

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Fifth Legislature
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STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Monday
March 12, 2012

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

Prayer by Pastor Arlin Larson of First Congregational Church in Searsport.

PASTOR LARSON: Let us pray. Almighty God, it is the beginning of a new week. Before getting down to the business of the people of our state we pause a minute to remember You, our Creator, that You created the world for Your purposes, and it behooves us to act in ways of honor and to glorify You. We thank You for all who have felt a call to public service, especially the men and women of this Body, and ask that they may be blessed by their efforts and rewarded by seeing health, prosperity, harmony, and justice increase in our state. These are trying times, Lord. We are being tested by circumstances, by our own frustrations, and the occasional impatience and incivility of others. Grant to each member of this Body and their staff wisdom, patience, perseverance, and vision. You promised us a day when swords will be beat into plowshares, widows and orphans receiver their due, lions will lie down with lambs, and all tears, crying, and pain will cease. We have a long way to go, O Lord, so be patient with us and may we have patience too with one another and with all those clamoring for our attention and assistance. In Your holy name we pray. Amen.

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

Reading of the Journal of Thursday, March 8, 2012.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Provide a More Comprehensive Ban on the Possession of Synthetic Hallucinogenic Drugs"
H.P. 1370 L.D. 1852

Presented by Representative BEAVERS of South Berwick. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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 Expand Educational Opportunities for Maine Students"
H.P. 1372 L.D. 1854

Presented by Representative JOHNSON of Greenville. (GOVERNOR'S BILL)

Comes from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Improve Environmental Oversight and Streamline Permitting for Mining in Maine"
H.P. 1371 L.D. 1853

Presented by Representative MARTIN of Eagle Lake. Cosponsored by Senator JACKSON of Aroostook and Senators: GOODALL of Sagadahoc, SHERMAN of Aroostook, Representatives: AYOTTE of Caswell, DUCHESNE of Hudson, LONG of Sherman. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Comes from the House, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

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

Bill "An Act To Amend the Laws Concerning Municipal Inspections of Establishments"
H.P. 1369 L.D. 1851

Presented by Representative STRANG BURGESS of Cumberland. Cosponsored by Senator McCORMICK of Kennebec. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Comes 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.

**Pursuant to Statute
Criminal Law Advisory Commission**

Representative PLUMMER submitted the Report of the **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission" H.P. 1374 L.D. 1856

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218, in concurrence.

Senate at Ease.

Senate called to order by the President.

SENATE PAPERS

Bill "An Act To Establish the Dairy Improvement Fund" (EMERGENCY)

S.P. 653 L.D. 1869

Presented by Senator PLOWMAN of Penobscot. Cosponsored by Speaker NUTTING of Oakland and Senators: MASON of Androscoggin, SHERMAN of Aroostook, Representatives: BLACK of Wilton, EDGECOMB of Caribou, FOSTER of Augusta, GIFFORD of Lincoln, TIMBERLAKE of Turner. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **SHERMAN** of Aroostook, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Enhance Career and Technical Education" S.P. 650 L.D. 1865

Presented by Senator LANGLEY of Hancock. (GOVERNOR'S BILL)

On motion by Senator **LANGLEY** of Hancock, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act To Lower the Price of Electricity for Maine Consumers"

S.P. 648 L.D. 1863

Presented by Senator THIBODEAU of Waldo. (GOVERNOR'S BILL)
Cosponsored by Representative: LIBBY of Waterboro.

Bill "An Act To Improve Efficiency Maine Trust Programs To Reduce Heating Costs and Provide Energy Efficient Heating Options for Maine's Consumers"

S.P. 649 L.D. 1864

Presented by Senator THIBODEAU of Waldo. (GOVERNOR'S BILL)
Cosponsored by Representative: KESCHL of Belgrade.

On motion by Senator **THIBODEAU** of Waldo, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Limit Eligibility under the Municipal General Assistance Program" (EMERGENCY)

S.P. 647 L.D. 1862

Presented by Senator SAVIELLO of Franklin. Cosponsored by Representative CASAVANT of Biddeford and Senator: McCORMICK of Kennebec. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

On motion by Senator **McCORMICK** of Kennebec, **TABLED** until Later in Today's Session, pending **REFERENCE**.

