

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session
beginning December 5, 2012

beginning at Page 1

STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Tuesday
January 8, 2013

Senate called to order by President Justin L. Alfond of
Cumberland County.

Prayer by Rabbi Akiva Hertzfeld of Portland Congregation
Shaarey Tphiloh.

RABBI HERTZFELD: Hashem, Elokim. God, Lord of the world. Sim Shalom Tova U'vracha Chen Vachessed V'rachamim alienu v'al kol ha-olam. Bless us with peace, goodness, graciousness, and compassion upon us and upon all of the world of creation. As we, today, initiate the work of the 126th Maine Senate, we, as individuals, are grateful to have been blessed by God with the gift of life. We realize the purpose of our lives and we look beyond our own selves and work as leaders so that we fulfill a vision to improve the lives of other people in our society and in the vast world around us. Dear God, bless the lawmakers of our Maine Senate with the wisdom and strength to make the right decisions for our state. Bless our elected officials so that the laws passed in the Maine Senate should provide greater security, prosperity, and comfort. Bless our Senate to implement laws that benefit our state in the present and make us stronger in the future. Help our Senators make the right judgments about the future as they preserve the laws of the past that have been voted upon by our elected officials and by the people of Maine. Bless our elected officials with wisdom to make good decisions beyond individual limitations and bless us all to look past the imitations of others when we may disagree with one another. May God bless and protect and shine His light upon the elected officials of our state and the Constitutional Officers of our government. May God cause his light of peace to shine on all of us and our families and friends and our great state of Maine. Let it be the will of God and let us say Amen.

Pledge of Allegiance led by Senator Seth A. Goodall of
Sagadahoc County.

Reading of the Journal of Wednesday, December 5, 2012.

Doctors of the day, Dieter Kreckel, MD of Rumford and Leigh
Forbush, DO of North Hampden.

COMMUNICATIONS

The Following Communication: S.C. 4

STATE OF MAINE
126TH LEGISLATURE

December 14, 2012

Honorable Darek M. Grant
Office of the Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary Grant:

Pursuant to our authority under Article IV, Part Third, Section 1-A of the Constitution of the State of Maine, we have appointed the following to serve as a member of the Apportionment Commission:

Cathy Newell of Greenwood

Please let us know if you have any questions.

Sincerely,

S/Justin L. Alfond
President of the Senate

S/Mark Eves
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 5

STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE PRESIDENT

December 14, 2012

Honorable Darek M. Grant
Office of the Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary Grant:

Pursuant to my authority under Article IV, Part Third, Section 1-A of the Constitution of the State of Maine, I have appointed the following to serve as members of the Apportionment Commission:

Senator Troy D. Jackson of Aroostook
Senator Emily A. Cain of Penobscot

Please let me know if you have any questions.

Sincerely,

S/Justin L. Alford
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 6

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE PRESIDENT**

December 21, 2012

The Honorable Darek M. Grant
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Grant:

Pursuant to my authority under Senate Rule 201.3, I have made the following appointments to various Joint Standing Committees.

Agriculture, Conservation and Forestry

Troy Dale Jackson, Chair (D-Aroostook)
James A. Boyle (D-Cumberland)
Roger L. Sherman (R-Aroostook)

Appropriations and Financial Affairs

Dawn Hill, Chair (D-York)
Emily Ann Cain (D-Penobscot)
Patrick S. A. Flood (R-Kennebec)

Criminal Justice and Public Safety

Stan Gerzofsky, Chair (D-Cumberland)
David E. Dutremble (D-York)
Gary E. Plummer (R-Cumberland)

Education and Cultural Affairs

Rebecca J. Millett, Chair (D-Cumberland)
Christopher K. Johnson (D-Lincoln)
Brian D. Langley (R-Hancock)

Energy, Utilities and Technology

John J. Cleveland, Chair (D-Androscoggin)
Troy Dale Jackson (D-Aroostook)
Edward M. Youngblood (R-Penobscot)

Environment and Natural Resources

James A. Boyle, Chair (D-Cumberland)
Geoffrey M. Gratwick (D-Penobscot)
Thomas B. Saviello (R-Franklin)

