

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 29, 2013

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

Prayer by Monsignor Michael Henchal, St. Johns and Holy Cross Church in South Portland.

MONSIGNOR HENCHAL: Good and gracious God, You call us to make our way through this life with You and challenge us to walk arm and arm with each other. As we confront the human condition, You bless us with our intellect and free will to establish institutions to guide our human affairs and confirm the possibility of freedom, personal development, and prosperity for the common good. We ask You to bless and strengthen all who strive to improve the human condition and foster a caring respect for each person. In Your goodness, bless the members of this Senate. May all their deliberations and discussions be inspired by the vision of Your loving kindness and saving grace. May the work conducted here today bear rich fruit that nurtures all the citizens of this state and nurtures all our dreams for a better world. May all we do be for Your greater glory. Amen.

Pledge of Allegiance led by Senator David E. Dutremble of York County.

Reading of the Journal of Thursday, January 24, 2013.

Doctor of the day, Steven Diaz, MD, FACEP of Waterville.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Raise the School Construction Bond Cap"
H.P. 73 L.D. 91

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

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

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

Bill "An Act To Prohibit Wireless Smart Meter Opt-out Fees"
H.P. 76 L.D. 94

Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested and ordered printed.

Comes from the House, Bill and accompanying papers **INDEFINITELY POSTPONED**.

On motion by Senator **CLEVELAND** of Androscoggin, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 24

MIDCOAST REGIONAL REDEVELOPMENT AUTHORITY

January 22, 2013

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

Honorable Mark W. Eves
Speaker of the House
Maine House of Representatives
2 State House Station
Augusta, Maine 04333

Subject: Government Accountability Report (5 MRSA §12023)

Dear President Alfond and Speaker Eves:

In compliance with the requirements of the Government Accountability and Oversight Law for quasi-independent State entities (5 MRSA §12023), I am submitting this report on behalf of the Board of Trustees of the Midcoast Regional Redevelopment Authority (MRRRA). MRRRA was created in 2006 by the Maine Legislature (5 MRSA §13083-G) as a municipal corporation charged with the responsibility to implement the reuse master plans for Naval Air Station Brunswick (NAS Brunswick) and the Topsham Annex, which closed as a result of the 2005 Base Realignment and Closure (BRAC) process. The Authority is entrusted with the acquisition and management of properties within the geographic boundaries of NAS Brunswick. The enabling statute creating MRRRA established very detailed description of its powers and duties. MRRRA began its operation on September 27, 2007 when the newly appointed Board of

Trustees called to order its first meeting and hired Steven H. Levesque as its new Executive Director.

The Board of Trustees adopted policies early on to assure accountability and transparency for all of the actions of the agency, including the adoption of Bylaws, Mission and Goal Statements for all standing committees of MRRA, a Personnel Policy, a Purchasing Policy, a Conflict of Interest Policy, an Accounting Policy and Procedures Manual, Annual Work Plans, Annual Operating Budgets and annual Five Year Capital Improvement Budgets. It provides for an annual independent audit of our Financial Statements and Single Audit Act report for federal grant auditing purposes.

Consistent with the Act's requirements, the list below is provided to report on policies required by §12022:

1. **Consistency with Authorizing Law.** The Board of Trustees adopted a set of Bylaws on September 27, 2007 limiting its authority to that provided by law. They have only been amended once, March 16, 2010. Mission and Goal Statements have been prepared and adopted by the Board for all Standing Committees of MRRA establishing the authority and mission of each committee. The Board also adopts Annual Work Plans, Operating Budgets, and Five Year Capital Improvement Plans to carry out the mission and activities of MRRA which must reflect the goals, mission and authority of the agency.
2. **Compliance with Financial Policies and Procedures.** The Board adopted a Purchasing Policy on February 19, 2008. The policy has been amended three times (June 17, 2008, March 15, 2011 and July 25, 2012). An Accounting Policies and Procedures Manual was adopted by the MRRA Board of Trustees on May 20, 2008 and has been amended three times (October 22, 2009, September 20, 2011 and July 25, 2012). The Bylaws also provide for a Treasurer and a Finance Committee. The Finance Committee meets monthly and reviews the monthly budget report, Balance Sheet, Bank Reconciliation Statement, and a detailed transaction report for the month. Each quarter the Finance Committee also reviews a detailed transaction report of all business attraction, meeting and travel expense reports. All financial statements are also provided to the Board of Trustees.
3. **Selection of Vendors.** The Board adopted a Purchasing Policy on February 19, 2008. The policy has been amended three times (June 17, 2008, March 15, 2011 and July 25, 2012). The Policy requires that the agency will acquire all equipment, materials, and services in a manner that results in the most efficient delivery of services considering cost and value received. Purchases will be made within budget limits and to meet goals and objectives approved in MRRA's budget. Potential purchases that are not within budget limits will be pre-approved through a budget amendment process.
4. **Contributions.** Membership dues and fees are annually considered by the Board of Trustees through the annual operating budget adoption process. All membership dues and fees are tracked through a separate line item in our annual operating budget, Dues and Memberships 50402. The only donations made by MRRA to outside organizations comes from a requirement of the United States Navy and Air Force as a condition of participating in an air show. Some portion of the

proceeds from the Great State of Maine Air Show must be used for a community purpose. For the two shows that MRRA has hosted it established a publicly noticed competitive grant application process for regional not for profit entities to submit grant proposals. In 2011, MRRA gave out \$25,000 in donations to ten organizations. In 2012 MRRA made twelve grants totaling \$10,000.

5. **Travel, Meals and Entertainment.** The Board of Trustees adopted a Personnel Policy on December 17, 2007. It has been amended three times (November 17, 2009, December 15, 2009 and February 8, 2011). The Personnel Policy contains a Business Expenses and Travel Reimbursement policy that governs and limits travel, meal and business expenses necessary to accomplish the agency's mission and activities, along with documentation of expenses. Travel and business attraction proposed budgets are reviewed by the Finance Committee and considered annually by the Board. All of these expenses are tracked through individual line items. Each month the Finance Committee receives a detail transaction report on all expenses. Each quarter, the Finance Committee also reviews a detail transaction budget report solely on business attraction activities, travel, training and meeting expenses.

6. **Lobbyist.** MRRA does not employ or contract for a lobbyist.

I would also note that on January 15, 2013 MRRA submitted a thirteen page detailed narrative and financial report on the activities of MRRA for calendar year 2012 to Governor Paul LePage consistent with the requirements of 5 MRSA §13083-S.

Sincerely,

S/Steven H. Levesque
Executive Director

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 26

**STATE OF MAINE
126TH LEGISLATURE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

January 23, 2013

Honorable Darek M. Grant
Secretary of the Senate
3 State House Station
Augusta, Maine 04333-0003

Dear Secretary Grant:

Pursuant to my authority under Title 3, Chapter 10 §227 of the Maine Revised Statutes, I am pleased to re-appoint Representative Kenneth Fredette of Newport as a legislative member of the Maine-Canadian Legislative Advisory Commission.

If you have any question regarding this appointment, please do not hesitate to contact me.

Sincerely,

S/Mark W. Eves
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 27

**STATE OF MAINE
126TH LEGISLATURE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

January 23, 2013

Honorable Darek M. Grant
Secretary of the Senate
3 State House Station
Augusta, Maine 04333-0003

Dear Secretary Grant:

Pursuant to my authority under Title 5, Chapter 319 §3371 of the Maine Revised Statutes, I am pleased to re-appoint the following members to the Maine Fire Protection Services Commission:

Representative Michel Lajoie of Lewiston
Representative Dean Cray of Palmyra

If you have any question regarding these appointments, please do not hesitate to contact me.

