the Establishment of Pilot Projects for Community Paramedicine"

H.P. 1359 L.D. 1837

Presented by Representative WILLETTE of Presque Isle.
(GOVERNOR'S BILL)

Cosponsored by Senator RECTOR of Knox and Senators: JACKSON of Aroostook, SAVIELLO of Franklin, SHERMAN of Aroostook, Representatives: CLARK of Easton, FREDETTE of Newport, KESCHL of Belgrade, TURNER of Burlington, WILLETTE of Mapleton.

Comes from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in concurrence.

Bill "An Act To Facilitate Rapid Response by Out-of-state Businesses to State Disasters" (EMERGENCY)

H.P. 1357 L.D. 1836

Presented by Representative KNIGHT of Livermore Falls. Cosponsored by Senator RECTOR of Knox and Representatives: BERRY of Bowdoinham, CURTIS of Madison, FITTS of Pittsfield, PILON of Saco, PRESCOTT of Topsham, STEVENS of Bangor, STRANG BURGESS of Cumberland, VALENTINO of Saco. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Comes 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

Representative RICHARDSON submitted the Report of 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 33: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1360 L.D. 1838

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.

Joint Resolution

The following Joint Resolution:

H.P. 1358

JOINT RESOLUTION RECOGNIZING MAINE'S CREDIT UNIONS

WHEREAS, Maine's credit unions are member-owned and member-governed financial cooperatives dedicated and committed to serving the needs of their members and communities. The not-for-profit structure of credit unions provides each member with an equal voice and representation in the operations of the credit union. Serving members in all 16 Maine counties and in every community, Maine's credit unions operate with the primary purpose of benefiting the more than 615,000 Maine consumers who use credit unions; and

WHEREAS, the economic benefit that Maine's credit unions provide to Maine consumers is approximately \$38,000,000 annually, as a result of lower and fewer fees on products and services, lower interest rates on loans and higher interest rates on savings; and

WHEREAS, Maine is once again ranked as the nation's 5th strongest credit union state based on the percentage of the population that uses a credit union, a position Maine has held for 10 consecutive years. With more than 615,000 members, credit unions serve nearly one in every 2 Maine residents; and

WHEREAS, the 2,050 full-time and part-time employees of Maine's credit unions and the more than 1,000 unpaid volunteers who serve on credit union boards and committees demonstrate the core credit union values, philosophy and mission of people helping people by contributing to the communities they serve; and

WHEREAS, since 1990 Maine's credit unions and their members have raised \$4,300,000 to help end hunger in Maine. One hundred percent of all money that is raised through the Maine Credit Unions' Campaign for Ending Hunger stays in Maine and goes directly to assist thousands of Maine families and individuals who otherwise would go hungry. In addition to contributing thousands of dollars to food pantries in communities across the State, Maine's credit unions also help to provide funds for statewide initiatives to help end hunger, such as being the primary source of funding for the State's only Food Mobile. In partnership with Good Shepherd Food Bank, the Food Mobile has delivered over 2,280,000 pounds of food to food pantries in every Maine county since it began in 2005; and

WHEREAS, in 2011 Maine's credit unions contributed more than \$1,000,000 to a variety of causes, including a record-setting \$446,929.56 to ending hunger, and to a number of organizations, such as financial literacy programs, the American Red Cross and Special Olympics. In the past 9 years, members of Maine's credit unions contributed more than 180,000 hours, including a record of more than 31,000 hours last year, volunteering for organizations and activities in communities throughout the State, making a significant and positive impact not only on the organizations that received this assistance but also on the people who were served by and benefited from the services and resources provided; and

WHEREAS, since 1921 Maine's credit unions have been enhancing the lives of thousands of Maine people, who have been helped to financial success and stability. Throughout Maine, credit unions continue to play a vital economic and socially responsible role in the lives of individuals and remain a local, significant and stable presence in the communities they serve; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature, now assembled in the Second Regular Session, take this opportunity to recognize the Maine Credit Union League and Maine's credit unions for their positive contributions and the significant role they have played in the lives of Maine citizens and their communities for more than 91 years. Their service and dedication to this State are a tribute to those values and principles that we all hold dear; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Credit Union League and its 63 member credit unions.