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

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

Miles Memorial Hospital, of Damariscotta, which was named one of the top 3 rural hospitals in the country in 2011 for its delivery of high-quality care based on results from the Leapfrog Hospital Survey. The Leapfrog Group makes the only national public comparison of hospitals on the key issues of quality, safety and efficiency in order to prevent medical errors, to reduce mortality rates for high-risk procedures and to reduce hospital readmissions. We commend Miles Memorial Hospital on its achieving this high rating;

SLS 596

Sponsored by Senator JOHNSON of Lincoln.
Cosponsored by Representative: McKANE of Newcastle.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen, in these times of challenging economic realities and rising medical costs it's encouraging to know that one of our hospitals has achieved national recognition for their efforts to manage quality and safety as measured through patient outcomes. By addressing these well, they achieve greater cost effectiveness. Miles Memorial Hospital was one of only three rural hospitals to receive the National Leapfrog Group recognition as a top rural hospital. I commend Miles Memorial Hospital for setting their sights on the challenge of healthy communities, not just episodic care, and at the same time achieving national recognition for high performance in providing quality care. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Jim Donovan, President and CEO of Miles Memorial Hospital; Cindy Leavitt, Vice President of Hospital Operations; and Scott Schott, Vice President of Development and Community Relations. Would they please rise and accept the greetings of the Maine Senate.

Joint Resolutions

On motion by Senator **COURTNEY** of York under unanimous consent on behalf of President RAYE of Washington (Cosponsored by Speaker NUTTING of Oakland and Senators: ALFOND of Cumberland, COURTNEY of York, HOBBS of York, MASON of Androscoggin, PLOWMAN of Penobscot, SULLIVAN of York, Representatives: CAIN of Orono, CUSHING of Hampden) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.), the following Joint Resolution:

S.P. 651

**JOINT RESOLUTION MEMORIALIZING
THE PRESIDENT OF THE UNITED STATES AND THE
CONGRESS OF THE UNITED STATES TO ADEQUATELY
FUND THE LOW-INCOME HOME ENERGY ASSISTANCE
PROGRAM**

WE, your Memorialists, the Members of the One Hundred and Twenty-fifth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President and the Congress of the United States as follows:

WHEREAS, the Low-income Home Energy Assistance Program is a necessary federal program that was created in 1981 to replace a patchwork of federal energy assistance programs that arose from the energy crisis of the 1970s, and since that time this program has helped the people of Maine who need fuel assistance; and

WHEREAS, Maine, one of the most oil-dependent states in the nation, has received \$39,981,695 to fulfill its program obligations, down from \$56,600,000 last year; and

WHEREAS, approximately 64,000 families in Maine receive aid through the Low-income Home Energy Assistance Program, with an average benefit last year of \$804, and 53% of the households served include low-income senior citizens or persons with disabilities; and

WHEREAS, the decrease in funding will disproportionately affect the New England states, which are already facing a 25% increase in the cost of home heating oil this year, and these states have a dire need to have the funding restored; and

WHEREAS, the Low-income Home Energy Assistance Program is crucial to those Maine families who are relying on the federal program to help with weatherization costs for their homes and with winter fuel bills, and this reduction in funding is a devastating blow to people already hit hard by the recession; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge that legislation be enacted by the Congress of the United States to restore funding in the 2013 fiscal year budget to at least \$4,700,000,000, as provided in the 2011 fiscal year budget; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, the President of the United States Senate and the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

READ and ADOPTED.

Sent down for concurrence.

On motion by Senator **HASTINGS** of Oxford (Cosponsored by Representative **NASS** of Acton and Representatives: **BEAULIEU** of Auburn, **FOSEL** of Alna, **MALONEY** of Augusta, **MONAGHAN-DERRIG** of Cape Elizabeth, **MOULTON** of York, **PRIEST** of Brunswick, **SARTY** of Denmark), the following Joint Resolution:

S.P. 652

JOINT RESOLUTION RECOGNIZING THE JUSTICE ACTION GROUP'S ACCESS TO JUSTICE DAY

WHEREAS, the Justice Action Group is a coalition established in 1995 to provide leadership and coordination in planning for the provision of civil legal aid to low-income and elderly Mainers; and

WHEREAS, equal access to justice is a bedrock principle of a free, constitutional society and no system of laws and constitutional protections can be credible or effective if only those who can afford a private lawyer may avail themselves of it; and