Sincerely,

S/Mark W. Eves
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 28

**STATE OF MAINE
126TH LEGISLATURE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

January 23, 2013

Honorable Darek M. Grant
Secretary of the Senate
3 State House Station
Augusta, Maine 04333-0003

Dear Secretary Grant:

Pursuant to my authority under Title 5, Chapter 319 §3371 of the Maine Revised Statutes, I am pleased to appoint Representative R. Wayne Werts of Auburn as a legislative member to the Maine Fire Protection Services Commission.

If you have any question regarding this appointment, please do not hesitate to contact me.

Sincerely,

S/Mark W. Eves
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 29

**STATE OF MAINE
126TH LEGISLATURE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

January 23, 2013

Honorable Darek M. Grant
Secretary of the Senate
3 State House Station
Augusta, Maine 04333-0003

Dear Secretary Grant:

Pursuant to my authority under Title 5, Chapter 371-A §703C of the Maine Revised Statutes, I am pleased to re-appoint the following to the Permanent Commission on the Status of Women:

Eloise Vitelli of Arrowsic
Elizabeth Ward Saxl of Manchester

If you have any question regarding these appointments, please do not hesitate to contact me.

Sincerely,

S/Mark W. Eves
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 31

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

January 15, 2013

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

Dear Secretary Grant:

Please be advised that pursuant to House Rule 201.1 (1)(a), the Speaker appointed Representative Henry John Bear of the Houlton Band of Maliseet Indians to the Joint Standing Committee on Health and Human Services.

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 32

**MAINE MUNICIPAL AND RURAL ELECTRIFICATION
COOPERATIVE AGENCY**

January 25, 2013

The Honorable Justin L. Alfond
President of the Maine Senate
3 State House Station
Augusta, Maine 04333-0003

The Honorable Mark W. Eves
Speaker of the House of Representatives
2 State House Station
Augusta, Maine 04333-0002

RE: Quasi-Independent State Entity Report of Maine Municipal and Rural Electrification Cooperative Agency

DIRIGO, the Association of the state consumer and member owned utilities, formed the Maine Municipal and Rural Electrification Cooperative Agency (MMRECA) as a vehicle for promoting joint action among the state's eight consumer owned utilities. The officers of DIRIGO serve as the officers of MMRECA. The members of DIRIGO participating in MMRECA activities fund all costs of those activities. MMRECA receives no State funding. DIRIGO sees an inherent value in maintaining MMRECA even though it has not been active in the past years. The electric utility "business" was historically stagnant, but with the ever continuing changes that have taken place and that are likely to occur in the future, DIRIGO believes it needs all of the mechanisms available to it to meet any new challenges and be able to provide the best possible service to our consumer owners and members.

In compliance with 5 MRSA §12023 MMRECA provides the following response. The MMRECA did not adopt policies regarding vendor selection, contributions, and travel, meals & entertainment. MMRECA commits that it will put in place such

policies prior to engaging in associated activities. MMRECA has not retained a lobbyist.

If you have any question please do not hesitate to contact the undersigned.

Sincerely,

S/Scott M. Hallowell
MMRECA

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 33

**MAINE COMMUNITY COLLEGE SYSTEM
OFFICE OF THE PRESIDENT**

January 15, 2013

The Honorable Justin L. Alfond
President of the Senate
126th Maine Legislature
3 State House Station
Augusta, ME 04333-0003

The Honorable Mark W. Eves
Speaker of the House
126th Maine Legislature
2 State House Station
Augusta, ME 04333-0002

Dear President Alfond and Speaker Eves:

On behalf of the Maine Community College System Board of Trustees, and pursuant to 5 M.R.S.A. §12023, please accept this letter as our report on the adoption and implementation status of written policies and procedures required by 5 M.R.S.A. §12022, as well as a description of the measures the Board intends to use to monitor compliance with those policies and procedures.

At its meeting on November 28, 2012, the Trustees adopted revised and/or new policies and procedures in the subject matters required by 5 M.R.S.A. §12022. The Maine Community College System has now implemented these policies and procedures. The Board intends to monitor compliance by initially approving the pertinent budgets; periodically reviewing the budgets; periodically receiving reports from the System President; using annual outside auditors; and, using ad hoc internal auditing.

