

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
February 5, 2013

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

Prayer by Leslie Manning, Durham Friends Meeting.

MS. MANNING: Good morning, friends. Let us gather together in a spirit of prayer and reflection to give thanks and to offer blessings on your work. May you who have ears to hear be blessed with the gift of listening. May you who have tongues to speak be blessed with the gift of forbearance. May you who have minds to lead be blessed with the gift of service so that in laughing, learning, and listening with each other you may serve all the people with justice and mercy. Help us to honor the past of our parents as we prepare the future for our children by crafting wise, equal, and wholesome laws. In this spirit we gather, in this spirit we pray. Amen.

Pledge of Allegiance led by Senator Roger J. Katz of Kennebec County.

Reading of the Journal of Thursday, January 31, 2013.

Doctor of the day, Rebecca Chagrasulis, MD, FACEP of Otisfield.

Out of order and under suspension of the Rules, on motion by Senator **GOODALL** of Sagadahoc, the following Senate Order:
S.O. 12

Ordered, that a message be sent to the House of Representatives proposing a Convention of the two branches of the Legislature be held at 7:00 this evening, in the Hall of the House for the purpose of extending to Governor Paul R. LePage, an invitation to attend and make such communication as pleases him.

READ and PASSED.

The Chair appointed the Senator from Sagadahoc, Senator **GOODALL** to deliver the message to the House of Representatives. The Senator was escorted to the House of Representatives.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Subsequently, the Senator from Sagadahoc, Senator **GOODALL** reported that he had delivered the message with which he was charged.

Off Record Remarks

At this point a message was received from the House of Representatives, borne by Representative **BERRY** of Bowdoinham informing the Senate that the House concurred with the proposition for a Convention of the two branches of the Legislature to be held in the Hall of the House at 7:00 this evening for the purpose of extending to Governor Paul R. LePage, an invitation to attend and make such communication as pleases him.

COMMUNICATIONS

The Following Communication: S.C. 40

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

January 9, 2013

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

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

Dear President Alfond and Speaker Eves:

I thank you for the invitation to deliver the State of the State address at a Joint Session of the 126th Maine Legislature on Tuesday, February 5, 2013 at 7:00 p.m.

Please know that I accept your invitation and look forward to seeing you at that time.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 41

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

January 31, 2013

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

Dear Secretary Grant:

Pursuant to my authority under P.L. 2011, Chapter 699, I am pleased to appoint the following Senators to the Commission to Develop a Competitive Bidding Process for the Operation of Additional Casinos or Slot Machine Facilities:

Senator John Patrick of Oxford County
Senator Garrett Mason of Androscoggin County

They will be serving as members of the joint standing committee of the Legislature having jurisdiction over casino matters.

If you have any questions regarding these appointments, please feel free to contact me.

Sincerely,

S/Justin L. Alfond
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 42

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

January 30, 2013

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

Dear Secretary Grant:

Pursuant to my authority under Title 1, MRSA, Chapter 13, §411(2)(B), I have appointed Representative Kimberly Monaghan-Derrig of Cape Elizabeth to the Right to Know Advisory Committee for the duration of her term (Title 1, MRSA, Chapter 13, §411(3)(B)).

If you have any questions 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. 43

**MAINE HUMAN RIGHTS COMMISSION
51 STATE HOUSE STATION AUGUSTA, MAINE 04333-0051**

January 31, 2013

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

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

Dear President Alfond and Speaker Eves:

In accordance with 5 M.R.S.A. §12023, the Maine Human Rights Commission submits this report on the adoption and implementation status of written policies and procedures required by 5 M.R.S.A. §12022 for quasi-independent state entities. The Executive Director of the Legislative Council directed such reports to be submitted to your attention.

When the Legislature enacted 5 M.R.S.A. §12022-23, it envisioned that as of February 1, 2014, each quasi-independent entity would report annually on the entity's consistency with authorizing law, compliance with financial policies and procedures, selection of vendors, contributions, spending on travel, meals and entertainment, and not retain lobbyists. This report will describe the measures the Maine Human Rights Commission ("MHRC") intends to use to meet, and monitor compliance with, the requirements of §12022.

The MHRC takes the requirements of this statute seriously. On August 20, 2012, soon after the statute became effective, the MHRC Commissioners discussed its requirements at a public meeting with the MHRC Commission Counsel and Executive Director. The MHRC is committed to ensuring that its governing body has all the information needed to oversee the MHRC's activities and expenditures responsibly.

"Consistency with authorizing law"
5 M.R.S.A. §12022(1)

Section §12022(1) of the statute does not require adoption of a specific written policy to ensure that "all activities and expenditures of the entity are limited to those necessary to accomplish the entity's mission and to carry out the entity's duties consistent with the entity's authorizing law." The MHRC has been, and continues to be, diligent in ensuring that the MHRC activities and expenditures are limited to those necessary to accomplish the aims of – and consistent with – the Maine Human Rights Act, the MHRC's authorizing law. See 5 M.R.S.A §§ 4551, *et seq.*

The MHRC reviews the activities and expenditures of the MHRC quarterly at public meetings. The MHRC Commissioners receive detailed quarterly reports about the activities of the Commission in the prior quarter. The quarterly report gives specific data on personnel changes, pending caseload, complaint filings and dismissals, case settlements, status of compliance matters and litigation, legislative matters affecting the Commission, and trainings in which Commission staff took part. The MHRC Commissioners also receive detailed quarterly reports regarding expenditures of the MHRC. These finance reports provide specific on every aspect of our budget and expenditures on an actual basis. The reporting includes separate identification and reporting for contributions (labeled "dues" on our reporting because we do not provide any gifts, donations or sponsorships) and travel, meals and entertainment. They allow the MHRC Commissioners to ensure that the activities and expenditures of the MHRC are limited to those necessary to accomplish the MHRC mission and to carry out the MHRC's duties consistent with the Maine Human Rights Act. These policies and practices meet the standards set forth in §12022(1).

Even so, on February 25, 2013, the MHRC Commissioners will formally adopt a written policy designed to ensure that all activities and expenditures of the MHRC are limited to those necessary to accomplish the MHRC's mission and to carry out the MHRC's duties consistent with the Maine Human Rights Act. That policy will be implemented by July 1, 2013.