Health and Human Services

Margaret M. Craven, Chair (D-Androscoggin)
Colleen M. Lachowicz (D-Kennebec)
James M. Hamper (R-Oxford)

Inland Fisheries and Wildlife

David E. Dutremble, Chair (D-York)
Anne M. Haskell (D-Cumberland)
David C. Burns (R-Washington)

Insurance and Financial Services

Geoffrey M. Gratwick, Chair (D-Penobscot)
Richard G. Woodbury (U-Cumberland)
Rodney L. Whittemore (R-Somerset)

Judiciary

Linda M. Valentino, Chair (D-York)
John L. Tuttle, Jr. (D-York)
David C. Burns (R-Washington)

Labor, Commerce, Research and Economic Development

John L. Patrick, Chair (D-Oxford)
John J. Cleveland (D-Androscoggin)
Andre E. Cushing III (R-Penobscot)

Marine Resources

Christopher K. Johnson, Chair (D-Lincoln)
Edward J. Mazurek (D-Knox)
Richard G. Woodbury (U-Cumberland)

State and Local Government

Colleen M. Lachowicz, Chair (D-Kennebec)
Stan Gerzofsky (D-Cumberland)
Ronald F. Collins (R-York)

Taxation

Anne M. Haskell, Chair (D-Cumberland)
Rebecca J. Millett (D-Cumberland)
Douglas A. Thomas (R-Somerset)

Transportation

Edward J. Mazurek, Chair (D-Knox)
Linda M. Valentino (D-York)
Ronald F. Collins (R-York)

Veterans and Legal Affairs

John L. Tuttle, Jr., Chair (D-York)
John L. Patrick (D-Oxford)
Garrett Paul Mason (R-Androscoggin)

Sincerely,

S/Justin L. Alford
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 7

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

TO: Honorable Darek M. Grant
Secretary of the Senate

Madonna M. Soctomah (Passamaquoddy Tribe)

FROM: S/Mark W. Eves
Speaker of the House

DATE: December 20, 2012

RE: Committee Appointments
126th Legislature

Pursuant to my authority under House Rule 201.1(l)(a), I have made the following appointments to the various Joint Standing Committees:

Agriculture, Conservation and Forestry

James F. Dill, Chair (D-Old Town)
Peter S. Kent (D-Woolwich)
Craig V. Hickman (D-Winthrop)
Brian L. Jones (D-Freedom)
William F. Noon (D-Sanford)
Robert J. Saucier (D-Presque Isle)
Dean A. Cray (R-Palmyra)*
Donald G. Marean (R-Hollis)
Russell J. Black (R-Wilton)
Jeffrey L. Timberlake (R-Turner)

Appropriations and Financial Affairs

Margaret R. Rotundo, Chair (D-Lewiston)
Michael E. Carey (D-Lewiston)
Linda F. Sanborn (D-Gorham)
Megan M. Rochelo (D-Biddeford)
Aaron M. Frey (D-Bangor)
Erik C. Jorgensen (D-Portland)
Kathleen D. Chase (R-Wells)*
Tom J. Winsor (R-Norway)
Tyler Clark (R-Easton)
Dennis L. Keschl (R-Belgrade)

Criminal Justice and Public Safety

Mark N. Dion, Chair (D-Portland)
Michel A. Lajoie (D-Lewiston)
Bryan T. Kaenrath (D-South Portland)
Alan M. Casavant (D-Biddeford)
Timothy I. Marks (D-Pittston)
Joshua R. Plante (D-Berwick)
Ricky D. Long (R-Sherman)*
Thomas M. Tyler (R-Windham)
Jethro D. Pease (R-Morrill)
Corey S. Wilson (R-Augusta)

Education and Cultural Affairs

W. Bruce MacDonald, Chair (D-Boothbay)
Mary Pennell Nelson (D-Falmouth)
Helen Rankin (D-Hiram)
Mathea Elisabeth Larsen Daughtry (D-Brunswick)
Brian L. Hubbell (D-Bar Harbor)
Victoria P. Kornfield (D-Bangor)
Peter B. Johnson (R-Greenville)*
Joyce A. Maker (R-Calais)
Michael D. McClellan (R-Raymond)
Matthew G. Pouliot (R-Augusta)

