

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
Thursday
February 7, 2013

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

Prayer by Pastor John Twitchell, Cape Elizabeth Church of the
Nazarene.

PASTOR TWITCHELL: Let us pray. Almighty and Gracious
God, we give You thanks for the gifts of life on this new day and
for Your mercies which are new every morning. As we gather
before You today we humbly seek Your wisdom and guidance.
We ask You to sanctify the work that is done in this place as we
strive to build a society which reflects Your kingdom. Engaging
one another with openness and honesty, we trust You to work in
us what we are unable to do on our own. Considering the
business before us, we lay aside our own personal and political
agendas, seeking instead Your agenda. In all our work today,
help us pursue the greater good for our state, our world, and for
Your people. We remember the words of the prophet Micah, who
exhorted us to do justice, to love mercy, and to walk humbly with
our God. May the laws that are enacted today be just and
merciful and may our discourse be conducted with humility. Give
us ears to hear and hearts to understand and may our words be
always seasoned with grace. In all that we do and say we
remember the plight of those who are oppressed and
marginalized. Help us continue to build a society based on the
principles of liberty and justice for all people. Above all, may we
conduct our business today in such a manner that leaves us as
better citizens in this state and in Your kingdom. Amen.

Pledge of Allegiance led by Senator Michael D. Thibodeau of
Waldo County.

Reading of the Journal of Tuesday, February 5, 2013.

Doctor of the day, Cynthia Self, MD of Bangor.

Out of order and under suspension of the Rules, on motion by
Senator **GOODALL** of Sagadahoc, the following Joint Order:
S.P. 122

Ordered, the House concurring, that when the House and Senate
adjourn they do so until Tuesday, February 12, 2013, at 10:00 in
the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

Off Record Remarks

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Exempt Free Clinics from Licensing under the
Charitable Solicitations Act"

H.P. 166 L.D. 205

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

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

COMMUNICATIONS

The Following Communication: S.C. 56

STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE GOVERNOR

February 4, 2013

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

Dear President Alfond,

This is to inform you that I am today nominating John G. Peters of
Harpwell for appointment and John Moncure of Harpswell for
reappointment to the Midcoast Regional Redevelopment
Authority.

Pursuant to Title 5, MRSA §13083-I, these appointments are
contingent on the Maine Senate confirmation after review by the
Joint Standing Committee on Labor, Commerce, Research and
Economic Development.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 58

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

February 4, 2013

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

Dear President Alford,

This is to inform you that I am today nominating Honorable Nichi S. Farnham of Bangor for appointment to the State Board of Education.

Pursuant to Title 20-A, MRSA §401, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 59

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

February 5, 2013

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

Dear President Alford,

This is to inform you that I am today nominating James P. Norris of Winthrop for appointment to the Land for Maine's Future Board.

Pursuant to Title 5, MRSA §6204, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 63

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

February 6, 2013

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

Dear President Alford,

This is to inform you that I am today nominating Donna L. Talarico of North Yarmouth for appointment to the Maine State Housing Authority.

Pursuant to Title 30-A, MRSA §4723, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 64

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

February 6, 2013

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

Dear President Alford,

This is to inform you that I am today nominating Susan B. Snowden of Scarborough for reappointment to the Finance Authority of Maine.

Pursuant to Title 10, MRSA §965, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 65

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

February 6, 2013

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

Dear President Alford,

This is to inform you that I am today nominating the following to the Dirigo Health Board of Trustees:

Gary W. Reed of Falmouth, reappointment
Wesley E. Richardson of Warren, appointment
Jonathan B. McKane of Newcastle, appointment

Pursuant to Title 24-A, MRSA §6904, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Insurance and Financial Services.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 57

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

January 22, 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 10, Chapter 1-A § 11 of the Maine Revised Statutes, I have appointed the following members to the Citizen Trade Policy Commission:

Representative Sharon Treat of Hallowell as House Chair
Representative Jeff McCabe of Skowhegan
Representative Bernard Ayotte

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. 60

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

February 1, 2013

Honorable Justin L. Alford, Senate President
Honorable Mark W. Eves, Speaker of the House
126th Maine State Legislature
State House
Augusta, Maine 04333

Dear President Alford and Speaker Eves,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Rep. Sirocki of Scarborough, to report the following bill Leave to Withdraw:

L.D. 60 An Act To Reduce the Number of Public Safety
Answering Points

Sincerely,

S/Sen. John J. Cleveland
Senate Chair

S/Rep. Barry J. Hobbins
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 61

PERMANENT COMMISSION ON THE STATUS OF WOMEN

February 4, 2013

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

Dear President Alfond:

Pursuant to MRSA Title 5, Chapter 371-A, §7030-D, Powers and Duties of the Permanent Commission on the Status of Women, it is my pleasure to submit to you the 2012 Report on the Status of Women and Girls in Maine. With this report, the Commission has set out benchmarks for assessing opportunities for women and girls to fulfill their potential and contribute to the State of Maine within five dimensions: Education, Economic Security, Health, Safety and Wellbeing, and Leadership.