"Compliance with financial policies and procedures"
5 M.R.S.A. §12022(2)

Section 12022(2) of the statute does not require adoption of a specific written policy to ensure that "the governing body, management and staff of the entity comply with financial policies and procedures established by the governing body." The MHRC has been, and continues to be, diligent in doing just that. In creating budgets and financial reports, the MHRC follows all requirements set forth in the State of Maine's Administrative and Accounting Manual (found at <http://www.maine.gov/osc/admin/saam.shtml>) regarding financial policies and procedures. The MHRC Commissioners receive detailed quarterly reports regarding expenditures of the MHRC. A copy of a sample Quarterly Financial Review provided to our Commissioners is attached here as Exhibit A. As you will see, these finance reports provide specific information on every aspect of our budget and expenditures on an actual basis. The reporting includes separate identification and reporting for contributions

(labeled "dues" on our reporting because we do not provide any gifts, donations or sponsorships) and travel, meals and entertainment.

These quarterly reports, which are reviewed by MHRC Commissioners at public meetings, allow the Commissioners to ensure that they, the management and staff of the MHRC comply with financial policies and procedures established by the MHRC. These policies and practices meet the standards in §12022(2).

Soon after the enactment of the statute, in August 2012, the MHRC Commissioners discussed the requirements of this section. Our minutes reflect the following:

Legal Counsel John P. Gause reviewed two new financial policies and procedures requirements for Commissioners contained within 5 M.R.S. § 12022, "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," requirements which are effective as of August 30th. Melody Piper reviewed several financial report alternatives with the Commissioners. Commissioners stated that the format that Commission staff utilize to report financial matters and details to the Commissioners is sufficient for them to meet the obligations of the new legal requirements, particularly because Commissioners know that they may obtain more detailed financial information from Commission staff at any time.

Even so, on February 25, 2013, the MHRC Commissioners will formally adopt a written policy designed to ensure that the MHRC Commissioners, management and staff comply with financial policies and procedures established by the MHRC Commissioners. That policy will be implemented by July 1, 2013.

"Selection of Vendors"
5 M.R.S.A. §12022(3)

The MHRC's current policy and practice regarding procurements is to follow the requirements of 5 M.R.S.A. Subchapter 1-A ("Rules Governing the Competitive Bid Process"). We also follow regulations governing the purchase of services promulgated by the Department of Administrative and Financial Services, Bureau of General Services; the primary policy is found at 18-554 C.M.R. ch. 110 (found at <http://www.maine.gov/purchase/policies/110.shtml> and <http://www.maine.gov/sos/cec/rules/18/chaps18.htm>). We additionally follow all current policies, bulletins and recommended practices from the Division of Purchases regarding purchasing special services. These State of Maine policies establish competitive procurement as the standard procurement method, and specify the conditions under which competitive procurement may be waived, and (for procurements exceeding \$10,000 that were not competitively procured) require that written justification for and evidence of approvals are maintained on file for 5 years. The MHRC's policy and practice in this regard meets the standards set forth in §12022(3).

Even so, on February 25, 2013, the MHRC Commissioners will formally adopt a written policy governing the selection of vendors designed to ensure that the MHRC secures the best value in its procurements; those policies will be implemented by July 1, 2013. To the extent possible, consistent with the Maine Human Rights

Act, the policy will: (A) establish competitive procurement as the standard procurement method; (B) specify the conditions under which competitive procurement may be waived; and (C) require that written justification for and evidence of approvals are maintained on file for five years for procurements exceeding \$10,000 that were not competitively secured.

The MHRC Commissioners will review, and will report to the Legislature, annually on procurements as required by §12023(2)(A).

"Contributions"
5 M.R.S.A. §12022(4)

The MHRC follows all requirements set forth in the State of Maine's Administrative and Accounting Manual (found at <http://www.maine.gov/osc/admin/saam.shtml>) as they relate to coding, maintaining documentation for, and reporting contributions. That State of Maine policy establishes criteria that ensure that contributions be coded separately from other expenditures in the MHRC accounting and that the MHRC maintain documentation to support each contribution.

The MHRC Commissioners receive detailed quarterly reports regarding membership dues and fees paid by the MHRC. The MHRC does not report on gifts, donations or sponsorships because we do not provide any. A copy of a sample Quarterly Financial Review provided to our Commissioners is attached here as Exhibit A. As you will see, these finance reports include separate identification and reporting for contributions (labeled "dues" on our reporting because we do not provide any gifts, donations or sponsorships).

On February 25, 2013, the MHRC Commissioners will formally adopt written policies and procedures governing the use of MHRC resources for contributions; those policies will be implemented by July 1, 2013. To the extent possible and consistent with the Maine Human Rights Act, the policies and procedures will: (A) establish criteria to ensure that contributions are directly related to the MHRC's mission and activities; (B) require that for identification and reporting purposes contributions are budgeted and accounted for separately from other expenditures in the entity's records; (C) establish requirements for maintaining documentation to support each contribution; and (D) require that the MHRC must approve the annual budget for contributions and be provided periodic reports on contributions made by the entity.

The MHRC Commissioners will review, and will report to the Legislature, annually on contributions as required by §12023(2)(B).

"Travel, meals and entertainment"
5 M.R.S.A. §12022(5)

The MHRC follows all requirements set forth in Chapter 10 of the State of Maine's Administrative and Accounting Manual (found at <http://www.maine.gov/osc/admin/saam.shtml>) regarding travel, meal and entertainment costs. We also follow collective bargaining agreement requirements on expense reimbursement set forth at <http://www.maine.gov/oer/contracts/index.htm>. This MHRC policy meets the standards set forth in section 12022(5)(A-E).

The MHRC Commissioners receive detailed quarterly reports regarding meal, travel and entertainment costs of the MHRC. A copy of a sample Quarterly Financial Review provided to our Commissioners is attached here as Exhibit A. As you will see, these finance reports provide specific information on our travel on an actual basis. We do not provide meals other than those required as part of work-related travel, so any meal costs are included in the "travel expenses" category. We do not provide any entertainment costs.

On February 25, 2013, the MHRC Commissioners will formally adopt written policies and procedures governing the use of MHRC resources to pay costs of travel, meals and entertainment. Those policies will be implemented by July 1, 2013. To the extent possible, consistent with the Maine Human Rights Act, the policies and procedures will: (A) limit travel, meal and entertainment costs to those reasonable and necessary for accomplishing the MHRC mission and activities; (B) describe the persons for whom MHRC will pay travel, meal and entertainment costs and specify the conditions under which those costs will be paid and whether directly or through reimbursement; (C) establish the requirements for supporting documentation and approval of travel, meal and entertainment costs paid directly or through reimbursement; (D) require for identification and reporting purposes that travel, meal and entertainment costs are budgeted and accounted for separately from other expenditures in the MHRC records; and (E) require that the MHRC must approve the annual budget for travel, meal and entertainment costs and be provided periodic reports on actual costs paid directly or reimbursed.

