

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 12, 2013

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

Prayer by Rabbi Jared Saks, South Portland Congregation Bet
Ha'am.

RABBI SAKS: We begin this morning with words of prayer,
asking for guidance and wisdom from the Holy One of Blessing as
we prepare to engage in the work of our state.

Thus says the Eternal, this is what I desire, to unlock the
fetters of wickedness and untie the cords of lawlessness; to let
the oppressed go free, to break off every yoke. Share your bread
with the hungry and take the wretched poor into your home.
When you see the naked, give clothing and do not ignore your
kin. If you banish the yoke from your midst, the menacing hand,
the evil speech, if you offer compassion to the hungry and satisfy
the famished creature, then your light shall shine in darkness.

O guardian of life and liberty, may our state and all states
and nations always merit Your protection. Teach us to give
thanks for what we have by sharing it with those who are in need.
Keep our eyes open to the wonders of creation and alert to the
care of the earth. May we never be lazy in the work of peace.
May we honor those who have died in defense of our ideals.
Grant our leaders wisdom and forbearance. May they govern
with justice and compassion. Help us all to appreciate one
another and to respect the many ways that we may serve You.
May our homes be safe from affliction and strife and may we be
sound in body and spirit. Oseh shalom bimromav hu yaaseh
shalom aleinu, v'al kol yosh' vei teiveil, v'imru. Amen. May the
one who makes peace in the high heavens make peace for us
and for all who inhabit the earth. Together we say Amen.

Pledge of Allegiance led by Senator David C. Burns of
Washington County.

Reading of the Journal of Thursday, February 7, 2013.

Doctor of the day, Julie Keller Pease, MD of Brunswick.

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 233

**JOINT RESOLUTION TO ACKNOWLEDGE FEBRUARY 11,
2013 AS A DAY OF REFLECTION, MEDITATION AND
PRAYER TO SUPPORT THE PURPOSE AND WORK OF THE
MAINE WABANAKI-STATE CHILD WELFARE TRUTH AND
RECONCILIATION COMMISSION**

WHEREAS, the Aroostook Band of Micmacs, the Houlton
Band of Maliseet Indians, the Passamaquoddy Tribe at Sipayik,
the Passamaquoddy Tribe at Motahkmikuk, the Penobscot Indian
Nation and the State of Maine have signed a mandate to
implement a truth and reconciliation commission; and

WHEREAS, the Maine Wabanaki-State Child Welfare Truth
and Reconciliation Commission represents a historic agreement
to uncover and acknowledge the truth about what happened to
Wabanaki children and families who were involved with the Maine
child welfare system, to create opportunities to heal and learn
from the truth and to collaborate to operate the best child welfare
system possible for Wabanaki children and families; and

WHEREAS, the 5 commissioners charged to undertake this
work will be sworn in during a public Seating of the Commission
Ceremony on Tuesday, February 12, 2013 in the Town of
Hermon; and

WHEREAS, the day before the Seating of the Commission
Ceremony, Monday, February 11, 2013, has been designated as
a day of reflection, meditation and prayer to support the purpose
and work of the Maine Wabanaki-State Truth and Reconciliation
Commission, and the commissioners and the commission's
convening group will gather with spiritual leaders to prepare
themselves for the work ahead; and

WHEREAS, the Maine Wabanaki-State Truth and
Reconciliation Commission invites people to join in reflection,
meditation or prayer as their own faith and traditions direct them,
to consider the opportunity the commission will provide to deepen
human respect and compassion in hearing the truth of our shared
history, to pray for the healing of deep and ancient wounds and to
call for courage, clarity of purpose and openness; 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, declare our
support for the Maine Wabanaki-State Child Welfare Truth and
Reconciliation Commission and its worthy efforts; and be it further

RESOLVED: That we join the Maine Wabanaki-State Truth
and Reconciliation Commission in reflection, meditation or prayer,
stand in spiritual solidarity with the commission and understand
the importance of collaboration and relationship building through
this process, and we declare February 11, 2013 as a day of
reflection, meditation and prayer to support the work of the Maine

Wabanaki-State Child Welfare Truth and Reconciliation Commission; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be displayed at the Office of the Secretary of State on behalf of the people of the State of Maine and be delivered to the appropriate representatives of the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Sipayik, the Passamaquoddy Tribe at Motahkmikuk and the Penobscot Nation.