I am hopeful this letter meets with your approval. If we may provide any additional information or supporting documentation please do not hesitate to contact me.

Sincerely yours,

S/John Fitzsimmons
President

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 23

**MAINE STATE LEGISLATURE
CITIZEN TRADE POLICY COMMISSION**

January 24, 2013

The Honorable Justin L. Alford, President
Maine State Senate

The Honorable, Speaker Mark W. Eves
Maine House of Representatives
State House
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

Pursuant to 10 MRSA §11, the 2012 Maine Citizen Trade Policy Commission is pleased to submit its final report. Copies of the full report have been distributed to committees or individuals as directed by law and copies have been placed on file with the Law and Legislative Reference Library. Others may access the full report on-line through the website of the Office of Policy and Legal Analysis at www.maine.gov/legis/opla.

Sincerely,

S/Sen. Roger L. Sherman., Co-Chair
S/Rep. Joyce Maker, Co-Chair

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

The Following Communication: S.C. 25

SMALL ENTERPRISE GROWTH FUND

January 23, 2013

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

Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Re: P. L. 2011, c. 616, An Act to Implement the Recommendations of the Office of Program Evaluation and Government Accountability and the Government Oversight Committee Regarding Quasi-independent State Entities

Dear President Alford and Speaker Eves:

In compliance with the above law and 5 MRSA, §12023 requiring certain state entities to prepare and submit reports to the Legislature by February 1, 2013, and annually thereafter, the Small Enterprise Growth Board ("SEGB"), the governing body of the Small Enterprise Growth Fund ("SEGF" or "Fund"), by unanimous vote at its regularly-scheduled monthly meeting held on Monday, December 17, 2012 at the Brunswick Business Center, Brunswick, Maine, approved and authorized updated policies and procedures, specifically for the following four areas, to ensure that all activities and expenditures of the Fund are limited to those necessary to accomplish the Fund's mission and to carry out the Fund's duties consistent with the authorizing law:

- 1) Selection of Vendors
- 2) Contributions
- 3) Travel Meals and Entertainment
- 4) Lobbying

The Policies and Procedures are attached in their entirety.

The SEGB ensures that the Board Members and the Fund Manager, the managing director, will comply with all financial policies and procedures by performing the following minimum reviews:

- Annually, prior to the new fiscal year, the Fund Manager and the SEGB Audit Committee thoroughly review the Fund's proposed budget for the upcoming fiscal year. Upon satisfactory completion of the review, the Committee makes a recommendation to the full Board for a vote approving the proposed budget, and
- Monthly, a review of the Fund's financial reports and expenditures by the Fund Manager and Board Treasurer, followed by presentation of the same to the full Board at its monthly meeting and a recommendation for a vote of approval of expenditures as presented. All submissions for expense reimbursement by the Fund Management Team are submitted to the Board Treasurer for review and approval.

If you have any questions or need further information, we will be happy to honor your request.

Respectfully submitted,

S/Matthew Hoffner
Chair
Small Enterprise Growth Board

S/John F. Burns, CFA
Fund Manager
Small Enterprise Growth Fund

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

The Following Communication: S.C. 30

**MAINE MARITIME ACADEMY
OFFICE OF THE PRESIDENT**

January 21, 2013

Honorable Justin Alford
President of the Senate
3 State House Station
Augusta, Maine 04333

RE: 5 M.R.S.A. §12023

Dear President Alford:

I am writing on behalf of the Board of Trustees of the Maine Maritime Academy to report on the Academy's adoption and implementation of written policies and procedures required by 5 M.R.S.A. §12023, and to describe the measures our Board will use to monitor compliance with those policies and procedures.