"Lobbyists"
5 M.R.S.A. §12022(6)

The statute does not require adoption of a specific written policy to ensure that the MHRC does "not retain any person, other than entity staff, that is required to register as a lobbyist as defined in Title 3, section 312-A, subsection 10." The MHRC's current policy is not to employ any person, other than MHRC staff, who is required to register as a lobbyist as defined in 3 M.R.S.A. §312-A(10). This policy meets the standards set forth in §12022(2).

On February 25, 2013, the MHRC Commissioners will formally adopt a written policy and procedure designed to ensure that the MHRC does not retain any person, other than MHRC staff, who is required to register as a lobbyist as defined in 3 M.R.S.A. §312-A(10). This policy will be implemented by July 1, 2013.

Conclusion

We thank the Legislature for its attention to this matter. Should you or another member of the Legislature require additional information, or have a question, about the above report, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,

S/Amy M. Sneirson
Executive Director

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 45

MAINE TECHNOLOGY INSTITUTE

January 23, 2013

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

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

Re: 5 M.R.S.A. § 12023

Dear President Alfond and Speaker Eves:

In 2011, the Legislature adopted statutes governing quasi-independent State entities, including the Maine Technology Institute. This report is being provided on behalf of and at the direction of the MTI Board of Directors in accordance with the statute noted above, concerning the adoption and implementation of written policies and procedures required by 5 M.R.S.A. § 12022.

Accordingly, please be advised that management and the Board of Directors of the Maine Technology Institute ("MTI"):

1. Recognize their obligation to ensure that:
 - a. all activities and expenditures of MTI are limited to those necessary to accomplish MTI's mission and to carry out MTI's duties consistent with MTI's authorizing law;
 - b. MTI's Board, management and staff comply with financial policies and procedures;
2. Have adopted, prior to December 31, 2012, policies and procedures consistent with the requirements of 5 MRSA section 12022:
 - a. governing the selection of vendors, designed to ensure that MTI secures the best value in its procurements;
 - b. governing the use of MTI's resources for contributions;
 - c. governing the use of MTI's resources to pay costs of travel, meals and entertainment; and
 - d. preventing the use of MTI's resources to pay for lobbyists, as appropriately defined.

Though not required by statute until July 1, 2013, said policies and procedures have already been implemented.

Please note that the MTI Board has a comprehensive oversight of staff operations that will ensure effective monitoring of the implementation of these policies and procedures. Near monthly board meetings and board finance committee meetings are held where the board is briefed in detail on MTI financial and programmatic matters. MTI's Board of Directors also annually reviews and approves all operating budgets and is provided

periodic reports on costs associated with the expenditures noted above. This assures that the MTI Board maintains consistent oversight of implementation of these financial policies and procedures. The MTI Board also engages the services of Berry Dunn to conduct an annual financial audit which includes an on-going review of financial operations. These audit results are provided to the Legislature in MTI's Annual Report.

Respectfully submitted,

S/Robert A. Martin
President

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 49

**MAINE TURNPIKE AUTHORITY
2360 CONGRESS STREET
PORTLAND, MAINE 04102**

January 31, 2013

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

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

Dear President Alfond and Speaker Eves,

Please accept this letter as the report required by 5 M.R.S.A. § 12023 regarding the adoption and implementation of certain policies and procedures required by 5 M.R.S.A. § 12022.

General

The MTA is required by its bond resolution to have an annual financial audit conducted by an independent firm. We are also required by statute (23 M.R.S.A. 1964-A) to have an ongoing compliance audit by an independent firm to test staff compliance with MTA policies and procedures. The annual financial audit is available on our website and the Compliance Auditor's findings are reported on a quarterly basis to the MTA Board and to the Transportation Committee.

Specific Policy and Procedure Requirements

5 M.R.S.A. 12022 requires written policies and procedures regarding the following three categories of expense.

Selection of Vendors: The MTA has been statutorily required to use competitive procurement since the spring of 2011. On December 20, 2012 the MTA's board adopted amendments to the MTA Procurement Policy which cause that policy to be fully compliant with the requirements of 5 M.R.S.A. 12022.

Contributions: In the spring of 2011, the MTA Board passed two resolutions, one to ban donations to outside organizations and the second to adopt a list of those organizations approved for MTA membership along with a detailed annual budget for membership costs. These costs are reviewed by the Board at least annually.

Travel, Meals and Entertainment: The MTA's current Travel Policy covers the first three requirements of 5 M.R.S.A. 12022 (5). The MTA's accounting procedures satisfy the fourth requirement - that travel, meal and entertainment costs are budgeted and accounted for separately from other expenditures. The MTA's Bond Resolution satisfies the fifth requirement by mandating that the board annually approve the MTA Operating Budget, which includes the annual budget for travel, meals and entertainment expenses broken down by department. The board receives annual reports on actual expenses and the Chairman receives monthly reports on the same.

Lobbyists

The MTA has not employed any person, other than MTA staff, for the purpose of lobbying since March, 2011.

Questions on this report may be directed either to myself or to Dan Morin who may be reached at 207-871-7154 or DMorin@maineturnpike.com.

Sincerely,

S/Peter Mills
Executive Director

(207) 858-6400

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 55

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

January 31, 2013

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

Dear Secretary Grant:

Pursuant to my authority under PL 2011, Chapter 699, I have appointed the following legislative members to the Commission to Develop a Competitive Bidding Process for the Operation of Additional Casinos or Slot Machine Facilities:

Representative Louis Luchini of Ellsworth
Representative Michael Beaulieu of Auburn

If you have any questions 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. 44

**CHILD DEVELOPMENT SERVICES
146 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

February 1, 2013

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

Dear President Alford:

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 requires quasi-independent state entities to prepare and submit certain reports to the Legislature, the first of which is due by February 1, 2013, and annually thereafter by February 1st.

Child Development Services (CDS) has prepared the enclosed report for your review and consideration. As required in the legislation enacted by the 125th Maine Legislature March 6, 2012 CDS is reporting its progress related to certain financial policies and procedures. Areas addressed in this report include: Selection of Vendors, Contributions, Travel, Meals and entertainment and Lobbying.

Specific policies and procedures can be found in Appendices A and B.

Child Development Services appreciates the opportunity to present this information and looks forward to comments suggesting additional refinements or improvements to be undertaken that will lead to achieving the intended purpose of this legislation.