WHEREAS, providing equal access to justice has tangible, widespread benefits for Maine's families, children, schools, communities, businesses, charities and government, and the availability of legal aid has been shown to be effective in reducing the incidence of domestic violence by ensuring that victims receive court protection orders; and

WHEREAS, Maine's employers benefit when employees who receive legal assistance miss less work and are less distracted by unresolved legal issues; and

WHEREAS, legal issues profoundly affect basic human needs such as shelter, sustenance, safety from violence, health and child protection; and

WHEREAS, in the current economic downturn, the need for legal aid and pro bono representation in Maine remains acute; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, pause to acknowledge and express our appreciation and strong support for Maine's legal aid provider organizations and Maine's private practice attorneys who provide pro bono service for those otherwise unable to afford legal representation on the Justice Action Group's 2012 Access to Justice Day; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Justice Action Group.

READ.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ADOPT.**

REPORTS OF COMMITTEES

House

Pursuant to Joint Order

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding the Fund for a Healthy Maine's Prevention, Education and Treatment Activities Concerning Unhealthy Weight and Obesity"

H.P. 1373 L.D. 1855

Reported that the same be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, pursuant to Joint Order, H.P. 1355.

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 **JUDICIARY** on Bill "An Act To Amend the Uniform Commercial Code Regarding Motor Vehicle Warranties" H.P. 1236 L.D. 1684

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 **JUDICIARY** on Bill "An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions"

H.P. 1330 L.D. 1804

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 **TAXATION** on Bill "An Act To Conform the Maine Tax Laws for 2011 to the United States Internal Revenue Code" (EMERGENCY)

H.P. 1289 L.D. 1748

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.

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Clarify the Status of Patients Held under Involuntary Commitment Applications"

H.P. 1240 L.D. 1688

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-747)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-747)**.

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

READ ONCE.

Committee Amendment "A" (H-747) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Clarify the Requirements of Income Withholding Orders"

H.P. 1199 L.D. 1594

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-746)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-746)**.

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

READ ONCE.

Committee Amendment "A" (H-746) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

H.P. 1292 L.D. 1751

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-748)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-748)**.

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

READ ONCE.

Committee Amendment "A" (H-748) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on 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

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

Signed:

Senators:

LANGLEY of Hancock
MASON of Androscoggin

Representatives:

RICHARDSON of Carmel
EDGECOMB of Caribou
JOHNSON of Greenville
MAKER of Calais
McCLELLAN of Raymond
McFADDEN of Dennysville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-741)**.

Signed:

Senator:

ALFOND of Cumberland

Representatives:

LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram
WAGNER of Lewiston

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought To Pass as Amended Report**.)

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require Advance Review and Approval of Certain Small Group Health Insurance Rate Increases and To Implement the Requirements of the Federal Patient Protection and Affordable Care Act"

H.P. 877 L.D. 1179

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

WHITTEMORE of Somerset
SNOWE-MELLO of Androscoggin

Representatives:

RICHARDSON of Warren
FITZPATRICK of Houlton
McKANE of Newcastle
MORISSETTE of Winslow
PICCHIOTTI of Fairfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-725)**.

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

BEAUDOIN of Biddeford
BECK of Waterville
GOODE of Bangor
MORRISON of South Portland
TREAT of Hallowell

Comes from the House with the Majority **OUGHT NOT TO PASS Report READ and ACCEPTED**.

Reports **READ**.

Senator **WHITTEMORE** of Somerset moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS 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 **WHITTEMORE** of Somerset to **ACCEPT** the Majority **OUGHT NOT TO PASS Report**, in concurrence. (Roll Call Ordered)

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Regarding Insurance Adjusters and Reporting Requirements for Insurance Companies"

H.P. 1305 L.D. 1773

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-735)**.

Signed:

Senators:

WHITTEMORE of Somerset
SNOWE-MELLO of Androscoggin

Representatives:

RICHARDSON of Warren
BECK of Waterville
FITZPATRICK of Houlton
McKANE of Newcastle
MORISSETTE of Winslow
PICCHIOTTI of Fairfield

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

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

BEAUDOIN of Biddeford
GOODE of Bangor
MORRISON of South Portland
TREAT of Hallowell

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 "A" (H-735)**.

