

MAINE STATE LEGISLATURE

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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
Monday
March 26, 2012

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

Prayer by Pastor Neil Gastonguay of Bath United Methodist Church in Bath.

PASTOR GASTONGUAY: Let us pray. Oh wise and empowering God, we stand before You today knowing that in taking a place in the Senate of Maine we have accepted Your call to serve the people of our state. You have blessed us with a home of great natural beauty, a hard working populace committed to their families and communities, a wealth of natural and human resources, and You have inspired in us a drive to work for the betterment of all our people. We give You thanks for the abundant generosity which has given us such a wonderful place to call home. Yet, even as we benefit from Your goodness, we are all too aware that there is much that needs our attention and action. While our many businesses provide thousands of good jobs, many folks struggle to find work. Many in our state are hard pressed to meet even their most basic needs; adequate nutrition, decent housing, or effective health care. Food pantries, homeless shelters, and hospital emergency rooms are experiencing increasing usage as Your people seek ways to care for their families. You have given it to Body, O God, to work to address these and a host of other problems and opportunities. The task seems daunting, yet You promised that You will never forsake or abandon us. In such days of high risk and high possibilities, we feel all the more strongly the need to call upon Your presence and power for the work that is to be done. Pour out Your spirit upon the members of the Senate this day, God of wisdom and love. Grant to the women and men here that You will guide their work. Let all their deliberations be done with a strong sense of purpose, with respect for one another, and with compassion for those in our state who are in need of support to have good and productive lives. Be among them, to lead them to wise and right decisions for the good of all people. Here in this Chamber and in all places, we call upon Your grace to move us to a unity, prosperity, and compassion throughout our state of Maine. In thanksgiving for all the ways in which You reveal Your presence to us, I offer this pray in the name of Jesus Christ. Amen.

Pledge of Allegiance led by Senator Earle L. McCormick of Kennebec County.

Reading of the Journal of Friday, March 23, 2012.

Doctor of the day, David McDermott, MD of Dover-Foxcroft.

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.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Strengthen the Relationship between Land Users and Landowners"

H.P. 1222 L.D. 1613
(C "A" H-793)

In Senate, March 21, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-793)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-793) AS AMENDED BY HOUSE AMENDMENT "A" (H-819)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **MARTIN** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

House Paper

Bill "An Act To Support Members of the Law Enforcement Community as a Result of Medical Need or Unusual Hardship" (EMERGENCY)

H.P. 1402 L.D. 1900

Presented by Representative CUSHING of Hampden. Cosponsored by Senator FARNHAM of Penobscot and Senators: HOBBS of York, MASON of Androscoggin, PLOWMAN of Penobscot, Representatives: BURNS of Whiting, CLARKE of Bath, CURTIS of Madison, HASKELL of Portland, Speaker NUTTING of Oakland.

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.

Joint Resolution

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

Dr. Loring Withee Pratt, of Fairfield. Dr. Pratt was born in Farmington and was a 1940 graduate of Middlebury College. He attended Johns Hopkins School of Medicine, where he specialized in otolaryngology. He served for 2 years in the United States Air Force in flight surgeon training and was discharged in June 1948. Dr. Pratt was certified by the American Board of Otolaryngology in 1949. He served as assistant director of the F.T. Hill Seminar at Colby College in Waterville and chief of staff and chief of the department of otolaryngology at Thayer Hospital in Waterville. He also worked with patients with tuberculosis at the Central Maine Sanatorium in Fairfield. After retiring in 1985, Dr. Pratt worked for both the Mayo Clinic in Scottsdale, Arizona and Johns Hopkins Medical Center in Baltimore, Maryland. He was on the consulting staff of numerous hospitals in central Maine and was a senior consultant for the Mayo Clinic in Scottsdale. Dr. Pratt was a fellow in many national medical organizations and was also a Mason since 1940. Dr. Pratt, a devoted family man, was involved in his community and had many interests, including gardening, history and photography. Dr. Pratt will be greatly missed and long remembered by his loving family and many friends;

HLS 1082

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

READ.