Yours truly,

S/Cindy L. Brown
Director of Early Childhood Special Education

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 46

**EFFICIENCY MAINE
151 CAPITOL STREET
AUGUSTA, MAINE 04330-6262**

February 1, 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: 5 M.R.S.A. §12021-12023: Quasi-Independent State Entities

Dear President Alford and Speaker Eves:

Pursuant to the above-referenced statutory requirement, this letter and the documents attached to it shall serve as the report of the Efficiency Maine Trust (the Trust) on the Trust's policies and procedures regarding procurement, contributions and travel.

The Efficiency Maine Trust Board (the Board) adopted and implemented multiple policies and procedures related to these requirements since its inception approximately three years ago.

To ensure compliance with financial policies and procedures, the Trust implemented the Contract Invoice Process – Roles and Responsibilities (Updated January 23, 2012). A copy is attached.

The Board approved the Trust's ARRA Monitoring and Compliance Plan in September 2011. This Plan provides procedures governing how the Trust establishes grant agreements, monitors compliance with federal and state laws, promotes competitive procurement processes, and ensures sufficient documentation for payment of invoices. A copy of this policy is attached (appendices not included but available upon request).

The Board approved the Trust's procurement policy for the selection of vendors with the adoption of Chapter 1: Contracting Process for Service Providers and Grant Recipients in September, 2010. A copy of this policy is attached. In addition to this rule, the Trust also complies with the procurement rules found in the Code of Federal Regulations (10 CFR 600) for all expenditures of federal grant funds. These rules are lengthy and the Trust will be glad to provide them if requested.

The Board has also been very conservative regarding memberships and sponsorships. Individual staff memberships in professional associations are allowed and addressed in both of the Efficiency Maine Trust State and Non-State Personnel Manuals, which were approved by the Board in May, 2011 and are attached. Regarding corporate memberships, the Trust requires a Board vote as evidenced by Board approval of the membership in the Consortium for Energy Efficiency (approved in

April 2011 and April 2012). The Trust Board has also supported Trust memberships in several Chambers of Commerce as a means to communicate with area businesses about opportunities to participate in the Trust's programs. Sponsorships are allowed, though rarely exercised, on the condition that the topic of the event or initiative has a direct nexus to promoting information and awareness of energy efficiency issues and will contribute to the successful implementation of the Trust's programs. The policy on Contributions is attached.

The Trust's 31-page travel policy was adopted in May, 2011 and fully outlines, in detail, the process for obtaining approvals and reimbursements related to travel. The Trust requires multiple staff sign-offs before travel (or lodging) can be authorized and again before payment for approved travel (or lodging) is made, which paperwork is all kept in the A/P files and subject to the A-133 audit that the Trust annually commissions and reports to the Board and the Office of the State Controller.

The Trust does not use or retain lobbyists and has no budget to support such expenditures. Trust staff are registered, as necessary, to represent the Trust before the Legislature and State agencies.

The Board monitors compliance by relying on the external auditors who report annually to the Board on the Trust's adherence to its policies as part of its annual audit of the Trust's financial statements. The audit reports are presented to and adopted by the Board and reported to the State's Office of the Controller.

Respectfully submitted,

S/Michael D. Stoddard
Executive Director

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 47

**UNIVERSITY OF MAINE SYSTEM
OFFICE OF THE CHANCELLOR
16 CENTRAL STREET
BANGOR, MAINE 04401-5106**

January 31, 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

Dear President Alford and Speaker Eves:

In accordance with Public Law 2011, Chapter 616, attached you will find the report of the University of Maine System on the adoption and implementation status of written policies and procedures required by section 12022, as well as a description of the measures the University uses to monitor compliance with these financial policies and procedures.

Please don't hesitate to contact us if we can answer any questions or provide any additional information.

Sincerely,

S/James H. Page, Chancellor
University of Maine System

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

The Following Communication: S.C. 48

FINANCE AUTHORITY OF MAINE

January 23, 2013

Honorable Justin Alfond
Senate President
3 State House Station
Augusta, ME 04333

Honorable Mark Eves
Speaker of the House
2 State House Station
Augusta, ME 04333

Dear President Alfond and Speaker Eves:

Pursuant to Public Law 2011, Chapter 616 (new 5 M.R.S.A. § 12023(1)), the board of directors of the Finance Authority of Maine (FAME) respectfully submits this letter, which serves as its initial report on the adoption, implementation, and monitoring status of certain written policies required by this new law.

Attached please find copies of FAME's Travel and Reimbursement Policy; Procurement Policy; and Contributions, Sponsorships and Memberships Policy. These policies were revised and/or approved by the board on March 15, 2012.

The board receives quarterly reports from FAME staff detailing these specific categories.

If you have any questions, please do not hesitate to contact me at 541-2715 or at Susan.Snowden@bangor.com

Sincerely,

S/Susan Snowden
Chair, FAME Board of Directors

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

The Following Communication: S.C. 50

WASHINGTON COUNTY DEVELOPMENT AUTHORITY

January 30, 2013

Honorable Justin L. Alfond
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

Dear President Alfond and Speaker Eves:

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 requires quasi-independent state entities to prepare and submit certain reports to the Legislature, the first of which is due by February 1, 2013.

I am writing to inform you that, in accordance with 5 M.R.S.A., Section 12023, the Washington County Development Authority (WCDA) presents the attached policies and procedures approved by the Board of Trustees on November 1, 2012 in accordance with this legislation.

Please contact me if you have any questions.

Sincerely,

S/Betsy Fitzgerald
Chair

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

The Following Communication: S.C. 51

**NORTHERN NEW ENGLAND
PASSENGER RAIL AUTHORITY**

January 30, 2013

Honorable Justin L. Alfond
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: Statutory Citation 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:

Please find enclosed the Northern New England Passenger Rail Authority's annual report as required under section 12023 (1) "Adoption and implementation" of the Statutory Citation referenced above.

Sincerely,

S/Mr. Martin Eisenstein
Chairman
Northern New England Passenger
Rail Authority Board of Directors

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

The Following Communication: S.C. 52

**MAINE PORT AUTHORITY
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016**

January 30, 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

Dear President Alford and Speaker Eves:

Pursuant to 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, the Maine Port Authority is pleased to submit the following report to the Legislature as required under section 12023.