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

READ.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator **BRANNIGAN:** Thank you Mr. President. Men and women of the Senate, I just wanted to say a word about credit unions. They have a long history in Maine and elsewhere. For those of you who are interested, an interesting study of the whole movement that began with people lending to their peers. My father used to go off to the church credit union; a small group getting together to try to help people who couldn't get a loan from

the banks. They have gotten large, but they are still ours. As a person that's interested in the 99 and the occupy movement, I consider going to more local organizations. Your credit union is a local organization. They have done a lot of good. Continuing to do good. I hope they will not get too big to do good. I think we appreciate credit unions. Thank you, Mr. President.

ADOPTED, in concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 728

**STATE OF MAINE
125TH LEGISLATURE**

February 27, 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 reschedule your address to a Joint Session of the 125th Maine Legislature on Wednesday, March 7, 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.

The Following Communication: S.C. 729

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

March 1, 2012

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

Dear President Raye,

This is to inform you that I am today nominating Richelle R. Wallace of Auburn for appointment to the Board of Trustees of Dirigo Health.

Pursuant to Title 24-A, MRSA §6904, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Insurance and Financial Services.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 730

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

March 1, 2012

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

Dear President Raye,

This is to inform you that I am today nominating Ellen Shillinglaw of Orr's Island for appointment to the Board of Trustees of Dirigo Health.

Pursuant to Title 24-A, MRSA §6904, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Insurance and Financial Services.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 731

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

March 2, 2012

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

Dear President Raye,

This is to inform you that I am today nominating Scott M. Davis M.D. of Bangor for appointment to the Maine Quality Forum Advisory Council.

Pursuant to Title 24-A, MRSA §6952, this nomination will require review by the Joint Standing Committee on Health and Human Services.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 732

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

March 2, 2012

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

Dear President Raye,

This is to inform you that I am today nominating Marcia A. Kyle of Rockport for appointment to the Maine Quality Forum Advisory Council.

Pursuant to Title 24-A, MRSA §6952, this nomination will require review by the Joint Standing Committee on Health and Human Services.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 733

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

March 2, 2012

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

Dear President Raye,

This is to inform you that I am today nominating Glenn E. Mower of Bangor for appointment to the Maine Quality Forum Advisory Council.

Pursuant to Title 24-A, MRSA §6952, this nomination will require review by the Joint Standing Committee on Health and Human Services.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 734

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

March 2, 2012

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

Dear President Raye,

This is to inform you that I am today nominating Kevin S. Flanigan M.D. of Pittsfield for appointment to the Maine Quality Forum Advisory Council.

Pursuant to Title 24-A, MRSA §6952, this nomination will require review by the Joint Standing Committee on Health and Human Services.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 735

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 6, 2012

March 1, 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 Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 63 An Act To Authorize a General Fund Bond Issue To Repair the Mountain Division Rail Line
- L.D. 111 An Act To Authorize a General Fund Bond Issue To Fund Large-scale Marketing and Research and Development for Bulk Sales of Maine Seafood Worldwide
- L.D. 263 An Act To Authorize a General Fund Bond Issue To Fund Construction of a Marine Technology Incubator Facility at the Gulf of Maine Research Institute
- L.D. 409 An Act To Authorize a General Fund Bond Issue for Research and Development for Technology Advancement
- L.D. 417 An Act To Authorize a General Fund Bond Issue To Improve Rail Lines in Western Maine
- L.D. 420 An Act To Authorize a General Fund Bond Issue To Fund Building a Container Port on Sears Island
- L.D. 470 An Act To Authorize a General Fund Bond Issue To Complete Renovation of a Bulkhead at the Gulf of Maine Research Institute
- L.D. 741 An Act To Authorize a General Fund Bond Issue To Invest in Water and Sewer Infrastructure To Protect Public Health and To Facilitate the Expansion and Growth of Business
- L.D. 777 An Act To Authorize a General Fund Bond Issue To Expand Necessary Capital Improvements at the University of Maine System That Support the Critical Disciplines of Science, Technology, Engineering and Math To Enhance Economic Development and Employment Opportunities for Maine Citizens
- L.D. 842 An Act To Authorize a General Fund Bond Issue To Support Research and Sustainable Development of Maine's Natural Resources