Comes from the House, **READ** and **ADOPTED**.

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 66

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

February 8, 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 Katherine M. Greenleaf of Yarmouth for appointment to the Maine Maritime Academy, Board of Trustees.

Pursuant to P&SL 1975, Chapter 771 §428, 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. 67

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

February 8, 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 Tina A. Lucas of Cumberland Foreside and Bruce S. Harrington of Fairfield for appointments to the Maine Rural Development Authority, Board of Trustees.

Pursuant to Title 5, MRSA §13120-D, 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. 68

**MAINEHOUSING
MAINE STATE HOUSING AUTHORITY**

February 7, 2013

The Honorable Justin L. Alford
President of the Maine Senate
3 State House Station
Augusta, ME 04333-0002

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

Dear Mssrs. Alford and Eves:

To conform with guidance issued by the Executive Director of the Legislative Council on January 23, 2013, I am hereby resubmitting MaineHousing's report pursuant to 5 MRSA §12023, which MaineHousing had submitted on January 18, 2013.

In compliance with 5 MRSA § 12023 on September 18, 2012, the MaineHousing Commissioners adopted policies governing: (1) procurement; (2) contributions; and (3) travel, meals and entertainment. MaineHousing staff fully implemented the policies on October 1, 2012. The Commissioners will monitor compliance as follows:

With respect to the procurement policy:

- The Director of MaineHousing must consult with the Chair or Vice Chair of the Commissioners prior to any sole source solicitation in an amount exceeding \$10,000.

- MaineHousing may enter into contracts longer than 5 years only with prior approval from the Commissioners or for purposes outlined in the policy.
- MaineHousing's Internal Auditor will provide the Commissioners' Audit Committee with a report listing all procurements exceeding \$10,000. The Internal Auditor will provide the report semiannually in 2013 and on an annual basis thereafter.

With respect to the contributions policy:

- The Director of MaineHousing must consult with the Chair of the Commissioners regarding any contributions (i.e., membership and dues, or sponsorships that result in public advertising of MaineHousing) of more than \$1,000 to any one organization in a year.
- The annual budget approved by the Commissioners includes a line item for membership dues and fees and a line item for sponsorships.
- The Commissioners receive a monthly budget variance report that includes payments for memberships and sponsorships.

With respect to the travel, meals, and entertainment policy:

- The annual budget approved by the Commissioners includes a line item for meals plus mileage reimbursement and other travel costs in connection with employee training and conferences, and property inspections; a line item for travel and meals in connection with partner trainings and meetings; a line item for meals in connection with board meetings and staff events such as all staff breakfasts, all staff days, and holiday gatherings; and a line item for leased vehicles.
- The Commissioners receive a monthly budget variance report that includes payments for each of these line items.

If you have any questions or concerns, please contact me or our Chief Counsel, Linda Uhl, at 626-4600.

Sincerely,

S/John G. Gallagher
Director

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act To Ensure the Continuation of Dairy Farming"
S.P. 148 L.D. 368

Presented by Senator SHERMAN of Aroostook.
Cosponsored by Senator: JACKSON of Aroostook,
Representatives: BLACK of Wilton, CRAY of Palmyra, DILL of
Old Town, JONES of Freedom, MAREAN of Hollis, NOON of
Sanford.

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 Authorize a General Fund Bond Issue To
Implement the Riverfront Island Master Plan"

S.P. 139 L.D. 359

Presented by Senator CRAVEN of Androscoggin.
Cosponsored by Representative LIBBY of Lewiston and
Senators: BOYLE of Cumberland, HASKELL of Cumberland,
LACHOWICZ of Kennebec, Representatives: CAREY of
Lewiston, GATTINE of Westbrook, LAJOIE of Lewiston,
ROTUNDO of Lewiston, WERTS of Auburn.