Copies of the full report 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 Secretary of State at www.maine.gov/sos.

We look forward to working with you, Governor LePage, members of the Legislature, and the public at large to maintain and improve the status of women and girls in Maine. Thank you for your support and your leadership.

Sincerely,

S/Eloise Vitelli, Chair

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

The Following Communication: S.C. 62

**LORING COMMERCE CENTRE
LORING DEVELOPMENT AUTHORITY OF MAINE**

January 29, 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: 5 MRSA Section 12023
Quasi-independent entity report

Dear President Alfond and Speaker Eves:

Please find enclosed the report of the Loring Development Authority of Maine (LDA), a quasi-independent state entity, as required by 5 MRSA Section 12023. We understand that by February 1, 2014 and annually thereafter, LDA must submit a

report to the State of Maine Legislature as outlined in 5 MRSA Section 12023.2.

Please don't hesitate to contact me with any questions.

Very truly yours,

S/Carl W. Flora

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

SENATE PAPERS

Bill "An Act To Provide Increased Opportunities on the Allagash Wilderness Waterway"

S.P. 102 L.D. 269

Presented by Senator JACKSON of Aroostook.
Cosponsored by Senators: PATRICK of Oxford, SHERMAN of Aroostook, Representatives: CRAY of Palmyra, JONES of Freedom, MAREAN of Hollis, SAUCIER of Presque Isle.

Bill "An Act To Facilitate the Processing of Livestock That Is Not for Resale"

S.P. 104 L.D. 271

Presented by Senator JACKSON of Aroostook.
Cosponsored by Senator: SHERMAN of Aroostook, Representatives: CRAY of Palmyra, THERIAULT of Madawaska, TIMBERLAKE of Turner.

Bill "An Act To Eliminate the Commercial Standard for Maine White-cedar Shingles"

S.P. 115 L.D. 282

Presented by Senator SHERMAN of Aroostook.
Cosponsored by Representative TIMBERLAKE of Turner and Senators: BOYLE of Cumberland, JACKSON of Aroostook, Representatives: BLACK of Wilton, CRAY of Palmyra, DILL of Old Town, GIFFORD of Lincoln, NOON of Sanford, SAUCIER of Presque Isle.

Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

Bill "An Act To Eliminate the Elm Tree Restoration Fund"

S.P. 116 L.D. 283

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative TIMBERLAKE of Turner and Senators: BOYLE of Cumberland, SHERMAN of Aroostook, Representatives: BLACK of Wilton, CRAY of Palmyra, DILL of Old Town, GIFFORD of Lincoln, SAUCIER of Presque Isle.
Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

Bill "An Act To Amend the Duties of the Division of Forestry"
S.P. 117 L.D. 284

Presented by Senator BOYLE of Cumberland.
Cosponsored by Representative CRAY of Palmyra and Senator:
SHERMAN of Aroostook, Representatives: BLACK of Wilton,
DILL of Old Town, GIFFORD of Lincoln, NOON of Sanford.
Submitted by the Department of Agriculture, Conservation and
Forestry pursuant to Joint Rule 204.

Bill "An Act To Electronically Issue Permits for Burning"
S.P. 118 L.D. 285

Presented by Senator BOYLE of Cumberland.
Cosponsored by Representative GIFFORD of Lincoln and
Senator: SHERMAN of Aroostook, Representatives: BLACK of
Wilton, CRAY of Palmyra, DILL of Old Town, NOON of Sanford,
SAUCIER of Presque Isle.
Submitted by the Department of Agriculture, Conservation and
Forestry pursuant to Joint Rule 204.

Bill "An Act To Reduce Reporting Responsibilities of the
Department of Agriculture, Conservation and Forestry"
S.P. 119 L.D. 286

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative TIMBERLAKE of Turner and
Senators: BOYLE of Cumberland, SHERMAN of Aroostook,
Representatives: BLACK of Wilton, CRAY of Palmyra, DILL of
Old Town, GIFFORD of Lincoln, SAUCIER of Presque Isle.
Submitted by the Department of Agriculture, Conservation and
Forestry pursuant to Joint Rule 204.