- L.D. 948 An Act To Authorize a General Fund Bond Issue To Create Jobs through Energy Efficiency
- L.D. 979 An Act To Authorize a General Fund Bond Issue To Create an Animal and Plant Diagnostic Facility at the University of Maine
- L.D. 990 An Act To Authorize a General Fund Bond Issue in the Amount of \$1,000,000 for Road and Bridge Construction
- L.D. 1187 An Act To Authorize a General Fund Bond Issue To Revitalize Maine's Downtowns through Innovative Business Development and the Creative Economy
- L.D. 1240 An Act To Authorize a General Fund Bond Issue To Reduce the Cost of Government through Energy Efficiency
- L.D. 1386 An Act To Authorize a General Fund Bond Issue To Fund the Challenger Learning Center of Maine

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

Sincerely,

S/Sen. Richard W. Rosen
Senate Chair

S/Rep. Patrick S. A. Flood
House Chair

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

The Following Communication: S.C. 736

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

February 29, 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. 1668 An Act To Improve the Regional School Unit Budget Approval and Validation Process

The Following Communication: S.C. 738

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. 737

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

February 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 Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1669 An Act To Clarify the Process for Removing a Person from a Dormitory Operated by a Nonprofit Organization and the Municipal Regulation of Such Facilities

L.D. 1690 An Act To Protect the Privacy of Social Workers (EMERGENCY)

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

Sincerely,

S/Sen. David R. Hastings, III
Senate Chair

S/Rep. Joan M. Nass
House Chair

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

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

February 27, 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 bill out "Ought Not to Pass":

L.D. 1808 An Act To Exempt from the Prohibition against Text Messaging While Driving Emergency Personnel Who Are Acting in the Course of Their Duties

We have also notified the sponsor and cosponsors 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.**

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

SENATE PAPERS

Resolve, Directing the Department of Environmental Protection To Adopt Rules Pertaining to Petroleum Storage and Gravel Pits
S.P. 641 L.D. 1846

Presented by Senator SAVIELLO of Franklin.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **SAVIELLO** of Franklin, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Amend the Laws Governing the Governor's Training Initiative Program"

S.P. 639 L.D. 1844

Presented by Senator **RECTOR** of Knox. (GOVERNOR'S BILL)
Cosponsored by Representative **TUTTLE** of Sanford and Senators: **JACKSON** of Aroostook, **MARTIN** of Kennebec, **THIBODEAU** of Waldo, Representatives: **DOW** of Waldoboro, **MAKER** of Calais, **NEWENDYKE** of Litchfield, **PRESCOTT** of Topsham.

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.

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

ORDERS

Joint Order

On motion by Senator **COLLINS** of York, under unanimous consent on behalf of Senator **THOMAS** of Somerset, the following Joint Order:

S.P. 638

ORDERED, the House concurring, that the Joint Standing Committee on State and Local Government shall report out, to the Senate, a bill that relates to commercial resale of county deeds records.

READ.

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending **PASSAGE**.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding the Interception of Oral or Wire Communications of Residents of State Correctional Facilities and Jails"

H.P. 1282 L.D. 1737

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.

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on 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

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Inmates on Public Works Projects" (EMERGENCY)

H.P. 1225 L.D. 1635

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-731)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-731)**.

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

READ ONCE.

Committee Amendment "A" (H-731) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Authorize the Commissioner of Education To Allow Access to Criminal History Record Information to Entities Providing Document Management and To Remove Applicants' Fingerprints from the Fingerprint File"

H.P. 1301 L.D. 1767

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-730).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-730).**

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

READ ONCE.