The Maine Port Authority maintains a Policies and Procedures Manual ("Manual") that is periodically reviewed and updated by the Board of Directors of the Maine Port Authority and is consistent with the policies and procedures described in section 12022. A copy of the Manual is attached. Specifically:

1. Consistency with authorizing law is covered in the "Preamble" of the Manual

2. Compliance with financial policies and procedures is covered in Section 200 of the Manual
3. Selection of vendors is covered in Section 200-1
 - a. The subject of competitive procurement is covered in Section 200-1
 - b. Conditions under which competitive procurement may be waived is covered in Section 200-1
 - c. Maintenance of written justification and evidence of approval of non-competitive procurement is covered in Section 200-1
4. Contributions are covered in section 200-5 "Promotions and Sponsorships"
 - a. Their relation to mission and activities is covered in 200-5
 - b. The fact that contributions budgeted separately is covered in 200-5
 - c. Maintenance of documentation to support the contribution is covered in 200-5
 - d. Requirement that the governing body approves budget for contributions and is provided periodic reports is covered in 200-5
5. Travel, meals and entertainment are covered in Section 200-3
 - a. Limitation on travel, meal and entertainment costs is covered in Section 200-3
 - b. Description of persons for whom the port authority will pay travel costs and how they will be paid is covered in Section 200-3
 - c. Establishment of requirements for documentation of costs is covered in Section 200-3
 - d. The requirement for travel, meal and entertainment costs being budgeted separately is included in Section 200-3
 - e. Governing body approval for travel meal and entertainment costs and periodic reports on actual costs made to them is covered in Section 200-3
6. The language on the retention of lobbyists is included in Section 700

The mission of the Maine Port Authority is to improve the global competitiveness of Maine businesses and to stimulate commerce by developing marine and rail facilities for the intermodal movement of people and cargo in support of economic development. The port authority plays a vital role in serving the interests of the people of Maine. We look forward to working with you to realize these objectives.

Sincerely,

S/John H. Henshaw
Executive Director

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

The Following Communication: S.C. 53

**STATE OF MAINE
CONNECTME AUTHORITY
78 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0078**

February 1, 2013

The Honorable Justin L. Alford
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

Dear Sirs:

Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the ConnectME Authority due by February 1, 2013.

Please contact me if you have any questions or need additional information.

Thank you.

Sincerely,

S/Phillip Lindley
Executive Director

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

The Following Communication: S.C. 54

MAINE PUBLIC EMPLOYEES RETIREMENT SYSTEM

January 30, 2013

Honorable Justin Alford
President of the Maine State Senate
3 State House Station
Augusta, ME 04333-0003

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

RE: MainePERS Policies

Dear Senate President Alford and House Speaker Eves:

Attached please find three Maine Public Employees Retirement System (MainePERS) policies required by 5 M.R.S.A. Section 12022 as enacted by PL 2011, chapter 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". These three policies address the policy statements required by section 12022.

MainePERS designed or updated these policies to ensure compliance with all requirements of the law. Board Policy 5.4, "Budgeting, Spending, and Reporting", encompasses the MainePERS Board of Trustees responsibilities under this law. This is a comprehensive oversight policy which assigns the Executive Director to ensure all parts of the law are fully implemented in MainePERS administrative policy.

MainePERS administrative policies 1.3, "Procurement", and 1.4, "Travel", include the specific steps to fully comply with section 12022.

MainePERS has historically prohibited contributions and lobbying expenses. These policies document this practice and represent no change from past practice. Indirect lobbying expenses included in allowable dues to professional organizations for activities conducted at the federal level are generally for providing technical information on issues that affect federal regulations governing state retirement systems.

Competitive bidding for purchases over \$10,000 is a reduced threshold for MainePERS. Exceptions to this threshold which we believe would be detrimental to conducting our business efficiently or within our fiduciary duty are included in Administrative Policy 1.3, "Procurement". MainePERS has historically reimbursed travel expenses on an actual and reasonable basis. The System is changing to a per diem basis with the implementation of Administrative Policy 1.3, "Travel".

The MainePERS Board of Trustees will monitor compliance of 5 M.R.S.A section 12022 through the Audit Committee of the Board and that committee's budgeting and reporting process. The Audit Committee of the Board meets quarterly and reports to the full Board of Trustees after each meeting. MainePERS staff will provide the Audit Committee with procurement and travel budgets as part of the annual budget approval process. The MainePERS Internal Auditor will also add review of this reporting to the internal audit schedule. MainePERS staff will provide a semi-annual and annual report to the Audit Committee of travel and procurements, including any sole source procurements. MainePERS prohibits contributions and direct lobbying expenses by Board policy.

Please do not hesitate to contact us or provide us with questions about these policies. Our implementation date for all new provisions will be no later than June 30, 2013.

Sincerely,

S/Sandra J. Matheson
Executive Director

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

SENATE PAPERS

Bill "An Act To Restore to Jimmy J. Soucy the Right To Maintain Existing Structures on Property in Sinclair"
S.P. 95 L.D. 262

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative AYOTTE of Caswell.

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

Sent down for concurrence.

Bill "An Act To Increase the Base for the Cost-of-living Increase for Retired State Employees and Teachers"
S.P. 68 L.D. 232

Presented by Senator SHERMAN of Aroostook.

Bill "An Act To Authorize a General Fund Bond Issue for Maintenance of State Armories"
S.P. 81 L.D. 245

Presented by Senator TUTTLE of York.
Cosponsored by Representative LUCHINI of Ellsworth and Senator: MASON of Androscoggin, Representatives: BEAULIEU of Auburn, FOWLE of Vassalboro, GIFFORD of Lincoln, KINNEY of Limington, LONGSTAFF of Waterville, RUSSELL of Portland, SCHNECK of Bangor.

Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013" (EMERGENCY)
S.P. 86 L.D. 250

Presented by Senator HILL of York. (GOVERNOR'S BILL)
Cosponsored by Representative ROTUNDO of Lewiston and Senator: FLOOD of Kennebec, Representative: CHASE of Wells.

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

Sent down for concurrence.

Bill "An Act To Provide for the 2013 and 2014 Allocations of the State Ceiling on Private Activity Bonds"
S.P. 82 L.D. 246

Presented by Senator PATRICK of Oxford.
Cosponsored by Representative HERBIG of Belfast and Representatives: CAMPBELL of Newfield, GILBERT of Jay, HAMANN of South Portland, MASTRACCIO of Sanford.

Submitted by the Finance Authority of Maine pursuant to Joint Rule 204.

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

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

Bill "An Act To Designate the Jail in Franklin County as a Jail Rather than a Holding Facility"
S.P. 74 L.D. 238

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Representative BLACK of Wilton and Representative: HARVELL of Farmington.