Bill "An Act To Improve Funding of Agricultural Development
Projects"
S.P. 120 L.D. 287

Presented by Senator BOYLE of Cumberland.
Cosponsored by Representative CRAY of Palmyra and
Representatives: BLACK of Wilton, DILL of Old Town, GIFFORD
of Lincoln, NOON of Sanford, SAUCIER of Presque Isle.
Submitted by the Department of Agriculture, Conservation and
Forestry pursuant to Joint Rule 204.

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 Authorizing a General Fund Bond Issue To Fund the
Dredging of Casco Bay and the Expansion of the Portland Fish
Exchange"

S.P. 106 L.D. 273

Presented by President ALFOND of Cumberland.
Cosponsored by Representative WEAVER of York and Senators:
HASKELL of Cumberland, JOHNSON of Lincoln, VALENTINO of
York, WOODBURY of Cumberland, Representatives: CHIPMAN
of Portland, HARVELL of Farmington, RUSSELL of Portland.

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 Repeal the Restriction on Employers Regarding
Firearms Kept in an Employee's Vehicle"
S.P. 98 L.D. 265

Presented by Senator GERZOFISKY of Cumberland.
Cosponsored by Representative KNIGHT of Livermore Falls and
Senators: CRAVEN of Androscoggin, DUTREMBLE of York,
HASKELL of Cumberland, SAVIELLO of Franklin, SHERMAN of
Aroostook, Representatives: KAENRATH of South Portland,
LAJOIE of Lewiston.

Bill "An Act To Improve the Law Regarding Bail Commissioners"
S.P. 99 L.D. 266

Presented by Senator GERZOFISKY of Cumberland.
Cosponsored by Senators: DUTREMBLE of York, LACHOWICZ
of Kennebec, Representatives: DION of Portland, PLANTE of
Berwick, PRIEST of Brunswick.

Bill "An Act Regarding the Sale of Firearms at Gun Shows"
S.P. 100 L.D. 267

Presented by Senator GERZOFISKY of Cumberland.
Cosponsored by Representative PLANTE of Berwick and
Senator: CRAVEN of Androscoggin, Representatives: DION of
Portland, MOONEN of Portland, PRIEST of Brunswick, RUSSELL
of Portland.

Bill "An Act To Clarify the Laws Regarding the Calculation of the
Period of Imprisonment"
S.P. 110 L.D. 277

Presented by Senator GERZOFISKY of Cumberland.
Cosponsored by Senators: DUTREMBLE of York, HASKELL of
Cumberland, Representatives: DION of Portland, LONG of
Sherman, PLANTE of Berwick, PRIEST of Brunswick.

Bill "An Act To Update the Maine Emergency Management Laws"
S.P. 121 L.D. 326

Presented by Senator GERZOFISKY of Cumberland.
Cosponsored by Representative LONG of Sherman and
Representative: DION of Portland.
Submitted by the Department of Defense, Veterans and
Emergency Management pursuant to Joint Rule 204.

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

Sent down for concurrence.

LEGISLATIVE RECORD - SENATE, THURSDAY, FEBRUARY 7, 2013

Resolve, To Require the Emergency Services Communication Bureau To Expand the Existing Quality Assurance System
S.P. 108 L.D. 275

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Representative HARVELL of Farmington and Representatives: BLACK of Wilton, COTTA of China.

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

Sent down for concurrence.

Bill "An Act To Reduce Youth Cancer Risk"
S.P. 105 L.D. 272

Presented by Senator GRATWICK of Penobscot.
Cosponsored by Representative COOPER of Yarmouth and Senators: BOYLE of Cumberland, SAVIELLO of Franklin, Representatives: AYOTTE of Caswell, CHIPMAN of Portland, LONG of Sherman, PRINGLE of Windham, REED of Carmel, WELSH of Rockport.

Resolve, To Improve Access to Oral Health Care for MaineCare Recipients
S.P. 109 L.D. 276

Presented by Senator CAIN of Penobscot.
Cosponsored by Representative CAREY of Lewiston and Senators: CUSHING of Penobscot, HASKELL of Cumberland.

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 Allow Crossbow Hunting during Muzzle-loading Season"
S.P. 97 L.D. 264

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Representative CROCKETT of Bethel and Representatives: BLACK of Wilton, CRAFTS of Lisbon.