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

Senator **BRANNIGAN:** Thank you Mr. President. Men and women of the Senate, I just didn't want to let this go by without a word about Dr. Pratt. Dr. Pratt in Fairfield. When I was stationed there he was not a member of our parish, but his wife and his 9 children all were. He was a wonderful man who had a major impact on my life. I had smoked. I was 37. I smoked for 20 years. I had a sore throat and I knew if I went to my doctor, who smoked like a chimney, I wouldn't get a totally unbiased opinion. I went to Dr. Pratt and he said, "It's just a preacher's sore throat, but two years from now I might not be able to say that. You ought to quit." Well I really wanted to quit but it is very hard to quit. Anybody here who hasn't started smoking, man don't. It is very hard to quit. He didn't think I could. He had me come back week after week and he'd give me a lollypop. He couldn't believe I quit. Now I fell back a few times with cigars, but I quit. Thank God I don't have to hover outside somewhere to get a smoke. I am so

pleased that Dr. Pratt did that. He's had a long and wonderful life. I'm glad we're honoring him today. Thank you, Mr. President.

ADOPTED, in concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 790

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

March 15, 2012

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1857 An Act To Enhance the Protection of Social Service Home Visitors

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

Sincerely,

S/Sen. Garrett P. Mason
Senate Chair

S/Rep. Gary E. Plummer
House Chair

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

The Following Communication: S.C. 791

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

March 19, 2012

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Energy, Utilities and Technology has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1790 Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

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

Sincerely,

S/Sen. Michael D. Thibodeau
Senate Chair

S/Rep. Stacey A. Fitts
House Chair

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

The Following Communication: S.C. 792

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

March 21, 2012

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Energy, Utilities and Technology has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1872 An Act To Change the Name of the Governor's Office of Energy Independence and Security

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

Sincerely,

S/Sen. Michael D. Thibodeau
Senate Chair

S/Rep. Stacey A. Fitts
House Chair

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

The Following Communication: S.C. 793

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

March 16, 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 bill out "Ought Not to Pass":

L.D. 1796 An Act Relating to False Claims under the Medicaid Program

We have also notified the sponsor and cosponsors 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.**

The Following Communication: S.C. 794

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

March 22, 2012

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Veterans and Legal Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1879 An Act To Treat Party Formation Committees
the Same as Ballot Question Committees for
Purposes of the Campaign Finance Laws

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

Sincerely,

S/Sen. Nichi S. Farnham
Senate Chair

S/Rep. Michael G. Beaulieu
House Chair

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

Senate at Ease.

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

ORDERS

Joint Order

Expression of Legislative Sentiment recognizing:

Flora Hutchinson, 108, of Damariscotta, who was presented with the Boston Post Cane as the oldest citizen in town on her birthday, March 12, 2012. Mrs. Hutchinson was born in 1904 in Medford, Massachusetts, grew up in Utica, New York, graduated from the Forsyth School for Dental Hygiene at Tufts University and moved to Augusta to work as a dental hygienist for Dr. Hutchinson, who she married 4 years later. Mrs. Hutchinson is the mother of a daughter and 2 sons. She moved to Chase Point at the age of 100 where she is admired for her wit and her sense of humor. We congratulate her on her receiving the Boston Post Cane and send her our best wishes;

SLS 614

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

READ.

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

Senator **JOHNSON:** Thank you Mr. President. I just wanted to take a brief moment to acknowledge the extraordinary character of Flora Hutchinson. When asked to explain the reason for her longevity she answered, "The Lord doesn't want me and the Devil won't take me." I would like to acknowledge the grace and humor which Flora Hutchinson brings to her life and all those who share her company. She is very much appreciated for her wit. I think it's great to acknowledge not only the length of her life but the strength of its character as well. Thank you.

PASSED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Allow for Timely Access to and Enhanced Administration of All Vaccines"
H.P. 1267 L.D. 1715

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-815)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-815)**.

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

READ ONCE.

Committee Amendment "A" (H-815) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **MARINE RESOURCES** on Bill "An Act To Sustain the Elver Fishery"

H.P. 1298 L.D. 1765

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-816)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-816)**.

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

READ ONCE.

Committee Amendment "A" (H-816) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Ensure That the Public Is Duly Informed When Certain Juvenile Crimes Are Committed" H.P. 1277 L.D. 1727

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-802).**

Signed:

Senators:

MASON of Androscoggin
WHITTEMORE of Somerset

Representatives:

PLUMMER of Windham
BLODGETT of Augusta
BURNS of Whiting
HANLEY of Gardiner
LONG of Sherman
MORISSETTE of Winslow
SANDERSON of Chelsea

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

Signed:

Senator:

GERZOFSKY of Cumberland

Representatives:

CLARKE of Bath
HASKELL of Portland
LAJOIE of Lewiston

Comes from the House with the Minority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED.**

Reports **READ.**

On motion by Senator **MASON** of Androscoggin, the Minority **UGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Clarify the Liability of 3rd-party Building Inspectors" (EMERGENCY)