At its meeting on November 9, 2012, the Trustees approved the new and amended policies and procedures required by the new law. The Academy has now implemented these policies and procedures, and the Trustees will oversee the implementation by approving and periodically reviewing budgets, periodically receiving updates from the Academy President, and using our annual auditors. I have enclosed a copy of the Board's resolution attendant to this matter.

Please feel free to let me know if you have any questions.

Thank you,

S/Dr. William J. Brennan
President

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

SENATE PAPERS

Bill "An Act To Stabilize Education Funding by Reducing the Impact of Changes in Property Valuation"

S.P. 51 L.D. 130

Presented by Senator MILLETT of Cumberland.
Cosponsored by Representative MALABY of Hancock and Senator: LANGLEY of Hancock, Representatives: DAUGHTRY of Brunswick, MacDONALD of Boothbay, NELSON of Falmouth, PARRY of Arundel, POULIOT of Augusta, SIROCKI of Scarborough.

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

Sent down for concurrence.

Bill "An Act To Ensure Proper Anatomical Recovery of Human Bodies and Body Parts"

S.P. 44 L.D. 123

Presented by Senator CRAVEN of Androscoggin.
Cosponsored by Representative KRUGER of Thomaston and Senators: CLEVELAND of Androscoggin, GRATWICK of Penobscot, HASKELL of Cumberland, SAVIELLO of Franklin, Representatives: LAJOIE of Lewiston, NELSON of Falmouth.

On motion by Senator **CRAVEN** of Androscoggin, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Abolish the Inland Fisheries and Wildlife Advisory Council"

S.P. 49 L.D. 128

Presented by Senator HASKELL of Cumberland.
Cosponsored by Representative: SHAW of Standish.

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 Preserve Lender Equity in the Foreclosure Process"

S.P. 46 L.D. 125

Presented by Senator THOMAS of Somerset.
Cosponsored by Senators: LANGLEY of Hancock, MASON of Androscoggin, SAVIELLO of Franklin, WHITTEMORE of Somerset, Representatives: BLACK of Wilton, CRAY of Palmyra, JOHNSON of Greenville, KESCHL of Belgrade.

Bill "An Act To Give Retroactive Effect to the State Employee Health Commission's Reconsideration of Hospital Ratings"

S.P. 50 L.D. 129

Presented by Senator BURNS of Washington.
Cosponsored by Representative MAKER of Calais and Senator: SHERMAN of Aroostook, Representatives: DAVIS of Sangerville, TURNER of Burlington.

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 Amend the Bottle Redemption Laws"
S.P. 45 L.D. 124

Presented by Senator SHERMAN of Aroostook.
Cosponsored by Senators: JACKSON of Aroostook, THOMAS of Somerset, Representative: DAVIS of Sangerville.

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

On motion by Senator **BOYLE** of Cumberland, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES**.

Sent down for concurrence.

Bill "An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations"
S.P. 47 L.D. 126

Presented by Senator GERZOFISKY of Cumberland.
Cosponsored by Representative PRIEST of Brunswick and Senators: CRAVEN of Androscoggin, HASKELL of Cumberland, JACKSON of Aroostook, KATZ of Kennebec, PATRICK of Oxford, Representatives: GIDEON of Freeport, KENT of Woolwich, SAXTON of Harpswell.

On motion by Senator **HASKELL** of Cumberland, **REFERRED** to the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

Bill "An Act To Amend the Definition of 'Public Way' To Include Streets and Highways Owned by Quasi-municipal Corporations or Districts"
S.P. 48 L.D. 127

Presented by Senator GERZOFISKY of Cumberland.
Cosponsored by Representative PRIEST of Brunswick and Senators: HILL of York, JACKSON of Aroostook, JOHNSON of Lincoln, PATRICK of Oxford, Representatives: DION of Portland, KENT of Woolwich, SAXTON of Harpswell.