Bill "An Act To Improve Snowmobiling in the State"
S.P. 101 L.D. 268

Presented by Senator PATRICK of Oxford.

Resolve, Concerning Rights-of-way over Eastern Road in Scarborough

S.P. 113 L.D. 280

Presented by Senator HASKELL of Cumberland.
Cosponsored by Representative DAVIS of Sangerville.
Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.

Bill "An Act To Clarify Provisions of the Whitewater Rafting Laws"
S.P. 114 L.D. 281

Presented by Senator DUTREMBLE of York.
Cosponsored by Representative SHAW of Standish and Senator: BURNS of Washington, Representatives: BRIGGS of Mexico, CRAFTS of Lisbon, DAVIS of Sangerville, EVANGELOS of Friendship, KUSIAK of Fairfield, MARKS of Pittston, SHORT of Pittsfield.
Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.

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 and Protect Ancient Burial Grounds and Burial Grounds in Which Veterans Are Buried"
S.P. 107 L.D. 274

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Representative WELSH of Rockport and Representatives: BLACK of Wilton, COTTA of China.

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 Greater Access to Capital for Certain Businesses Through Advance Payment of Employment Tax Increment Financing Benefits"
S.P. 111 L.D. 278

Presented by Senator PATRICK of Oxford.
Cosponsored by Representative BENNETT of Kennebunk and Senator: KATZ of Kennebec, Representatives: CHASE of Wells, FREDETTE of Newport, GILBERT of Jay, JOHNSON of Greenville, LOCKMAN of Amherst, MASTRACCIO of Sanford, VOLK of Scarborough.
Submitted by the Department of Economic and Community Development pursuant to Joint Rule 204.

Bill "An Act To Sustain Maine's Aviation Industry by Extending the Exemption from Sales and Use Tax for Aircraft and Parts"
S.P. 112 L.D. 279

Presented by Senator CUSHING of Penobscot.
Cosponsored by Representative GOODE of Bangor and
Senators: BURNS of Washington, CAIN of Penobscot,
GERZOFKY of Cumberland, GRATWICK of Penobscot,
PLUMMER of Cumberland, Representatives: DUPREY of
Hampden, HARVELL of Farmington, TIMBERLAKE of Turner.
Submitted by the Department of Economic and Community
Development pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act To Improve the Motor Vehicle Inspection System"
S.P. 103 L.D. 270

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative THERIAULT of Madawaska and
Senators: GERZOFKY of Cumberland, MAZUREK of Knox.

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

Sent down for concurrence.

Off Record Remarks

Senator **GRATWICK** of Penobscot 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.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **LABOR, COMMERCE, RESEARCH AND
ECONOMIC DEVELOPMENT** on Bill "An Act To Allow Motor Fuel
Containing Five Percent Ethanol To Be Sold in the State"
H.P. 87 L.D. 105

Reported that the same be **REFERRED** to the Committee on
ENVIRONMENT AND NATURAL RESOURCES.

Comes from the House with the Report **READ** and **ACCEPTED**
and the Bill **REFERRED** to the Committee on **ENVIRONMENT
AND NATURAL RESOURCES**.

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

On motion by Senator **PATRICK** of Oxford, **REFERRED** to the
Committee on **ENVIRONMENT AND NATURAL RESOURCES**,
in concurrence.

The Committee on **LABOR, COMMERCE, RESEARCH AND
ECONOMIC DEVELOPMENT** on Bill "An Act To Join in a
Prohibition on Motor Fuel Containing Corn-based Ethanol"
H.P. 97 L.D. 115

Reported that the same be **REFERRED** to the Committee on
ENVIRONMENT AND NATURAL RESOURCES.

Comes from the House with the Report **READ** and **ACCEPTED**
and the Bill **REFERRED** to the Committee on **ENVIRONMENT
AND NATURAL RESOURCES**.

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

On motion by Senator **PATRICK** of Oxford, **REFERRED** to the
Committee on **ENVIRONMENT AND NATURAL RESOURCES**,
in concurrence.

Pursuant to Statute

The Committee on **JUDICIARY** on Bill "An Act To Implement the
Recommendations of the Right To Know Advisory Committee
Concerning Public Access to Records Relating to Public-private
Partnerships"

H.P. 178 L.D. 217

Reported that the same be **REFERRED** to the Committee on
JUDICIARY, pursuant to the Maine Revised Statutes, Title 1,
section 411, subsection 6, paragraph G.