Reports **READ**.

Senator **WHITTEMORE** of Somerset 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 **WHITTEMORE** of Somerset to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence. (Roll Call Ordered)

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Prohibit Computer Software Programs Used To Evade Sales Tax" (EMERGENCY)

H.P. 1297 L.D. 1764

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-743)**.

Signed:

Senators:

COURTNEY of York
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BERRY of Bowdoinham
BICKFORD of Auburn
BRYANT of Windham
FLEMINGS of Bar Harbor
PILON of Saco
WEAVER of York

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

Signed:

Representatives:

BENNETT of Kennebunk
HARMON of Palermo
WATERHOUSE of Bridgton

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 "A" (H-743)**.

Reports **READ**.

On motion by Senator **COURTNEY** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-743) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Reduce Open Burning in Neighborhoods"

S.P. 608 L.D. 1763

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

SAVIELLO of Franklin
GOODALL of Sagadahoc

Representatives:

HAMPER of Oxford
DUCHESNE of Hudson
HARLOW of Portland
INNES of Yarmouth
KNAPP of Gorham
LONG of Sherman
WELSH of Rockport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-425)**.

Signed:

Senator:

SHERMAN of Aroostook

Representatives:

AYOTTE of Caswell
NASS of Acton
PARKER of Veazie

Reports **READ**.

On motion by Senator **SAVIELLO** of Franklin, the Majority **OUCHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow the Change of Location of a Licensed Large Game Shooting Area" (EMERGENCY)
S.P. 630 L.D. 1822

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

Signed:

Senators:

MARTIN of Kennebec
SAVIELLO of Franklin
PATRICK of Oxford

Representatives:

DAVIS of Sangerville
BRIGGS of Mexico
CLARK of Millinocket
CRAFTS of Lisbon
ESPLING of New Gloucester
GUERIN of Glenburn
SARTY of Denmark
SHAW of Standish
WOOD of Sabattus

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

Signed:

Representative:

EBERLE of South Portland

(Representative SLAGGER of the Houlton Band of Maliseet Indians - of the House - supports the Minority **Ought Not To Pass** Report.)

Reports **READ**.

On motion by Senator **MARTIN** of Kennebec, the Majority **OUCHT TO PASS** Report **ACCEPTED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Provide Tax Relief for Maine's Citizens by Reducing Income Taxes"

S.P. 252 L.D. 849

Reported that the same **Ought to Pass as Amended by Committee Amendment "C" (S-427)**.

Signed:

Senators:

COURTNEY of York
HASTINGS of Oxford

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BICKFORD of Auburn
BURNS of Alfred
HARMON of Palermo
WATERHOUSE of Bridgton

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

Signed:

Representatives:

BERRY of Bowdoinham
FLEMINGS of Bar Harbor
PILON of Saco

Reports **READ**.

Senator **COURTNEY** of York moved the Senate **ACCEPT** the Majority **OUCHT TO PASS AS AMENDED** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Bill "An Act To Prohibit Bullying in Schools"
H.P. 928 L.D. 1237
(C "B" H-745)

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

READ A SECOND TIME.

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.

Off Record Remarks

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#366)

The Chair noted the absence of the Senator from Penobscot, Senator **PLOWMAN**, the Senator from Knox, Senator **RECTOR**, and the Senator from Cumberland, Senator **WOODBURY** and further excused the same Senators from today's Roll Call votes.

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, GOODALL, HASTINGS, HILL, HOBBS, JACKSON, JOHNSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

SECOND READERS

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

NAYS: Senators: None

House

Bill "An Act Regarding Subrogation of Medical Payments Coverage"

H.P. 1303 L.D. 1769

EXCUSED: Senators: PLOWMAN, RECTOR, WOODBURY

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

32 Senators having voted in the affirmative and No Senator having voted in the negative, with 3 Senators being excused, the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

Bill "An Act To Create an Income Tax Return Checkoff To Fund Cancer Screening, Detection and Prevention"

H.P. 916 L.D. 1225
(C "A" H-712)

House As Amended

READ A SECOND TIME.

Bill "An Act To Address the Documented Educational and Rehabilitation Needs of Persons Who Are Blind or Visually Impaired" (EMERGENCY)

H.P. 572 L.D. 765
(C "B" H-737)

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.