Committee Amendment "A" (H-730) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Protect Homeowners Subject to Foreclosure by Requiring the Foreclosing Entity To Provide the Court with Original Documents"

H.P. 128 L.D. 145

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-721).**

Signed:

Senators:

HASTINGS of Oxford
DILL of Cumberland
WOODBURY of Cumberland

Representatives:

NASS of Acton
SARTY of Denmark
FOSSEL of Alna
MOULTON of York
PRIEST of Brunswick
MALONEY of Augusta
ROCHELO of Biddeford
MONAGHAN-DERRIG of Cape Elizabeth

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

Signed:

Representatives:

WATERHOUSE of Bridgton
BEAULIEU of Auburn

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-721).**

Reports **READ.**

Senator **HASTINGS** of Oxford moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **ALFOND** of Cumberland, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **HASTINGS** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence. (Roll Call Ordered)

Senate

Ought to Pass Pursuant to Public Law

Senator McCORMICK for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Implement the Recommendations of the Department of Health and Human Services and the Maine Developmental Disabilities Council Regarding Respectful Language" (EMERGENCY)

S.P. 640 L.D. 1845

Reported that the same **Ought to Pass**, pursuant to Public Law 2011, chapter 186, Part B, section 3.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator SHERMAN for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Streamline the Paperwork Requirements of the State's Forest Practices Laws"

S.P. 598 L.D. 1741

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-409).**

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

READ ONCE.

Committee Amendment "A" (S-409) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator ROSEN for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Clarify Health Insurance Benefits for Disabled Participants in the Maine Public Employees Retirement System" (EMERGENCY)

S.P. 550 L.D. 1651

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-411)**.

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

READ ONCE.

Committee Amendment "A" (S-411) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY

Senator MASON for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding the Writing of Bad Checks"

S.P. 321 L.D. 1088

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-408)**.

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

READ ONCE.

Committee Amendment "A" (S-408) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator LANGLEY for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Enhance Career Pathways for Adult Learners"

S.P. 617 L.D. 1780

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-410)**.

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

READ ONCE.

Committee Amendment "A" (S-410) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator THIBODEAU for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend the Charter of the Ogunquit Sewer District"

S.P. 530 L.D. 1620

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-414)**.

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

READ ONCE.

Committee Amendment "A" (S-414) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator RECTOR for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect Gasoline Marketers from Liability for Selling Federally Mandated Gasoline"

S.P. 557 L.D. 1658

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-413)**.

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

READ ONCE.

Committee Amendment "A" (S-413) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SNOWE-MELLO for the Committee on **MARINE RESOURCES** on Bill "An Act To Improve the Method of Classifying Shellfish Harvesting Areas and Providing Notification of Changes"

S.P. 586 L.D. 1721

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-415)**.

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

READ ONCE.

Committee Amendment "A" (S-415) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, To Establish the Task Force To Facilitate the Development of Unoccupied Mills (EMERGENCY)

S.P. 574 L.D. 1675

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-412)**.

Signed:

Senators:

RECTOR of Knox
MARTIN of Kennebec
JACKSON of Aroostook

Representatives:

PRESCOTT of Topsham
DOW of Waldoboro
DRISCOLL of Westbrook
GILBERT of Jay
HERBIG of Belfast
HUNT of Buxton
TUTTLE of Sanford
VOLK of Scarborough
WALLACE of Dexter

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

Signed:

Representative:

NEWENDYKE of Litchfield

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-412) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Resolve, Directing the Maine Turnpike Authority To Place Signs on Interstate 95 Directing Motorists to the Southern Maine Veterans Memorial Cemetery in Springvale

S.P. 625 L.D. 1807

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

Signed:

Senators:

COLLINS of York
THOMAS of Somerset
DIAMOND of Cumberland

Representatives:

CEBRA of Naples
GILLWAY of Searsport
HOGAN of Old Orchard Beach
PARRY of Arundel
PEOPLES of Westbrook
ROSEN of Bucksport
THERIAULT of Madawaska
WILLETTE of Mapleton

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

Signed:

Representatives:

MAZUREK of Rockland
RIOUX of Winterport

Reports **READ**.