Bill "An Act Criminalizing Trafficking in Contraband or Alcoholic Beverages in State Hospitals Serving Adults"
S.P. 87 L.D. 251

Presented by Senator CRAVEN of Androscoggin.
Cosponsored by Representative SIROCKI of Scarborough and Representatives: FARNSWORTH of Portland, MALABY of Hancock.
Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act To Require the Department of Education To Report on the Costs and Sources of Funding of Charter Schools"
S.P. 69 L.D. 233

Presented by Senator MILLETT of Cumberland.
Cosponsored by Representative NELSON of Falmouth and Senators: President ALFOND of Cumberland, BOYLE of Cumberland, JOHNSON of Lincoln, Representatives: DAUGHTRY of Brunswick, MORRISON of South Portland.

Resolve, To Direct the Department of Education To Amend Its Rules Regarding Restraint of Students (EMERGENCY)
S.P. 79 L.D. 243

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Representative BLACK of Wilton and Senators: BURNS of Washington, CUSHING of Penobscot, HAMPER of Oxford, KATZ of Kennebec, LANGLEY of Hancock, MASON of Androscoggin, SHERMAN of Aroostook, WHITTEMORE of Somerset.

Bill "An Act To Amend the Student Membership Criteria of the State Board of Education" (EMERGENCY)

S.P. 80 L.D. 244

Presented by Senator MILLETT of Cumberland.
Cosponsored by Representative DAUGHTRY of Brunswick and Senators: JOHNSON of Lincoln, LANGLEY of Hancock, Representative: NELSON of Falmouth.

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 Provide That a Distributor, Blender or Retail Dealer of Motor Fuel May Not Be Required To Sell, Consign or Distribute Motor Fuel Containing Ten Percent or More Ethanol"

S.P. 94 L.D. 261

Presented by Senator JACKSON of Aroostook.
Cosponsored by Senators: BOYLE of Cumberland, GERZOFISKY of Cumberland, PATRICK of Oxford, Representative: AYOTTE of Caswell.

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

Sent down for concurrence.

Bill "An Act To Encourage Workforce Development in the Heating, Ventilation, Air Conditioning, Efficiency and Energy Conservation Trades and Reduce Carbon Dioxide Emissions"

S.P. 84 L.D. 248

Presented by Senator GERZOFISKY of Cumberland.
Cosponsored by Representative BEAVERS of South Berwick and Senators: DUTREMBLE of York, PLUMMER of Cumberland, Representatives: DION of Portland, RUSSELL of Portland, RYKERSON of Kittery.

Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested and ordered printed.

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

Bill "An Act Regarding Registration and Correction of Death Information on Death Certificates"

S.P. 88 L.D. 252

Presented by Senator CRAVEN of Androscoggin.
Cosponsored by Representative SIROCKI of Scarborough and Representatives: FARNSWORTH of Portland, MALABY of Hancock.

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

Bill "An Act Regarding Registration of Fetal Deaths"

S.P. 89 L.D. 253

Presented by Senator CRAVEN of Androscoggin.
Cosponsored by Representative SIROCKI of Scarborough and Representatives: FARNSWORTH of Portland, MALABY of Hancock.

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

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

Sent down for concurrence.

Resolve, To Establish the Northern Maine Advisory Task Force on Deer

S.P. 90 L.D. 254

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative AYOTTE of Caswell and Senator: DUTREMBLE of York, 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 Protect the Privacy of Citizens from Domestic Unmanned Aerial Vehicle Use"

S.P. 72 L.D. 236

Presented by Senator PATRICK of Oxford.
Cosponsored by Representative PETERSON of Rumford and Senators: DUTREMBLE of York, LACHOWICZ of Kennebec, VALENTINO of York, Representatives: BRIGGS of Mexico, CHIPMAN of Portland, DION of Portland, GILBERT of Jay, MASTRACCIO of Sanford.

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

Sent down for concurrence.

Bill "An Act To Amend the Law Governing Appeals of Final Agency Action on Applications Concerning Wind Energy Development"

S.P. 83 L.D. 247

Presented by Senator VALENTINO of York.

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

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

Bill "An Act To Improve Insurance Coverage for Volunteer First Responders"

S.P. 71 L.D. 235

Presented by Senator **JOHNSON** of Lincoln.
Cosponsored by Representative **LONG** of Sherman and Senators: **DUTREMBLE** of York, **TUTTLE** of York, Representatives: **LAJOIE** of Lewiston, **PEASE** of Morrill, **TREAT** of Hallowell.

Resolve, Directing the Board of Dental Examiners To Amend Its Rules To Improve Access to Oral Health Care in Maine
S.P. 85 L.D. 249

Presented by Senator **VALENTINO** of York.
Cosponsored by Representative **HOBBINS** of Saco and Senator: **DUTREMBLE** of York, Representatives: **BEAUDOIN** of Biddeford, **ROCHELO** of Biddeford, **SOCTOMAH** of the Passamaquoddy Tribe.

Bill "An Act To Extend Funding for the Loring Job Increment Financing Fund"

S.P. 93 L.D. 260

Presented by Senator **JACKSON** of Aroostook.
Cosponsored by Representative **AYOTTE** of Caswell and Senator: **HASKELL** of Cumberland, Representative: **GOODE** of Bangor.

Bill "An Act To Require Dealers of Secondhand Precious Metals To Keep Records To Aid Law Enforcement"

S.P. 96 L.D. 263

Presented by Senator **JACKSON** of Aroostook.
Cosponsored by Senator: **PATRICK** of Oxford, Representatives: **GILBERT** of Jay, **HERBIG** of Belfast, **MASON** of Topsham.

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

Sent down for concurrence.

Bill "An Act To Establish Uniform Quorum, Meeting and Chair Requirements for Professional and Occupational Licensing Boards"

S.P. 73 L.D. 237

Presented by Senator **CUSHING** of Penobscot.
Cosponsored by Representative **CAMPBELL** of Newfield and Senator: **PATRICK** of Oxford, Representatives: **HAMANN** of South Portland, **LOCKMAN** of Amherst, **WINCHENBACH** of Waldoboro.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Bill "An Act To Establish July 27th as Maine Korean War Veteran Recognition Day" (EMERGENCY)

S.P. 91 L.D. 255

Presented by Senator **HAMPER** of Oxford.
Cosponsored by Representative **SANDERSON** of Chelsea and Senators: **BURNS** of Washington, **COLLINS** of York, **KATZ** of Kennebec, **LANGLEY** of Hancock, **SAVIELLO** of Franklin, **SHERMAN** of Aroostook, **YOUNGBLOOD** of Penobscot.