Bill "An Act To Authorize a General Fund Bond Issue To Improve
Rail Lines in Western Maine"

S.P. 140 L.D. 360

Presented by Senator CRAVEN of Androscoggin.
Cosponsored by Representative CAREY of Lewiston and
Senator: CLEVELAND of Androscoggin, Representatives: DION
of Portland, FARNSWORTH of Portland, GRAHAM of North
Yarmouth, LAJOIE of Lewiston, LIBBY of Lewiston, ROTUNDO of
Lewiston, WERTS of Auburn.

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 Allow Young Adult Offenders To Be Confined in
Juvenile Correctional Facilities and To Comply with Federal Law
Requirements"

S.P. 133 L.D. 353

Presented by Senator PLUMMER of Cumberland.
Cosponsored by Representative DION of Portland and Senator:
DUTREMBLE of York, Representatives: MARKS of Pittston,
PEASE of Morrill.

Submitted by the Department of Corrections pursuant to Joint
Rule 204.

Bill "An Act To Amend the County Jail Inspection Requirement for
Nationally Accredited Facilities"

S.P. 134 L.D. 354

Presented by Senator GERZOFKY of Cumberland.
Cosponsored by Representative LONG of Sherman and
Senators: DUTREMBLE of York, HASKELL of Cumberland,
PLUMMER of Cumberland, Representatives: DION of Portland,
MARKS of Pittston, PEASE of Morrill, TYLER of Windham,
WILSON of Augusta.
Submitted by the Department of Corrections pursuant to Joint
Rule 204.

LEGISLATIVE RECORD - SENATE, TUESDAY, FEBRUARY 12, 2013

Bill "An Act To Amend Provisions Relating to the Department of Corrections To Clarify Certain Enforcement Powers"
S.P. 135 L.D. 355

Presented by Senator GERZOFKY of Cumberland.
Cosponsored by Representative LONG of Sherman and Senators: DUTREMBLE of York, HASKELL of Cumberland, PLUMMER of Cumberland, Representatives: DION of Portland, MARKS of Pittston, PEASE of Morrill, TYLER of Windham, WILSON of Augusta.
Submitted by the Department of Corrections pursuant to Joint Rule 204.

Bill "An Act To Adjust the Values of Property That Define the Class of Crime for Theft Offenses"
S.P. 146 L.D. 366

Presented by Senator KATZ of Kennebec.
Cosponsored by Senator GERZOFKY of Cumberland and Senator: PLUMMER of Cumberland, Representative: FREDETTE of Newport.

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

Sent down for concurrence.

Bill "An Act To Prohibit Prisoners from Filing Protection from Harassment Complaints against Corrections Personnel"
S.P. 132 L.D. 352

Presented by Senator PLUMMER of Cumberland.
Cosponsored by Representative LONG of Sherman and Senators: DUTREMBLE of York, HASKELL of Cumberland, Representatives: DION of Portland, KNIGHT of Livermore Falls, MARKS of Pittston, PEASE of Morrill, TYLER of Windham, WILSON of Augusta.
Submitted by the Department of Corrections pursuant to Joint Rule 204.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

On motion by Senator **GERZOFKY** of Cumberland, **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

Bill "An Act To Authorize the Provision of Insurance on Student Loans" (EMERGENCY)
S.P. 131 L.D. 351

Presented by Senator CAIN of Penobscot.
Cosponsored by Representative FREDETTE of Newport and Senators: KATZ of Kennebec, LANGLEY of Hancock, MILLETT of Cumberland, Representatives: BERRY of Bowdoinham, JOHNSON of Greenville, MacDONALD of Boothbay, MAKER of Calais, POULIOT of Augusta.
Submitted by the Finance Authority of Maine pursuant to Joint Rule 204.

Bill "An Act To Repeal the Repeal Provision in the Law That Limits the Reduction of State Subsidy for Education" (EMERGENCY)
S.P. 147 L.D. 367

Presented by Senator HAMPER of Oxford.
Cosponsored by Representative MAKER of Calais and Representative: JACKSON of Oxford.

Bill "An Act To Redesign Maine's School Funding Model"
S.P. 149 L.D. 369

Presented by Senator JOHNSON of Lincoln.
Cosponsored by Representative BERRY of Bowdoinham and Senators: President ALFOND of Cumberland, MILLETT of Cumberland, Representatives: KUMIEGA of Deer Isle, MacDONALD of Boothbay.