On motion by Senator **MAZUREK** of Knox, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

ORDERS

Joint Order

Expressions of Legislative Sentiment recognizing:

Malcolm and Mary Lyons, of Windham, on the celebration of their 75th Wedding Anniversary. Mr. and Mrs. Lyons were married on February 5, 1938 at the Windham Hill Church parsonage. For more than 30 years, Mr. Lyons worked as an electrician with Central Maine Power Company. After raising their children, Mrs. Lyons sold real estate. They have lived in the same home in Windham for 70 years. They have 5 children, 2 foster children, 13 grandchildren and 13 great-grandchildren. We extend our congratulations and best wishes to them on this special anniversary;

SLS 59

Sponsored by Senator PLUMMER of Cumberland.
Cosponsored by Representatives: PRINGLE of Windham, TYLER of Windham.

READ.

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

Senator **PLUMMER:** Thank you Mr. President. Men and women of the Senate, I know it's rare to speak to an item when you don't have the people here that the item is about, but if you read the first line of this sentiment, I felt that this is probably the happiest occasion that I've had to present a sentiment. Mac and Mary Lyons have been married for 75 years. I have known them all my life. When you go to visit they sit on the couch and hold hands. They have a trunk full of letters that they wrote to each other when Mac was away in the service in 1938 and 1939, sometimes two letters a day. I find them to be a remarkable couple. Mac, in season, still goes out daily and picks a bouquet of flowers for Mary. I think we could all take a lesson in civility and getting along from this couple. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

Joint Resolutions

Joint Resolutions in Memoriam:

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

John Longworth Peabody Swift, of Georgetown, a longtime member of the community. Mr. Swift was born in 1922 in London, England and he came to the United States at the age of 9 months. After graduating from Trinity College in Hartford, Connecticut in 1942, he served in the United States Army Air Force in the Pacific Theater during World War II, rising to the rank of captain. Mr. Swift married Frances Ellen Norton in 1946. They had 3 children, and raised the family predominantly in Connecticut and Khuzestan, Iran. He graduated from Yale University in 1948 as a civil engineer and worked on civil engineering, environmental research and energy development projects in the United States and abroad from 1948 to 1998, living in the United States, Iran, Ireland, Saudi Arabia and Pakistan, and traveling to dozens of other countries. Mr. Swift summered in Georgetown at his grandparents' cottage at Bay Point in his youth, and he and Mrs. Swift continued to vacation there with their children. In 1980, they built a house at Bay Point, becoming full-time residents of Georgetown in 1982. He served for many years on the Georgetown Financial Advisory Committee and on the Georgetown Board of Appeals, and represented Georgetown on the Sagadahoc County Budget Advisory Committee. Mr. Swift was the president of the Georgetown Historical Society in the late 1990s and a researcher and writer of Georgetown history. In 2007 he was named Georgetown's Citizen of the Year. Mr. Swift will be greatly missed and long remembered;

SLS 61

Sponsored by Senator GOODALL of Sagadahoc.
Cosponsored by Representative: MacDONALD of Boothbay.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, it's an honor today to speak in acknowledgement of a great life that Mr. Swift lead and the impact that he had on our country while serving in the Armed Forces, and the impact that he had on our state and the county that I live in, Sagadahoc County. Most importantly, I think, Mr. Swift was a wonderful family man and he is one of the many men and women around our state that make our small towns tick. We have so many great people in this state that do whatever is needed of them on a daily basis, whether it is serving the municipal government, county government, State government, or whether it's just helping out a neighbor. Mr. Swift will be truly missed and it's just a great honor to have his family here with us today in recognition of this wonderful man and a man that will be deeply missed and one whose shoes will hopefully be filled in the near future, but it will be a great challenge and a great chore to accomplish everything that he did in the town of Georgetown and with his family. Thank you, Mr. President.

ADOPTED.