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

Sent down for concurrence.

Bill "An Act To Provide Tax Treatment Consistency for Limited Liability Companies and S Corporations"

S.P. 70 L.D. 234

Presented by Senator **WOODBURY** of Cumberland.
Cosponsored by Representative **NELSON** of Falmouth and Senators: **HASKELL** of Cumberland, **HILL** of York, **KATZ** of Kennebec, Representatives: **BENNETT** of Kennebunk, **CHASE** of Wells, **HOBBINS** of Saco, **KNIGHT** of Livermore Falls, **STANLEY** of Medway.

Bill "An Act To Allow Motor Fuel Taxable Sales Disclosure"

S.P. 76 L.D. 240

Presented by Senator **HASKELL** of Cumberland.
Cosponsored by Senator: **GERZOFKY** of Cumberland.

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 Certain Laws Governing the Bureau of Maine Veterans' Services"

S.P. 77 L.D. 241

Presented by Senator **TUTTLE** of York.
Cosponsored by Representative **BEAULIEU** of Auburn and Senators: **MASON** of Androscoggin, **PATRICK** of Oxford.
Submitted by the Department of Defense, Veterans and Emergency Management pursuant to Joint Rule 204.

Bill "An Act To Improve the Military Bureau Laws"
S.P. 78 L.D. 242

Presented by Senator TUTTLE of York.
Cosponsored by Representative BEAULIEU of Auburn and
Senator: MASON of Androscoggin, Representative: LUCHINI of
Ellsworth.
Submitted by the Department of Defense, Veterans and
Emergency Management pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act To Improve the Return to the State on the Sale of
Spirits and To Provide a Source of Payment for Maine's
Hospitals" (EMERGENCY)

S.P. 75 L.D. 239

Presented by Senator FLOOD of Kennebec. (GOVERNOR'S
BILL)

Committee on **VETERANS AND LEGAL AFFAIRS** suggested
and ordered printed.

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

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

ORDERS

Joint Resolution

On motion by Senator **THIBODEAU** of Waldo (Cosponsored by
Representative FREDETTE of Newport and Senator: KATZ of
Kennebec, Representative: WILLETTE of Mapleton), the following
Joint Resolution:

S.P. 92

**JOINT RESOLUTION RECOGNIZING FEBRUARY 6, 2013
AS RONALD REAGAN DAY IN THE STATE OF MAINE**

WHEREAS, President Ronald Wilson Reagan, a man of humble
background, worked throughout his life serving freedom and
advancing the public good, having been employed as an
entertainer, union leader and corporate spokesman and elected
Governor of California and President of the United States; and

WHEREAS, President Reagan served with honor and distinction
for 2 terms as the 40th President of the United States, earning the
confidence of 3/5 of the electorate and being victorious in 49 of

the 50 states in the general election for his 2nd term, a record
unsurpassed in the history of American presidential elections; and

WHEREAS, in 1981, when President Reagan was inaugurated,
he inherited a disillusioned nation shackled by rampant inflation
and high unemployment; and

WHEREAS, during President Reagan's presidency he worked in
a bipartisan manner to enact his bold agenda of restoring
accountability and common sense to government, which led to an
unprecedented economic expansion and opportunity for millions
of Americans; and

WHEREAS, President Reagan's commitment to an active social
policy agenda for the nation's children helped lower crime and
drug use in our neighborhoods; and

WHEREAS, President Reagan's commitment to America's armed
forces contributed to the restoration of pride in America and her
values, which are cherished by the free world, and prepared our
armed forces to meet 21st-century challenges; and

WHEREAS, President Reagan's vision of "peace through
strength" led to the end of the Cold War and the ultimate demise
of the Soviet Union, guaranteeing basic human rights for millions
of people; and

WHEREAS, February 6, 2013 will be the 102nd anniversary of
President Ronald Reagan's birth, and the 9th since his passing;
now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and
Twenty-sixth Legislature now assembled in the First Regular
Session, on behalf of the people we represent, recognize
February 6, 2013 as Ronald Reagan Day in the State of Maine,
and we urge all citizens of the State to take cognizance of this
event and participate fittingly in its observance.

READ and ADOPTED.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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 Assigned (1/31/13) matter:

Bill "An Act To Provide Assistance to Municipalities Recovering from a Municipally Significant Disaster"
H.P. 104 L.D. 122

Tabled - January 31, 2013, by Senator **TUTTLE** of York

Pending - **REFERENCE**, in concurrence

(Committee on **VETERANS AND LEGAL AFFAIRS** suggested and ordered printed.)

(In House, January 29, 2013, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.)

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

The Chair laid before the Senate the following Tabled and Later Assigned (1/31/13) matter:

Bill "An Act To Authorize the Commissioner of Agriculture, Conservation and Forestry To Nominate Certain Rangers in the Division of Forestry To Become Conservation Law Enforcement Officers"
H.P. 127 L.D. 152

Tabled - January 31, 2013, by Senator **GERZOFSKY** of Cumberland

Pending - **REFERENCE**, in concurrence

(In House, January 31, 2013, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.)

On motion by Senator **GERZOFSKY** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** 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 Promote Small-scale Poultry Farming"
H.P. 179 L.D. 218

Bill "An Act To Allow a Person Who Owns a Slaughterhouse To Slaughter Poultry for Other People" (EMERGENCY)
H.P. 196 L.D. 259

Come from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

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

Bill "An Act To Amend the Laws Governing Disability Retirement Determinations by the Maine Public Employees Retirement System"
H.P. 147 L.D. 186

Bill "An Act To Authorize a General Fund Bond Issue To Provide Funds for a Public-private Partnership for a New Science Facility at the Maine Maritime Academy"
H.P. 182 L.D. 221

Bill "An Act To Authorize a General Fund Bond Issue To Reduce Energy Costs by Weatherizing and Upgrading the Energy Efficiency of Maine Homes and Businesses and To Create Jobs by Providing for a Trained Workforce for Maine's Energy Future"
H.P. 189 L.D. 228

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

On motion by Senator **HILL** of York, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL 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 Criminalize Possession of a Suspended or Revoked Concealed Handgun Permit"
H.P. 149 L.D. 188

Bill "An Act To Establish a Central Concealed Handgun Permit Database"
H.P. 150 L.D. 189

Bill "An Act To Provide a Ten Percent Discount to Persons Charged with a Traffic Infraction Who Pay Fines by Waiver"
H.P. 151 L.D. 190