The Doorkeepers secured the Chamber.

Bill "An Act To Prohibit Municipalities from Imposing Fees on Ice Fishing Shacks" (EMERGENCY)

H.P. 1288 L.D. 1747
(C "A" H-734)

The Secretary opened the vote.

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

ROLL CALL (#367)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFSKY, GOODALL, HASTINGS, HILL, HOBBS, JACKSON, JOHNSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: None

EXCUSED: Senators: PLOWMAN, RECTOR, WOODBURY

32 Senators having voted in the affirmative and No Senator having voted in the negative, with 3 Senators being excused, the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate As Amended

Bill "An Act Regarding the Filing of Birth, Death and Marriage Data"

S.P. 537 L.D. 1627
(C "A" S-419)

Bill "An Act To Provide Tort Claims Immunity for Out-of-state Regional Transit Organizations That Provide Regular Service in Maine"

S.P. 559 L.D. 1660
(C "A" S-423)

Bill "An Act To Establish 'The Dirigo March' as the Official March of the State"

S.P. 627 L.D. 1815
(C "A" S-418)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

Bill "An Act To Amend and Clarify the Public Charter School Law" (EMERGENCY)

S.P. 607 L.D. 1762
(C "A" S-422)

READ A SECOND TIME.

Senator **ALFOND** of Cumberland requested a Roll Call.

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**. (Roll Call Requested)

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 Concerning Copying Fees for Users of County Registries of Deeds

S.P. 526 L.D. 1616

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

Emergency Measure

An Act To Correct Errors in Recently Enacted Laws Governing Agency Liquor Stores

S.P. 562 L.D. 1663
(C "A" S-395)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 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.

Ordered sent down forthwith.

Emergency Measure

An Act To Allow Employees of the Small Enterprise Growth Board To Participate in the State's Group Health Plan

S.P. 582 L.D. 1682
(C "A" S-393)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 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.

Ordered sent down forthwith.

Emergency Measure

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

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 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.

Ordered sent down forthwith.

Mandate

An Act To Provide for School Enrollment and an Appeal Process in Specific Cases in Which Students Do Not Reside with Parents
H.P. 722 L.D. 978
(C "A" H-720)

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

Acts

An Act To Increase Access to Information Regarding Health Care Facility and Practitioner Payments
H.P. 602 L.D. 806
(C "A" H-719)

An Act To Lessen the Regulatory Burden on Medical Laboratories by Removing Outdated Requirements from the Maine Medical Laboratory Act
S.P. 534 L.D. 1624
(C "A" S-396)

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

An Act To Conform Maine's Prescription Drug Privacy Laws with the United States Constitution
S.P. 578 L.D. 1679
(C "A" S-397)

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)

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

Ordered sent down forthwith.

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

On motion by Senator **COLLINS** of York, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

An Act To Codify the Review Practice of Certain Changes in the Application of the Sales and Use Tax Law
H.P. 448 L.D. 590
(C "C" H-718)

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

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)

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

An Act To Eliminate the Deposit Requirements for Containers of Limited and Restricted Use Pesticides
S.P. 606 L.D. 1758
(C "A" S-392)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#368)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, GOODALL, HASTINGS, HILL, HOBBS, JACKSON, JOHNSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: None

EXCUSED: Senators: PLOWMAN, RECTOR, WOODBURY

32 Senators having voted in the affirmative and No Senator having voted in the negative, with 3 Senators being excused, was **PASSED TO BE ENACTED** and having been signed by the President, was 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 (3/6/12) Assigned matter:

JOINT ORDER - To Report Out a Bill Dealing with County Deeds Records

S.P. 638

Tabled - March 6, 2012, by Senator **COURTNEY** of York

Pending - **PASSAGE**

(In Senate, March 6, 2012, on motion by Senator **COLLINS** of York, under unanimous consent under unanimous consent on behalf of Senator **THOMAS** of Somerset, **READ**.)

On motion by Senator **THOMAS** of Somerset, the Joint Order was **PASSED**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senator **THIBODEAU** of Waldo was granted unanimous consent to address the Senate off the Record.

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

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

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

On motion by Senator **COURTNEY** of York, **ADJOURNED** to Wednesday, March 13, 2012, at 10:00 in the morning.