H.P. 1239 L.D. 1687

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

Signed:

Senators:

HASTINGS of Oxford
DILL of Cumberland
WOODBURY of Cumberland

Representatives:

NASS of Acton
BEAULIEU of Auburn
FOSSEL of Alna
MALONEY of Augusta
MONAGHAN-DERRIG of Cape Elizabeth
PRIEST of Brunswick
ROCHELO of Biddeford
SARTY of Denmark
WATERHOUSE of Bridgton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-811).**

Signed:

Representative:

MOULTON of York

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

Reports **READ.**

On motion by Senator **HASTINGS** of Oxford, the Majority **UGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Senate

Ought to Pass As Amended

Senator **SHERMAN** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Change Regulation of Forestry Activities"

S.P. 596 L.D. 1739

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-471).**

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

READ ONCE.

Committee Amendment "A" (S-471) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Ordered sent down forthwith for concurrence.

Senator THIBODEAU for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Clarify the Laws Governing Electric Industry Restructuring"
S.P. 532 L.D. 1622

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-472)**.

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

READ ONCE.

Committee Amendment "A" (S-472) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Ordered sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Limit Payment for Care and Treatment of Residents of State Institutions"
S.P. 538 L.D. 1628

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-468)**.

Signed:

Senators:
McCORMICK of Kennebec
FARNHAM of Penobscot
CRAVEN of Androscoggin

Representatives:
STRANG BURGESS of Cumberland
EVES of North Berwick
FOSSEL of Alna
MALABY of Hancock
O'CONNOR of Berwick
PETERSON of Rumford
SANBORN of Gorham
SANDERSON of Chelsea
SIROCKI of Scarborough

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-469)**.

Signed:

Representative:
STUCKEY of Portland

Reports **READ**.

On motion by Senator **MCCORMICK** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-468)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "B" (S-469) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Ordered sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Allow for a Contingency Fee Agreement with a MaineCare Recovery Audit Contractor"
S.P. 539 L.D. 1629

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-470)**.

Signed:

Senators:
McCORMICK of Kennebec
FARNHAM of Penobscot

Representatives:
STRANG BURGESS of Cumberland
FOSSEL of Alna
MALABY of Hancock
O'CONNOR of Berwick
SANDERSON of Chelsea
SIROCKI of Scarborough

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

Signed:

Senator:
CRAVEN of Androscoggin

Representatives:
EVES of North Berwick
PETERSON of Rumford
SANBORN of Gorham
STUCKEY of Portland

Reports **READ**.

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

Emergency Resolve

READ ONCE.

Committee Amendment "A" (S-470) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Ordered sent down forthwith for concurrence.

Resolve, To Create the Task Force on the Prevention of Sexual Abuse of Children

H.P. 1257 L.D. 1705
(C "A" H-796)

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

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

Acts

ENACTORS

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

Emergency Measure

An Act To Amend the Laws Governing Confidentiality of Health Care Information

H.P. 1337 L.D. 1813
(C "A" H-797)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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.

Ordered sent down forthwith.

An Act To Adopt the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act

H.P. 1016 L.D. 1377
(C "A" H-800)

An Act To Facilitate Recovery of Debts Owed to the State for Indigent Legal Services

S.P. 558 L.D. 1659
(C "A" S-455)

An Act To Allow the Change of Location of a Licensed Large Game Shooting Area

S.P. 630 L.D. 1822
(S "A" S-454)

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

H.P. 1359 L.D. 1837
(C "A" H-801)

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

Ordered sent down forthwith.

Emergency Measure

An Act To Protect Consumers by Strengthening the Laws Governing Prepaid Home Heating Oil Contracts

H.P. 1399 L.D. 1895

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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.

Ordered sent down forthwith.

An Act To Make Fisheries and Wildlife and Marine Resources Projects Eligible for Tax Increment Financing

S.P. 552 L.D. 1653
(C "A" S-453)

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

An Act To Apply the Sales Tax on Camper Trailers and Motor Homes Purchased for Rental in the Same Manner as on Automobiles Purchased for Rental

H.P. 1333 L.D. 1809
(C "A" H-795)

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

Resolves

Resolve, Regarding Legislative Review of Chapter 140: Public Charter Schools, a Major Substantive Rule of the Department of Education

H.P. 1308 L.D. 1783
(C "A" H-759; S "A" S-459)

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

Ordered sent down forthwith.