Bill "An Act To Authorize the Suspension of a Concealed Handgun Permit"

H.P. 152 L.D. 191

Bill "An Act To Allow Consideration of Fetal Alcohol Spectrum Disorder at Sentencing in a Criminal Case"

H.P. 153 L.D. 192

Bill "An Act Designating the Chief of the State Police as the Only Issuing Authority of a Permit To Carry a Concealed Handgun"

H.P. 183 L.D. 222

Bill "An Act To Amend the Laws Regarding a Concealed Handgun Permit"

H.P. 184 L.D. 223

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

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

Bill "An Act To Permit Temporary Operation of a Motor Vehicle with an Expired Operator's License Solely for the Purpose of Traveling Home or Renewing the License"

H.P. 148 L.D. 187

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

On motion by Senator **GOODALL** of Sagadahoc, **REFERRED** to the Committee on **TRANSPORTATION**, in **NON-CONCURRENCE**.

Sent down for 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 Authorize InterCoast Career Institute To Grant the Degree of Associate Degree in Applied Science"

H.P. 154 L.D. 193

Bill "An Act To Ensure That a Curtailment in School Funding Is Shared by All Institutions"

H.P. 155 L.D. 194

Bill "An Act To Fund Education by Providing Equal State Funding for Each Student"

H.P. 156 L.D. 195

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.

Bill "An Act Regarding the Implementation of the Quality Assurance Program for Public Safety Answering Points"

H.P. 157 L.D. 196

Comes 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.

Bill "An Act To Establish a Long-term Funding Source for the Department of Inland Fisheries and Wildlife"

H.P. 180 L.D. 219

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

On motion by Senator **CLEVELAND** of Androscoggin, **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

Bill "An Act To Clarify Physicians' Delegation of Medical Care"

H.P. 159 L.D. 198

Bill "An Act To Establish the Commission on Health Care Cost and Quality"

H.P. 191 L.D. 230

Bill "An Act To Amend the Laws Governing Recipients of Temporary Assistance for Needy Families"

H.P. 193 L.D. 256

Bill "An Act To Protect Newborns Exposed to Drugs or Alcohol"

H.P. 194 L.D. 257

Come 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 Permit Nurse Practitioners To Perform the Functions of School Physicians"

H.P. 158 L.D. 197

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

On motion by Senator **CRAVEN** of Androscoggin, **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

Bill "An Act To Allow Agents Designated by the Commissioner of Inland Fisheries and Wildlife To Hunt Coyotes at Night during the Deer Hunting Season"

H.P. 160 L.D. 199

Bill "An Act To Expand Turkey Hunting Opportunities for Young Hunters"

H.P. 161 L.D. 200

Bill "An Act To Permit Tribal Members To Hunt Any Animal or Bird at Any Time for Sustenance"

H.P. 162 L.D. 201

Bill "An Act To Permit Tribal Members To Fish at Any Time for Sustenance"

H.P. 163 L.D. 202

Bill "An Act To Require Kayakers on Open Salt Water To Use a Personal Flotation Device"

H.P. 164 L.D. 203

Bill "An Act To Simplify and Encourage the Sale of Hunting and Fishing Licenses and Permits" (EMERGENCY)

H.P. 190 L.D. 229

Come from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

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

PAPERS FROM THE HOUSE

House Papers

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

Bill "An Act To Amend the Laws That Govern the Activities of Insurance Adjusters"

H.P. 165 L.D. 204

Bill "An Act To Restore Consumer Rate Review for Health Insurance Plans in the Individual and Small Group Markets"

H.P. 186 L.D. 225

Come 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.

Bill "An Act To Protect Title to Real and Personal Property of Public Employees"

H.P. 167 L.D. 206

Bill "An Act Regarding the Factors Considered in Determining the Best Interest of a Child in a Court Award of Parental Rights and Responsibilities"

H.P. 168 L.D. 207

Bill "An Act To Amend the Charter of St. Mark's Home for Women in Augusta"

H.P. 169 L.D. 208

Bill "An Act To Strengthen the Rights of Grandparents under the Grandparents Visitation Act"

H.P. 170 L.D. 209

Bill "An Act To Ban the United Nations Agenda 21 in Maine"

H.P. 181 L.D. 220

Bill "An Act To Streamline the Change of Name Process for Persons Getting Married"

H.P. 185 L.D. 224

Come 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.

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 That Forms, Pamphlets and Other Documents Be Designed To Permit the Continued Use of the Materials"

H.P. 171 L.D. 210

LEGISLATIVE RECORD - SENATE, TUESDAY, FEBRUARY 5, 2013

Bill "An Act To Amend the Laws Governing the Limitation on County Assessments"

H.P. 172 L.D. 211

Bill "An Act To Support the Permanent Commission on the Status of Women" (EMERGENCY)

H.P. 192 L.D. 231

Come 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 Provide a Tax Exemption for Tobacco Sold to an Adult Member of a Federally Recognized Indian Tribe for Cultural, Spiritual or Ceremonial Purposes"

H.P. 173 L.D. 212

Comes 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.

Bill "An Act To Establish a Renewable Energy License Plate"

H.P. 187 L.D. 226

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Provide Funding for Transportation of Veterans to Medical Facilities"

H.P. 174 L.D. 213

Bill "An Act To Require Registered Voter Lists To Be Provided to Candidates for Legislative Office"

H.P. 175 L.D. 214

Bill "An Act To Protect Landlords When Tenants Fail To Pay Utility Bills"

H.P. 176 L.D. 215

Bill "An Act To Extend the Hours for the Sale of Liquor on Sunday When St. Patrick's Day Is on a Sunday" (EMERGENCY)

H.P. 177 L.D. 216

Bill "An Act Concerning High-stakes Beano"

H.P. 188 L.D. 227

Come 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 **THIBODEAU** of Waldo 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 **HASKELL** of Cumberland was granted unanimous consent to address the Senate off the Record.

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

Senator **BURNS** of Washington 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, **RECESSED** until 6:30 in the evening.

After Recess

Senate called to order by the President.

Off Record Remarks

LEGISLATIVE RECORD - SENATE, TUESDAY, FEBRUARY 5, 2013

At this point, the Senate retired to the Hall of the House,
where a Joint Convention was formed.

After Convention

In Senate Chamber

Senate called to order by the President

On motion by Senator **JACKSON** of Aroostook, **ADJOURNED** to
Thursday, February 7, 2013, at 10:00 in the morning.