Comes from the House with the Report **READ** and **ACCEPTED**
and the Bill **REFERRED** to the Committee on **JUDICIARY**.

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

On motion by Senator **VALENTINO** of York, Bill and
accompanying papers **REFERRED** to the Committee on
JUDICIARY, in concurrence.

Pursuant to Statute

The Committee on **JUDICIARY** on Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Meetings of Public Bodies"

H.P. 195 L.D. 258

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**, pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

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

On motion by Senator **VALENTINO** of York, Bill and accompanying papers **REFERRED** to the Committee on **JUDICIARY**, in concurrence.

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 Update the Laws Governing Energy Efficiency Building Performance Standards"

S.P. 64 L.D. 175

Tabled - January 31, 2013, by Senator **PATRICK** of Oxford

Pending - **REFERENCE**

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

On motion by Senator **PATRICK** of Oxford, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (2/5/13) matter:

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

Tabled - February 5, 2013, by Senator **HILL** of York

Pending - **REFERENCE**

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

On motion by Senator **HILL** of York, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (2/5/13) matter:

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

Tabled - February 5, 2013, by Senator **BOYLE** of Cumberland

Pending - **REFERENCE**

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

On motion by Senator **BOYLE** of Cumberland, **REFERRED** to the Joint Select Committee on **MAINE'S WORKFORCE AND ECONOMIC FUTURE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (2/5/13) matter:

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

Tabled - February 5, 2013, by Senator **VALENTINO** of York

Pending - **REFERENCE**

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

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (2/5/13) matter:

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

H.P. 180 L.D. 219

Tabled - February 5, 2013, by Senator **CLEVELAND** of Androscoggin

Pending - **REFERENCE**, in concurrence

(In House, February 5, 2013, **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.

The Chair laid before the Senate the following Tabled and Later Assigned (2/5/13) matter:

Bill "An Act To Permit Nurse Practitioners To Perform the Functions of School Physicians"

H.P. 158 L.D. 197

Tabled - February 5, 2013, by Senator **CRAVEN** of Androscoggin

Pending - **REFERENCE**, in concurrence

(In House, February 5, 2013, **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.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Concerning Brucellosis Vaccines for Cattle"
H.P. 197 L.D. 288

Bill "An Act To Eliminate the Requirement That the Department of Agriculture, Conservation and Forestry Provide Technical Services for Direct-marketing Agricultural Products"
H.P. 198 L.D. 289

Bill "An Act To Eliminate the Forest Certification Incentive Cost-share Fund"
H.P. 199 L.D. 290

Bill "An Act To Transfer Responsibility for the Returnable Beverage Container Laws from the Department of Agriculture, Conservation and Forestry to the Department of Environmental Protection"
H.P. 200 L.D. 291

Bill "An Act To Protect the Public Health from Mosquito-borne Diseases"
H.P. 201 L.D. 292

Bill "An Act To Release a Restriction on Former State Land in Passadumkeag Currently Owned by Dale Ross"
H.P. 221 L.D. 312

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Ensure Parity in the Collective Bargaining Process among State Institutions of Higher Education"
H.P. 202 L.D. 293

Bill "An Act To Authorize a General Fund Bond Issue To Construct a Facility To Assist Maine Agriculture in Control of Animal and Plant Diagnostics"
H.P. 203 L.D. 294

Bill "An Act To Authorize a General Fund Bond Issue To Provide Weatherization Rebates for Veterans and Persons Eligible for Social Security"
H.P. 204 L.D. 295

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

Senator **HILL** of York moved to **REFER** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

Senate at Ease.

Senate called to order by the President.

Senator **HILL** of York requested and received leave of the Senate to withdraw her motion to **REFER** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

Bill "An Act To Authorize a General Fund Bond Issue To Construct a Facility To Assist Maine Agriculture in Control of Animal and Plant Diagnostics"

H.P. 203 L.D. 294

Bill "An Act To Authorize a General Fund Bond Issue To Provide Weatherization Rebates for Veterans and Persons Eligible for Social Security"

H.P. 204 L.D. 295

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.

Bill "An Act To Ensure Parity in the Collective Bargaining Process among State Institutions of Higher Education"

H.P. 202 L.D. 293

Comes 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 **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act To Require Forest Rangers To Be Trained in Order To Allow Them To Carry Firearms"

H.P. 206 L.D. 297

Bill "An Act Regarding the Membership of the Emergency Medical Services' Board"

H.P. 207 L.D. 298

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.

