

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 22, 2013

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

Prayer by Frank Gleason, Center Point Community Church in
Anson.

MR. GLEASON: Thank you Mr. President. Mr. President, Mr.
Secretary, ladies and gentlemen of the Senate, let us pray.
Gracious and merciful God, we thank You for blessing us with the
gifts of leadership and service. This morning we ask that You
guide our hearts and minds in ways that further the good of the
people of Maine. Cause our motives to be sweet and our
conscience clear. Do not let our minds wander into things that
are not fruitful. Guard our hearts, O God, that we may not be
deceived by falsehearted intentions. Make us willing to be
changed discipline. May our eyes and ears ever be open and our
hearts pliable as we continue to serve the good people of Maine.
This day grant us wisdom and selflessness. In Christ's name.
Amen.

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

Reading of the Journal of Thursday, January 17, 2013.

Doctor of the day, Carla Burkley, MD of Auburn.

The Chair noted the absence of the Senator from York, Senator
VALENTINO and the Senator from York, Senator **TUTTLE** and
further excused the same Senators from today's Roll Call votes.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Authorize a General Fund Bond Issue To Invest in
Transportation Infrastructure"

H.P. 20 L.D. 16

Presented by Representative PEOPLES of Westbrook.
Cosponsored by Representatives: BEAUDOIN of Biddeford,
BERRY of Bowdoinham, BOLAND of Sanford, GILLWAY of
Searsport, HARLOW of Portland, MONAGHAN-DERRIG of Cape
Elizabeth, SHAW of Standish, THERIAULT of Madawaska.

Committee on **TRANSPORTATION** suggested and ordered
printed.

Comes from the House, **REFERRED** to the Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS.

On motion by Senator **HILL** of York, **REFERRED** to the
Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**
and ordered printed, in concurrence.

Bill "An Act To Amend the Law Concerning the Membership of
the Maine Economic Growth Council"

H.P. 30 L.D. 35

Presented by Representative HAYES of Buckfield.
Cosponsored by Representative: COTTA of China.

Comes from the House, **REFERRED** to the Committee on
**LABOR, COMMERCE, RESEARCH AND ECONOMIC
DEVELOPMENT** and ordered printed.

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

COMMUNICATIONS

The Following Communication: S.C. 20

**STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
BUREAU OF FINANCIAL INSTITUTIONS
36 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0036**

January 15, 2013

Honorable Justin L. Alfond
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alfond:

In accordance with Title 9-B MRSA §217, as amended, enclosed please find a copy of the "Annual Report from the Superintendent of the Bureau of Financial Institutions to the Legislature." In addition to the annual statistical information, the Report also includes informational segments which address issues of current importance to the Legislature, the Executive Branch, and the Maine financial institution community.

If you have any questions regarding the information contained in this Report, the Bureau would be pleased to respond. This Report will also be available in electronic format on the Bureau of Financial Institution's web site at www.maine.gov/financialinstitutions.

Very truly yours,

S/Lloyd P. LaFountain III
Superintendent

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

SENATE PAPERS

Bill "An Act To Amend the Motor Vehicle Ignition Interlock Device Requirements in the Laws Regarding Operating Under the Influence"

S.P. 36 L.D. 85

Presented by Senator HILL of York.
Cosponsored by Senators: DUTREMBLE of York, GERZOFISKY of Cumberland, PLUMMER of Cumberland, Representative: DION of Portland.

On motion by Senator **GERZOFISKY** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Amend the Charter of the Ogunquit Sewer District"
S.P. 32 L.D. 81

Presented by Senator HILL of York.
Cosponsored by Representative McGOWAN of York.

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

Sent down for concurrence.

Bill "An Act To Expand Turkey Hunting"
S.P. 35 L.D. 84

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Representative CRAY of Palmyra and Senators: President ALFOND of Cumberland, COLLINS of York, GERZOFISKY of Cumberland, JACKSON of Aroostook, Representatives: HARVELL of Farmington, TIMBERLAKE of Turner, WOOD of Sabattus.

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

Sent down for concurrence.

Bill "An Act To Protect Health Insurance Ratepayers from Undocumented Rate Increases"
S.P. 34 L.D. 83

Presented by Senator PATRICK of Oxford.
Cosponsored by Representative PETERSON of Rumford and Senators: President ALFOND of Cumberland, GOODALL of Sagadahoc, JACKSON of Aroostook, JOHNSON of Lincoln, LACHOWICZ of Kennebec, Representatives: BRIGGS of Mexico, CAREY of Lewiston, HERBIG of Belfast.

On motion by Senator **GRATWICK** of Penobscot, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Establish a People's Veto Process for Actions of County Commissioners"
S.P. 33 L.D. 82

Presented by Senator THOMAS of Somerset.
Cosponsored by Representative JOHNSON of Greenville and Senator: SAVIELLO of Franklin, Representatives: BLACK of Wilton, DOAK of Columbia Falls, GIFFORD of Lincoln, GRAHAM of North Yarmouth, JACKSON of Oxford.

On motion by Senator **LACHOWICZ** of Kennebec, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent down for concurrence.

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

Off Record Remarks

ORDERS

Joint Order

On motion by Senator **GERZOFSKY** of Cumberland, the following Joint Order:

S.P. 29

ORDERED, the House concurring, that the Joint Rules be amended by adding Joint Rule 319 to read:

Rule 319. Review of provisions creating or enhancing criminal penalties. Whenever a legislative proposal in a resolve or bill, including a budget bill, enacts a new crime or increases the penalty for an existing crime, the joint standing committee of the Legislature having jurisdiction over the proposal shall hold a public hearing and determine the level of support for the proposal among members of the committee. If there is support for the proposal among a majority of the members of the committee, the committee shall request the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters to review and evaluate the proposal for its impact on the criminal justice system. The joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters shall conduct the review and report back to the joint standing committee of jurisdiction and to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.

READ.

Pursuant to Joint Rule 102 a Division was had. 32 Members of the Senate having voted in the affirmative, and no Senators having voted in the negative, and 32 being more than two-thirds of those present and voting, the Joint Order was **PASSED**.

Ordered sent down forthwith for concurrence.

On motion by Senator **GERZOFSKY** of Cumberland, the following Joint Order:

S.P. 31

ORDERED, the House concurring, that by March 1, 2014, the Joint Standing Committee on Criminal Justice and Public Safety, after consultation with the Joint Standing Committee on Judiciary and the Joint Standing Committee on Appropriations and Financial Affairs, shall submit legislation to the Second Regular Session of the 126th Legislature establishing the Criminal Code Revision Commission, for the purpose of reviewing, revising, unifying, recodifying and consolidating Maine's criminal laws, including, but not limited to, the Maine Criminal Code. The commission shall:

1. Examine all sections of the Maine Criminal Code and all criminal statutes not contained in the Maine Criminal Code;

2. Evaluate the operation of the Maine Criminal Code in an effort to revise the Maine Criminal Code as necessary to ensure clarity, consistency, generalization in defining prohibited conduct, proportionality of the penalties and punishments to the offense and equity in sentencing. The commission shall recommend amendments to the Maine Criminal Code based on the evaluation and amendments to those Maine criminal statutes not contained in the Maine Criminal Code; and

3. Examine any other aspects of Maine's criminal laws, including substantive, procedural and administrative matters, that the commission determines relevant.

The legislation must provide that the Criminal Code Revision Commission may accept federal and other grants to carry out its responsibilities.

READ.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

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

Off Record Remarks

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

On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED**
to Wednesday, January 24, 2013, at 10:00 in the morning.