Resolve, To Require the Department of Transportation To Facilitate and Oversee a Study of the Feasibility of an East-west Highway

S.P. 570 L.D. 1671
(H "B" H-805 to C "A" S-398)

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

RECALLED FROM GOVERNOR'S DESK

An Act To Protect Gasoline Marketers from Liability for Selling Federally Approved Gasoline

S.P. 557 L.D. 1658
(C "A" S-413)

(In Senate, March 13, 2012, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 673).)

On motion by Senator **RECTOR** of Knox, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

ORDERS OF THE DAY

Unfinished Business

The following matters 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 (3/13/12) Assigned matter:

HOUSE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Limit Health Care Mandates"

H.P. 649 L.D. 882

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-723)** (7 members)

Minority - **Ought Not to Pass** (6 members)

Tabled - March 13, 2012, by Senator **WHITTEMORE** of Somerset

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, March 12, 2012, 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-723)**.)

(In Senate, March 13, 2012, Reports **READ**.)

On motion by Senator **WHITTEMORE** of Somerset, Bill and accompanying papers **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/22/12) Assigned matter:

SENATE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Expand the Availability of Natural Gas to Maine Residents"

S.P. 543 L.D. 1644

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-461)** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-462)** (1 member)

Tabled - March 22, 2012, by Senator **THIBODEAU** of Waldo

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-461)** Report

(In Senate, March 22, 2012, Reports **READ**.)

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, when you go home after we adjourn the 125th Maine Legislature you are going to be asked, "What did you do on behalf of the people of the state of Maine?" I hope that when you answer that question you will refer to L.D. 1644. As you know, Mr. President, the good Senator, the junior Senator, from Kennebec brought this bill forward to the Energy, Utilities and Technology Committee. It is an important piece of legislation. What this bill does is allow the Finance Authority of Maine to go out and secure funding to finance the expansion of natural gas in the state of Maine. That's a very important thing that needs to happen. As the state of Maine tries to compete with other states throughout the nation and, quite frankly, around the world, the cost of energy is an important aspect of that competition. This simply allows the Finance Authority of Maine to get involved and be involved in that process. I want to emphasize here that the passage of this legislation doesn't create any sort of indication or support of any specific project, but it simply supports the concept of recognizing the importance of that infrastructure. The Finance Authority of Maine still has the same responsibility. Any of these projects that come forward, the Finance Authority of Maine has the responsibility of review them and going through a very rigorous process of making sure that they meet the high standards that the Finance Authority currently uses. Again, I want to encourage you to support this important piece of legislation and then go back home and tell the people of the state of Maine that we are doing good work here in Augusta. Thank you.

On motion by Senator **THIBODEAU** of Waldo, the Majority **VOUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-461)** Report **ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-461) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED.**

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/23/12) Assigned matter:

Bill "An Act To Amend the Law Regarding the Sale of Wood Pellets" (EMERGENCY)

H.P. 1219 L.D. 1610
(H "A" H-755; S "A" S-450
to C "A" H-727)

Tabled - March 23, 2012, by Senator **ALFOND** of Cumberland

Pending - **FURTHER CONSIDERATION**

(In House, March 13, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727) AS AMENDED BY HOUSE AMENDMENT "A" (H-755)** thereto.)

(In Senate, March 21, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727) AS AMENDED BY HOUSE AMENDMENT "A" (H-755) AND SENATE AMENDMENT "A" (S-450)** thereto, in **NON-CONCURRENCE.**)

(In House, March 22, 2012, that Body **INSISTED.**)

On motion by Senator **COURTNEY** of York, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/23/12) Assigned matter:

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 61: Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education and the State Board of Education

H.P. 1300 L.D. 1766

Tabled - March 23, 2012, by Senator **ALFOND** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 21, 2012, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, March 22, 2012, **FINALLY PASSED.**)

The Resolve was **FINALLY PASSED** and signed by the President Pro Tem.

(See action later today.)

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority"

H.P. 1403 L.D. 1901

Presented by Representative **BEAULIEU** of Auburn. Cosponsored by Representatives: **BICKFORD** of Auburn, **BOLDUC** of Auburn, **DUNPHY** of Embden, **HAMPER** of Oxford, **MALABY** of Hancock.

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

Comes from the House, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed, in concurrence.

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

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

Senate at Ease.

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

The Senate **RECONSIDERED** whereby it **FINALLY PASSED** the following:

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 61: Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education and the State Board of Education

H.P. 1300 L.D. 1766

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Off Record Remarks

On motion by Senator **COURTNEY** of York, **ADJOURNED** to Tuesday, March 27, 2012, at 10:00 in the morning.