Energy, Utilities and Technology

Barry J. Hobbins, Chair (D-Saco)
Roberta B. Beavers (D-South Berwick)
Diane Russell (D-Portland)
Sara Gideon (D-Freeport)
Deane Rykerson (D-Kittery)
Ryan D. Tipping-Spitz (D-Orono)
Larry C. Dunphy (R-Embden)*
Aaron F. Libby (R-Waterboro)
Lance Evans Harvell (R-Farmington)
Melvin Newendyke (R-Litchfield)

Environment and Natural Resources

Joan W. Welsh, Chair (D-Rockport)
Denise Patricia Harlow (D-Portland)
Janice E. Cooper (D-Yarmouth)
Gay M. Grant (D-Gardiner)
Paul D. McGowan (D-York)
Bernard L. A. Ayotte (R-Caswell)*
Ricky D. Long (R-Sherman)
Richard H. Campbell (R-Orrington)
Roger E. Reed (R-Carmel)
Benjamin M. Chipman (I-Portland)

Health and Human Services

Richard R. Farnsworth, Chair (D-Portland)
Matthew J. Peterson (D-Rumford)
Peter C. Stuckey (D-Portland)
Katherine W. Cassidy (D-Lubec)
Ann E. Dorney (D-Norridgewock)
Drew M. Gattine (D-Westbrook)
Deborah J. Sanderson (R-Chelsea)*
Richard S. Malaby (R-Hancock)
Heather W. Sirocki (R-Scarborough)
Carol A. McElwee (R-Caribou)

Inland Fisheries and Wildlife

Michael A. Shaw, Chair (D-Standish)
Sheryl J. Briggs (D-Mexico)
Karen Kusiak (D-Fairfield)
Timothy I. Marks (D-Pittston)
Stanley Byron Short, Jr. (D-Pittsfield)
Paul T. Davis, Sr. (R-Sangerville)*
Dale J. Crafts (R-Lisbon)
Eleanor M. Espling (R-New Gloucester)
Stephen J. Wood (R-Sabattus)
Jeffrey Evangelos (U-Friendship)

Insurance and Financial Services

Sharon Anglin Treat, Chair (D-Hallowell)
Paulette G. Beaudoin (D-Biddeford)
Henry E. M. Beck (D-Waterville)
Terry K. Morrison (D-South Portland)
Janice E. Cooper (D-Yarmouth)
Jane P. Pringle (D-Windham)
Joyce A. Fitzpatrick (R-Houlton)*
Michael D. McClellan (R-Raymond)
Raymond A. Wallace (R-Dexter)
Peter Doak (R-Columbia Falls)

Judiciary

Charles R. Priest, Chair (D-Brunswick)
Kimberly J. Monaghan-Derrig (D-Cape Elizabeth)
Jennifer DeChant (D-Bath)
Matthew W. Moonen (D-Portland)
Stephen W. Moriarty (D-Cumberland)
Lisa Renee Villa (D-Harrison)
Jarrod S. Crockett (R-Bethel)*
Michael G. Beaulieu (R-Auburn)
Anita Peavey Haskell (R-Milford)
Stacey K. Guerin (R-Glenburn)
Wayne T. Mitchell (Penobscot Nation)

Labor, Commerce, Research and Economic Development

Erin D. Herbig, Chair (D-Belfast)
Paul E. Gilbert (D-Jay)
Scott M. Hamann (D-South Portland)
Andrew T. Mason (D-Topsham)
Anne-Marie Mastraccio (D-Sanford)
Amy Fern Volk (R-Scarborough)*
Brian M. Duprey (R-Hampden)
Lawrence E. Lockman (R-Amherst)
Ellen A. Winchenbach (R-Waldoboro)
James J. Campbell, Sr. (I-Newfield)