Bill "An Act To Increase Elementary School Applied Learning Opportunities"
S.P. 150 L.D. 370

Presented by Senator LANGLEY of Hancock.
Cosponsored by Representative POULIOT of Augusta and Senators: GRATWICK of Penobscot, MASON of Androscoggin, SAVIELLO of Franklin, Representatives: JOHNSON of Greenville, MacDONALD of Boothbay, PARRY of Arundel.

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 Transfer the Responsibilities of the Department of Public Safety, Maine Communications System Policy Board to the Bureau of Consolidated Emergency Communications"
S.P. 152 L.D. 372

Presented by Senator YOUNGBLOOD of Penobscot.
Cosponsored by Representative KESCHL of Belgrade.
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

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 Define 'Contaminant' in the Laws Governing Toxic Chemicals in Children's Products"

S.P. 145 L.D. 365

Presented by Senator HAMPER of Oxford.
Cosponsored by Representative SANDERSON of Chelsea and
Senators: CUSHING of Penobscot, THIBODEAU of Waldo,
Representatives: AYOTTE of Caswell, HARLOW of Portland.

Bill "An Act To Provide Clarity to Priority Chemical Reporting Requirements"

S.P. 153 L.D. 373

Presented by Senator HAMPER of Oxford.
Cosponsored by Representative HARLOW of Portland and
Representative: WELSH of Rockport.
Submitted by the Department of Environmental Protection
pursuant to Joint Rule 204.

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 Require All Lodging Places To Be Licensed by the State"

S.P. 126 L.D. 330

Presented by Senator PATRICK of Oxford.
Cosponsored by Representative PETERSON of Rumford and
Senators: CUSHING of Penobscot, JACKSON of Aroostook,
Representative: MASON of Topsham.

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 a Person Who Is 60 Years of Age or Older To Use a Crossbow during the Open Seasons on Wild Birds and Animals"

S.P. 136 L.D. 356

Presented by Senator TUTTLE of York.
Cosponsored by Senators: DUTREMBLE of York, HASKELL of
Cumberland, PATRICK of Oxford.

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 Amend Insurance Coverage for Diagnosis of Autism Spectrum Disorders"

S.P. 127 L.D. 347

Presented by Senator LACHOWICZ of Kennebec.
Cosponsored by Representative FARNSWORTH of Portland and
Senators: CAIN of Penobscot, CRAVEN of Androscoggin,
DUTREMBLE of York, PATRICK of Oxford, Representatives:
HICKMAN of Winthrop, MALABY of Hancock, WILSON of
Augusta.

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

Sent down for concurrence.

Bill "An Act To Require the State To Enforce Spousal Support Obligations in the Same Manner as Child Support Obligations"

S.P. 155 L.D. 375

Presented by Senator TUTTLE of York.
Cosponsored by Representative RUSSELL of Portland and
Senators: CRAVEN of Androscoggin, VALENTINO of York,
Representatives: LUCHINI of Ellsworth, SCHNECK of Bangor.

Bill "An Act To Amend the Laws Concerning the Adoption of Siblings"

S.P. 156 L.D. 376

Presented by Senator JOHNSON of Lincoln.
Cosponsored by Representative BEAULIEU of Auburn and
Senators: CRAVEN of Androscoggin, LACHOWICZ of Kennebec,
VALENTINO of York, Representative: LIBBY of Lewiston.

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

Sent down for concurrence.

Bill "An Act To Eliminate the Child Support Collecting Fee Charged to a Person Who Has Never Received Assistance under a State Program"

S.P. 154 L.D. 374

Presented by Senator TUTTLE of York.

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

On motion by Senator **VALENTINO** of York, **REFERRED** to the
Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

Bill "An Act Concerning the Scope of Practice of Cardiovascular Technologists"

S.P. 128 L.D. 348

Presented by Senator GRATWICK of Penobscot.
Cosponsored by Representative PRINGLE of Windham and
Senators: CRAVEN of Androscoggin, DUTREMBLE of York,
GERZOFISKY of Cumberland, HILL of York, LACHOWICZ of
Kennebec, LANGLEY of Hancock, Representatives: SANBORN
of Gorham, TIPPING-SPITZ of Orono.