On motion by Senator **COLLINS** of York, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Bill "An Act Relating to the Calculation of Population for Purposes of the Maine Uniform Building and Energy Code and Public Safety Answering Point Assessments" (EMERGENCY)
H.P. 1249 L.D. 1697

READ A SECOND TIME.

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**, in concurrence.

House As Amended

Bill "An Act To Require Review of Certain Changes to Sales Tax Policy Application or Practice prior to Implementation"
H.P. 448 L.D. 590
(C "C" H-718)

Bill "An Act To Provide Public Access to Price Lists of Hospitals and Ambulatory Surgical Facilities"
H.P. 602 L.D. 806
(C "A" H-719)

Bill "An Act To Amend the Probate Code Regarding Powers of Attorney, Education of Children and Guardianship"
H.P. 722 L.D. 978
(C "A" H-720)

Bill "An Act To Extend Certain Insurance Protection to Emergency Responders"
H.P. 1226 L.D. 1636
(C "A" H-722)

Bill "An Act To Permit Financial Institutions To Share Certain Information for the Purpose of Preventing Electronic Bank Card Losses and Other Fraud"
H.P. 1227 L.D. 1637
(C "A" H-717)

Bill "An Act To Provide Additional In-store Space for Maine's Businesses by Removing License and Permit Posting Requirements"
H.P. 1247 L.D. 1695
(C "A" H-726)

Bill "An Act To Establish Veterans Treatment Courts"
(EMERGENCY)
H.P. 1250 L.D. 1698
(C "A" H-729)

Bill "An Act To Create Excise Tax Equity and Consistency for Buses"
H.P. 1251 L.D. 1699
(C "A" H-724)

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

Senate As Amended

Bill "An Act To Amend the Circuitbreaker Program To Include Claimants Occupying Property Pursuant to a Trust and To Require Proof of Payment of Rent"
S.P. 579 L.D. 1680
(C "A" S-407)

Resolve, To Streamline Forester Licensing Requirements
S.P. 613 L.D. 1776
(C "A" S-406)

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 a Sales Tax Exemption for the Sale and Delivery of Off-peak Electricity for Electric Thermal Storage Devices

S.P. 554 L.D. 1655
(C "A" S-383)

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

Acts

An Act To Promote Jobs in the Motor Coach Industry by Providing a Sales Tax Exemption for Certain Buses
S.P. 594 L.D. 1735

An Act To Conform Maine Apprenticeship Program Standards with Federal Apprenticeship Regulations
H.P. 1327 L.D. 1800

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

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

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 (2/15/12) Assigned matter:

HOUSE REPORT - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, pursuant to Resolve 2011, chapter 48, section 8, on Resolve, To Promote the Expansion of the Maine Maple Sugar Industry (EMERGENCY)
H.P. 1338 L.D. 1814

Report - **Ought to Pass**, pursuant to Resolve 2011, chapter 48, section 8

Tabled - February 15, 2012, by Senator **COURTNEY** of York

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, February 14, 2012, Report **READ** and **ACCEPTED** and Resolve **PASSED TO BE ENGROSSED**.)

(In Senate, February 15, 2012, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

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

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

Senator **McCORMICK** of Kennebec was granted unanimous consent to address the Senate off the Record.

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

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1367

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs shall report out, to the House, a bill to make supplemental appropriations and allocations for the expenditures of State Government and to change certain provisions of the law necessary to the proper operations of State Government to address revenue shortfalls projected for the fiscal year ending June 30, 2012.

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

READ and **PASSED**, in concurrence.

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

On motion by Senator **COURTNEY** of York, **ADJOURNED** to Wednesday, March 7, 2012, at 10:00 in the morning.