Marine Resources

Walter A. Kumiega III, Chair (D-Deer Isle)
Chuck Kruger (D-Thomaston)
Ralph Chapman (D-Brooksville)
Michael Gilbert Devin (D-Newcastle)
Elizabeth E. Dickerson (D-Rockland)
Jeremy G. Saxton (D-Harpswell)
Windol C. Weaver (R-York)*
Wayne R. Parry (R-Arundel)
Peter Doak (R-Columbia Falls)
Ellen A. Winchenbach (R-Waldoboro)

State and Local Government

Anne P. Graham, Chair (D-North Yarmouth)
Andrea M. Boland (D-Sanford)
Teresea M. Hayes (D-Buckfield)
Brian D. Bolduc (D-Auburn)
Justin Mark Chenette (D-Saco)
Catherine M. Nadeau (D-Winslow)
H. David Cotta (R-China)*
Sharri K. MacDonald (R-Old Orchard Beach)
Allen Michael Nadeau (R-Fort Kent)
Jethro D. Pease (R-Morrill)

Taxation

Adam A. Goode, Chair (D-Bangor)
Stephen S. Stanley (D-Medway)
Nathan L. Libby (D-Lewiston)
Matthew W. Moonen (D-Portland)
Ryan D. Tipping-Spitz (D-Orono)
L. Gary Knight (R-Livermore Falls)*
Paul Edward Bennett (R-Kennebunk)
Donald G. Marean (R-Hollis)
Roger A. Jackson (R-Oxford)
Joseph E. Brooks (U-Winterport)

Transportation

Charles Kenneth Theriault, Chair (D-Madawaska)
Ann E. Peoples (D-Westbrook)
Andrew J. McLean (D-Gorham)
Christine B. Powers (D-Naples)
Arthur C. Verow (D-Brewer)
R. Wayne Werts (D-Auburn)
Wayne R. Parry (R-Arundel)*
James S. Gillway (R-Searsport)
Robert W. Nutting (R-Oakland)
Beth P. Turner (R-Burlington)

Veterans and Legal Affairs

Louis J. Luchini, Chair (D-Ellsworth)
Diane Russell (D-Portland)
Thomas R. W. Longstaff (D-Waterville)
Lori Fowle (D-Vassalboro)
Robert J. Saucier (D-Presque Isle)
John C. Schneck (D-Bangor)
Michael G. Beaulieu (R-Auburn)*
David D. Johnson (R-Eddington)
Jeffery Allen Gifford (R-Lincoln)
Jonathan L. Kinney (R-Limington)
Wayne T. Mitchell (Penobscot Nation)

*Ranking Republican Member

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 8

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

December 20, 2012

Honorable Darek M. Grant
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary Grant:

Pursuant to my authority under Joint Rule 371, I have appointed the following members to the Government Oversight Committee:

Chuck Kruger, Chair (D-Thomaston)
Andrea M. Boland (D-Sanford)
Matthew J. Peterson (D-Rumford)
Paul T. Davis, Sr. (R-Sangerville)*
H. David Cotta (R-China)
Lance Evans Harvell (R-Farmington)
*Ranking Republican Member

Sincerely,

S/Mark W. Eves
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 9

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE PRESIDENT**

December 21, 2012

The Honorable Darek M. Grant
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Grant:

Pursuant to my authority under Joint Rule 371, I have made the following appointments to the Government Oversight Committee:

Emily Ann Cain, Chair (D-Penobscot)
Margaret M. Craven (D-Androscoggin)
Christopher K. Johnson (D-Lincoln)
Roger Katz (R-Kennebec)
David C. Burns (R-Washington)
Edward M. Youngblood (R-Penobscot)

Sincerely,

S/Justin L. Alfond
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 10

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE PRESIDENT**

December 21, 2012

The Honorable Darek M. Grant
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Grant:

Pursuant to my authority under Senate Rule 201.5, I have made the following appointments to the Senate Committee on Bills in the Second Reading:

Senator John Cleveland, Chair (D-Androscoggin)
Senator Rebecca Millett (D-Cumberland)
Senator Thomas Saviello (R-Franklin)
Senator Roger Sherman (R-Aroostook)

Sincerely,

S/Justin L. Alfond
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 11

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE PRESIDENT**

December 21, 2012

The Honorable Darek M. Grant
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Grant:

Pursuant to my authority under Senate Rule 201.6, I have made the following appointments to the Senate Committee on Conduct and Ethics:

Senator Anne Haskell, Chair (D-Cumberland)
Senator Edward Mazurek (D-Knox)
Senator Emily Cain (D-Penobscot)
Senator Rodney Whittemore (R-Somerset)
Senator Andre Cushing (R-Penobscot)

Sincerely,

S/Justin L. Alfond
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 12

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE PRESIDENT**

December 21, 2012

The Honorable Darek M. Grant
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Grant:

Pursuant to my authority under Senate Rule 201.5, I have made the following appointments to the Senate Committee on Engrossed Bills:

Senator Margaret Craven, Chair (D-Androscoggin)
Senator Geoff Gratwick (D-Penobscot)
Senator Brian Langley (R-Hancock)
Senator Gary Plummer (R-Cumberland)

Sincerely,

S/Justin L. Alford
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 13

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE PRESIDENT**

December 21, 2012

The Honorable Darek M. Grant
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Grant:

Pursuant to my authority under Senate Rule 201.3, I have made the following appointments to the Senate Rules Committee:

Senator Seth Goodall, Chair (D-Sagadahoc)
Senator Stanley Gerzofsky (D-Cumberland)
Senator John Tuttle (D-York)
Senator Roger Katz (R-Kennebec)
Senator Edward Youngblood (R-Hancock)

Sincerely,

S/Justin L. Alford
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 14

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE PRESIDENT**

December 21, 2012

The Honorable Darek M. Grant
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Grant:

Pursuant to my authority under Joint Rule 354, I have made the following appointments to the Joint Select Committee on Joint Rules:

Senator Seth Goodall, Chair (D-Sagadahoc)
Senator Stanley Gerzofsky (D-Cumberland)
Senator John Tuttle (D-York)
Senator Roger Katz (R-Kennebec)
Senator Douglas Thomas (R-Somerset)
Sincerely,

S/Justin L. Alford
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 15

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE PRESIDENT**

December 21, 2012

The Honorable Darek M. Grant
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Grant:

Pursuant to my authority under Senate Order 4, I have made the following appointments to the Senate Committee on Senatorial Votes:

Senator Dawn Hill, Chair (D-York)
Senator Colleen Lachowicz (D-Kennebec)
Senator John Patrick (D-Oxford)
Senator Troy Jackson (D-Aroostook)
Senator Michael Thibodeau (R-Waldo)
Senator Ronald Collins (R-York)
Senator James Hamper (R-Oxford)

Sincerely,

S/Justin L. Alford
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 16

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

December 20, 2012

Honorable Darek M. Grant
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary Grant:

Pursuant to my authority under Joint Rule 354, I have appointed the following members to the Joint Select Committee on Joint Rules:

- Jeff M. McCabe, Chair (D-Skowhegan)
- Megan M. Rochelo (D-Biddeford)
- Matthew W. Moonen (D-Portland)
- Richard H. Campbell (R-Orrington)
- Eleanor M. Espling (R-New Gloucester)

Sincerely,

S/Mark W. Eves
Speaker of the House

READ and ORDERED PLACED ON FILE.

Senate at Ease.

Senate called to order by the President.

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

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:

SENATE PAPERS

**Pursuant to Statutes
Workers' Compensation Board**

Senator PATRICK for the **Workers' Compensation Board**, pursuant to the Maine Revised Statutes, Title 39-A, section 152, subsection 11 asks leave to report that the accompanying Bill "An Act To Amend the Maine Workers' Compensation Act of 1992"
S.P. 9 L.D. 1

Be **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **PATRICK** of Oxford, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

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

Off Record Remarks

Senator **SAVIELLO** of Franklin was granted unanimous consent to address the Senate off the Record.

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

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

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

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

Senator **JACKSON** of Aroostook was granted unanimous consent to address the Senate off the Record.

Senator **GOODALL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

Senator **CRAVEN** of Androscoggin was granted unanimous consent to address the Senate off the Record.

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

Senator **CLEVELAND** of Androscoggin was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED** to Wednesday, January 9, 2013, at 10:00 in the morning.