Bill "An Act To Amend the Laws Regulating Suppliers of
Agricultural, Construction, Industrial and Forestry Equipment"
S.P. 144 L.D. 364

Presented by Senator WHITEMORE of Somerset.
Cosponsored by Representative HARVELL of Farmington and
Senators: BURNS of Washington, LANGLEY of Hancock,
MASON of Androscoggin, PLUMMER of Cumberland, THOMAS
of Somerset, YOUNGBLOOD of Penobscot, Representatives:
DUNPHY of Embden, MORRISON of South Portland.

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 Amend the Charter of the Augusta Parking District"
S.P. 137 L.D. 357

Presented by Senator KATZ of Kennebec.
Cosponsored by Representatives: FOWLE of Vassalboro,
POULIOT of Augusta, WILSON of Augusta.

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 Protect Family Farms and Working Waterfront
Subject to Estate Tax and Reduce the Maine Estate Tax
Exclusion"

S.P. 138 L.D. 358

Presented by Senator JOHNSON of Lincoln.
Cosponsored by Representative LIBBY of Lewiston and
Senators: LACHOWICZ of Kennebec, MILLETT of Cumberland,
Representatives: BERRY of Bowdoinham, HICKMAN of
Winthrop.

Bill "An Act To Promote Plug-in Electric Vehicle Sales"
S.P. 141 L.D. 361

Presented by Senator GRATWICK of Penobscot.
Cosponsored by Representative COOPER of Yarmouth and
Senators: BOYLE of Cumberland, CLEVELAND of Androscoggin,
DUTREMBLE of York, GERZOFISKY of Cumberland,
Representatives: CHAPMAN of Brooksville, FREY of Bangor.

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

Sent down for concurrence.

Bill "An Act To Allow Media Motor Vehicles To Be Equipped with
Amber Auxiliary Lights"

S.P. 123 L.D. 327

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative THERIAULT of Madawaska and
Senator: MAZUREK of Knox, Representative: SAUCIER of
Presque Isle.

Bill "An Act To Prohibit Use of Public Funds for a Private
Transportation Study"

S.P. 142 L.D. 362

Presented by Senator VALENTINO of York.
Cosponsored by Representative THERIAULT of Madawaska and
Senators: BOYLE of Cumberland, MAZUREK of Knox,
Representatives: PEOPLES of Westbrook, POWERS of Naples.

Bill "An Act To Improve Safety on Railroad Rights-of-way"
S.P. 143 L.D. 363

Presented by Senator JOHNSON of Lincoln.
Cosponsored by Representative THERIAULT of Madawaska and
Senators: GERZOFISKY of Cumberland, MAZUREK of Knox.

Resolve, Regarding Revenue from the World Acadian Congress
Commemorative Registration Plate (EMERGENCY)
S.P. 151 L.D. 371

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative THERIAULT of Madawaska and
Representatives: AYOTTE of Caswell, McELWEE of Caribou,
McLEAN of Gorham, PEOPLES of Westbrook, POWERS of
Naples, SAUCIER of Presque Isle, TURNER of Burlington,
WILLETTE of Mapleton.
Submitted by the Secretary of State pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act Relating to Radon Testing and Disclosure to Tenants"
S.P. 124 L.D. 328

Presented by Senator WHITTEMORE of Somerset.
Cosponsored by Representative CRAY of Palmyra and Senators:
CUSHING of Penobscot, MASON of Androscoggin, SHERMAN of
Aroostook, THOMAS of Somerset, YOUNGBLOOD of Penobscot,
Representatives: DUNPHY of Embden, LIBBY of Waterboro,
LONG of Sherman.

Bill "An Act To Reduce the Licensing Fee for Certain Tournament
Games"

S.P. 125 L.D. 329

Presented by Senator PATRICK of Oxford.
Cosponsored by Representative RUSSELL of Portland and
Senators: DUTREMBLE of York, GERZOFSKY of Cumberland,
JACKSON of Aroostook, LACHOWICZ of Kennebec, TUTTLE of
York, Representative: MASON of Topsham.

Bill "An Act To Strengthen Maine's Ethics Laws and Improve
Public Access to Information"

S.P. 129 L.D. 349

Presented by Senator CAIN of Penobscot.
Cosponsored by Representative RUSSELL of Portland.