THE PRESIDENT: Today there are many guests here of Senator Goodall and Senator Millett from the Swift family. Kathy and Bob Gravino from Ipswich, Massachusetts and Georgetown; the daughter and son-in-law. John Swift of Whittier, California and Georgetown, Maine; son. Kelly Gravino Russell from Ipswich, Massachusetts; granddaughter. Liam Russell and Finn from

Ipswich, Massachusetts; great grandsons. Cri Swift from Cape Elizabeth; granddaughter. Dylan Swift from Cape Elizabeth; great grandson. Would those Swift members please stand and accept the greetings of the Maine State Senate.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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 (1/24/13) Assigned matter:

Bill "An Act To Rename Big Moose Mountain as Red Eagle Mountain"

H.P. 90 L.D. 108

Tabled - January 24, 2013, by Senator **KATZ** of Kennebec

Pending - motion by Senator **MAZUREK** of Knox to **REFER** to the Committee on **TRANSPORTATION**, in concurrence

(In House, January 24, 2013, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.)

On motion by Senator **MAZUREK** of Knox, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

The Chair laid before the Senate the following Tabled and Later (1/24/13) Assigned matter:

Bill "An Act To Limit Political Contributions by Public Employee Labor Unions"

H.P. 92 L.D. 110

Tabled - January 24, 2013, by Senator **TUTTLE** of York

Pending - **REFERENCE**, in concurrence

(In House, January 24, 2013, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.)

On motion by Senator **TUTTLE** of York, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Restrict the Sale, Purchase and Use of Fireworks in the State"

H.P. 93 L.D. 111

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

On motion by Senator **JACKSON** of Aroostook, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in concurrence.

Bill "An Act To Make Changes to the Educators for Maine Program"

H.P. 94 L.D. 112

Bill "An Act To Make Changes to the Maine College Savings Program"

H.P. 95 L.D. 113

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

On motion by Senator **MILLETT** of Cumberland, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Amend the Charter of the Portland Water District"

H.P. 96 L.D. 114

Bill "An Act To Secure the Safety of Electrical Power Transmission Lines"

H.P. 106 L.D. 131

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

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

Resolve, To Provide Organic Infant Formula through the Maine Women, Infants and Children Program

H.P. 107 L.D. 132

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **CRAVEN** of Androscoggin, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

Bill "An Act To Allow an Operator of a Motor Vehicle To Show Proof of Insurance by Electronic Means"

H.P. 108 L.D. 133

Comes from the House, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Require All Government Documents To Be Posted on the Internet"

H.P. 110 L.D. 135

Comes from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

On motion by Senator **VALENTINO** of York, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

Bill "An Act To Join in a Prohibition on Motor Fuel Containing Corn-based Ethanol"

H.P. 97 L.D. 115

Bill "An Act To Change the Composition of the Board of Dental Examiners"

H.P. 99 L.D. 117

Bill "An Act To Ensure the Authenticity of Items Reported To Have Been Crafted by Native Americans"

H.P. 100 L.D. 118

Come 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.

Bill "An Act To Amend the Laws Governing Pine Tree Development Zones To Require Payment of a Livable Wage"
H.P. 98 L.D. 116

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, **TABLED** until Later in Today's Session, pending **REFERENCE**.

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

PAPERS FROM THE HOUSE

House Papers

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature
H.P. 109 L.D. 134

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

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

Bill "An Act To Exempt from the Use Tax \$1,000 of Internet Purchases from Out-of-state Sellers"
H.P. 101 L.D. 119

Bill "An Act To Connect Benefits Provided under the Circuitbreaker Program with the Payment of Property Taxes"
H.P. 111 L.D. 136

Come from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

On motion by Senator **HASKELL** of Cumberland, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Facilitate Regional Transit"
H.P. 102 L.D. 120

Comes from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

On motion by Senator **MAZUREK** of Knox, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

Bill "An Act To Amend the Laws Governing the Operation of Tournament Games by Charitable Organizations"
H.P. 103 L.D. 121

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

On motion by Senator **TUTTLE** of York, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed, in concurrence.

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

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED**, until Thursday, January 31, 2013, at 10:00 in the morning, in memory of and lasting tribute to John Longworth Peabody Swift of Georgetown.