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 Require the State Share of Education Funding To Be at Least Fifty-five Percent of the Total Cost and One Hundred Percent of the Cost of Special Education

H.P. 208 L.D. 299

Bill "An Act To Protect School Administrative Units and Taxpayers"

H.P. 209 L.D. 300

Bill "An Act To Remove Unnecessary Agenda from the School Day"

H.P. 210 L.D. 301

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.

Resolve, Directing the Public Utilities Commission To Review Certain Electricity Distribution Charges Assessed on Businesses

H.P. 211 L.D. 302

Bill "An Act To Authorize the Public Advocate To Publish and Distribute Consumer Information"

H.P. 212 L.D. 303

Bill "An Act To Amend the Representation on the Telecommunications Relay Services Advisory Council"

H.P. 213 L.D. 304

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Eliminate Institute Councils for Mental Health Institutions"

H.P. 214 L.D. 305

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 Exempt Members of the Penobscot Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs from Special Training Requirements for Archery and Trapping" (EMERGENCY)

H.P. 215 L.D. 306

Bill "An Act To Exempt Persons Who Have Served in the Armed Forces from the Requirement To Take a Hunter Safety Course To Obtain a Hunting License"

H.P. 216 L.D. 307

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.

Bill "An Act To Equalize the Fire Investigation and Prevention Tax Paid by Insurers"

H.P. 205 L.D. 296

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

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

On motion by Senator **GOODALL** of Sagadahoc, **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 Require the Attorney General To Consult with Federally Recognized Indian Tribes before Issuing an Opinion on Federal Legislation Affecting the Maine Indian Claims Settlement Act of 1980"

H.P. 217 L.D. 308

Resolve, Directing the Attorney General To Implement a Child Identity Protection Program To Safeguard the Personal Information of Minors and Prevent Identity Theft

H.P. 218 L.D. 309

Bill "An Act To Exempt Persons 70 Years of Age and Older from Jury Duty at Their Discretion"

H.P. 219 L.D. 310

Bill "An Act To Protect Landowners from the Exercise of Eminent Domain in Energy Infrastructure Corridors"

H.P. 220 L.D. 311

Bill "An Act To Create the Maine Online Privacy Protection Act" (EMERGENCY)

H.P. 222 L.D. 313

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.

Bill "An Act To Repeal Provisions of the Law That Apply or Refer to State Facilities for Persons with Intellectual Disabilities"

H.P. 235 L.D. 325

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

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

On motion by Senator **VALENTINO** of York, **REFERRED** to the Committee on **HEALTH AND HUMAN 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 Create the Office of Marketing"

H.P. 223 L.D. 314

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

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

Bill "An Act To Ban the Purchase of Bottled Water by State Agencies"

H.P. 224 L.D. 315

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 Provide Property Tax Relief for Noncombat Veterans"

H.P. 225 L.D. 316

Bill "An Act Regarding the Business Equipment Tax Reimbursement Program and the Business Equipment Tax Exemption Program"

H.P. 226 L.D. 317

Bill "An Act To Establish a Sales Tax Holiday for Purchases Made during the Month of January"

H.P. 227 L.D. 318

Bill "An Act To Provide Tax Fairness to Small Businesses in the State" (EMERGENCY)

H.P. 228 L.D. 319

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 Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013" (EMERGENCY)

H.P. 234 L.D. 324

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 Ensure the Integrity of the Election Process"
H.P. 229 L.D. 320

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.

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

PAPERS FROM THE HOUSE

Pursuant to Statute State Board of Education

Representative MacDONALD submitted the Report of the **State Board of Education**, pursuant to the Maine Revised Statutes, Title 5, section 8072 and asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the State Board of Education (EMERGENCY)

H.P. 231 L.D. 322

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **MILLETT** of Cumberland, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

Pursuant to Statute Department of Education

Representative MacDONALD submitted the Report of the **Department of Education**, pursuant to the Maine Revised Statutes, Title 5, section 8072 and asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 232 L.D. 323

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **MILLETT** of Cumberland, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

**Pursuant to Statute
Probate and Trust Law Advisory Commission**

Representative **PRIEST** submitted the Report of the **Probate and Trust Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 18-A, section 1-803, subsection 2 and asked leave to report that the accompanying Resolve, Directing the Probate and Trust Law Advisory Commission To Review Maine's Probate Code and the Uniform Probate Code

H.P. 230 L.D. 321

Be **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **VALENTINO** of York, **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218, in concurrence.

Off Record Remarks

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

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

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

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

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

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

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

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

On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, February 12, 2013, at 10:00 in the morning.