Bill "An Act To Amend the Laws Governing Gambling"
S.P. 130 L.D. 350

Presented by Senator TUTTLE of York.
Cosponsored by Representative BEAULIEU of Auburn.
Submitted by the Department of Public Safety pursuant to Joint
Rule 204.

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

Sent down for concurrence.

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

Off Record Remarks

ORDERS

Joint Order

Expression of Legislative Sentiment recognizing:

Maxwell W. Negley, of Bowdoin, who has attained the high rank
and distinction of Eagle Scout. This is the highest award in Boy
Scouting and is given for excellence in skills development,
leadership, personal growth and community service. For his

Eagle Scout service project, Maxwell replaced the "Welcome To
Bowdoin" sign on the town line between the towns of Topsham
and Bowdoin with an exact replica of the original sign and added
a rock garden to the base of the sign. He also organized several
bottle drives to fund this project. We extend our congratulations
to Maxwell on this achievement;

SLS 70

Sponsored by Senator GOODALL of Sagadahoc.
Cosponsored by Representative: BERRY of Bowdoinham.

READ.

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

Senator **GOODALL:** Thank you Mr. President. Men and women
of the Senate, I rise today to speak briefly to the accomplishments
of a young man who is in our presence today, a young man that
has dedicated many of his years to community service and the
Boy Scouts in his home town of Bowdoin. I think we all have
stories and relationships with individuals in our districts that reflect
the hard work and the dedication that Maxwell Negley has in
Bowdoin. He has attained the highest rank of Eagle Scout. He
has, in his quest to achieve this rank, worked very hard with his
community and raised the funds to replace the "Welcome to
Bowdoin" sign as a gateway project to the town. In addition to
that, he has shown leadership in his Boy Scout troop, along with
personal growth and community service, that comes with this rank
and distinction. On a side note, I know that he, along with his
fellow Boy Scouts, worked very hard on many projects in addition
to this project that he worked on for this rank of Eagle Scout.
They are always at the town meetings and many other community
functions. I just wanted to rise on behalf of the Senate and
congratulate him, Mr. President. Thank you very much.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair would like to recognize in the rear
of the Chamber Maxwell W. Negley of Bowdoin. Could he please
rise to accept the greetings of the Maine State Senate.

REPORTS OF COMMITTEES

Senate

Change of Committee

Senator GRATWICK for the Committee on **INSURANCE AND
FINANCIAL SERVICES** on Bill "An Act To Preserve Lender
Equity in the Foreclosure Process"

S.P. 46 L.D. 125

Reported that the same be **REFERRED** to the Committee on
JUDICIARY.

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

On motion by Senator **GRATWICK** of Penobscot, **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

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 (1/8/13) matter:

JOINT RESOLUTION - Memorializing Henry W. "Hank" Hamblen, Jr.

SLS 30

Tabled - January 8, 2013, by Senator **GOODALL** of Sagadahoc

Pending - motion by Senator **BOYLE** of Cumberland to **ADOPT**

(In Senate, January 8, 2013, on motion by Senator **BOYLE** of Cumberland, **READ**.)

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

Senator **BOYLE:** Thank you Mr. President. I rise today to honor the memory of Hank Hamblen, Jr. of Dingley Springs Road in Gorham who passed away on Sunday, December 2, 2012, at the Gosnell Memorial Hospice surrounded by his family. With us today is Hank's wife, Debby; his sisters, Marcena, Karen, and Ruth; his brothers-in-law, Rick and Ed. His father-in-law, David. Also with us is Gorham Fire Chief Lefebvre and many of Hank's fellow firefighters from Gorham and Westbrook and nieces and Hank's nephew. A lifelong resident of Gorham, Hank attended local schools and graduated from the University of Southern Maine in 1973 with a degree in history and English. He later attended firefighting school in Presque Isle, where he found his true calling. Hank was a volunteer member of the Gorham Fire Department for 39 years and exemplified their values of dignity, respect, honesty, compassion, and kindness. He was a paramedic and volunteered on the Gorham Rescue. One of his proudest moments was responding to a call and helping to deliver a healthy baby girl. For several years after college, he worked as dispatcher for the town of Gorham and in 1987 he went to work for the City of Westbrook Fire Department and spent the last 25 years as a firefighter/paramedic based at the Prides Corner Station in Westbrook. It is a testament to Hank's strong lifelong connection to Gorham and Westbrook that many of his family and fellow firefighters are here today to honor him. Thank you, Mr. President.

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

Senator **HASKELL:** Thank you Mr. President. Mr. President and colleagues in the Senate, I met Hank and whole Hamblen clan, as a matter of fact, when Hank was in high school when we first moved to Gorham and we became friends with his mother and father. I remember him going off to college and I even remember that brief stint he had at teaching. That was not what was in Hank's heart. What was in his heart was the fire department. He loved it from the time he was a kid and all the way until the very last day. When he was talking with my daughter-in-law, actually, on the last few days of his life a lot of it was about the fire department. Those who are sitting here know that. The people of Westbrook and Gorham were so well served when Hank was on the call. He knew his stuff. He was always calm and he could put people at ease. More than once, I'm sure, people heard, "Oh hi, Hank. Glad you are here," with their broken leg or their chest pain or whatever it was. They knew it was Hank and he was there. I know that for sure, very personally, with the calls that he responded to at my house. There was a very true local connection when Hank was on the call. He actually took the pictures at my 25th wedding anniversary at The Roost. Do you remember that one, guys? I think probably some folks do. When people in my family would look at the pictures of our 25th anniversary they would say, "Well, who's this and who's that?" I would say, "That is Hamblen so-and so, and that is Hamblen so-and-so." There were just as many Hamblen's in that picture as there were Larrabee's. I can tell you that is because when there are close neighbors like the Hamblen's and the Larrabee's were that's what it was like, like we were a family. I won't tell all the stories today, but I will talk about Hank. He was a model of humility always. He was never boastful. He was always helpful. He was always calm and he was always so capable. He will be sorely missed by his family, by his colleagues, and by his community. Treasures like this in our state are hard to come by, people who are devoted as they are to public service. I would respectfully request that when the Senate adjourns today they do it in honor and memory of Hank Hamblen. Thank you.

On motion by Senator **BOYLE** of Cumberland, **ADOPTED**.

Sent down for concurrence.

THE PRESIDENT: The Chair recognizes in the rear of the Chamber the Hamblen family and all of his colleagues from the Westbrook Fire Department. May they please rise and accept the greetings of the Maine State Senate.

The Chair laid before the Senate the following Tabled and Later Assigned (1/22/13) matter:

JOINT ORDER - Authorizing the Establishment of the Criminal Code Revision Commission

S.P. 31

Tabled - January 22, 2013, by Senator **GERZOFSKY** of Cumberland

Pending - motion by same Senator to **PASS**

(In Senate, January 22, 2013, on motion by Senator **GERZOFSKY** of Cumberland, **READ**.)

On motion by Senator **GERZOFSKY** of Cumberland, **PASSED**.

Sent down for concurrence.

Off Record Remarks

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

Bill "An Act To Prohibit the Use of Eminent Domain in Certain Public-Private Partnerships"

S.P. 54 L.D. 165

Tabled - January 31, 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 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

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

Pending - **REFERENCE**

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

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (2/7/13) matter:

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

H.P. 205 L.D. 296

Tabled - February 7, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **REFERENCE**, in concurrence

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

(In House, February 7, 2013, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.)

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

All matters thus acted upon were ordered sent down forthwith 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 Increase Public Awareness Regarding School Budget Elections"

H.P. 258 L.D. 383

Bill "An Act To Allow Spouses and Children of Veterans Killed in the Line of Duty To Receive the State Tuition Waiver"

H.P. 259 L.D. 384

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 To Improve Wind Energy Development Permitting"

H.P. 260 L.D. 385

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.

Resolve, To Expand Economic Development in the Town of Orrington by Releasing Certain Riverfront Land from State-imposed Environmental Restrictions

H.P. 236 L.D. 331

Bill "An Act Relating to Clean Water Certification by the Department of Environmental Protection"

H.P. 241 L.D. 336

Come from the House, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

On motion by Senator **BOYLE** of Cumberland, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** 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 Burn Injuries and Wounds Be Reported to the Office of the State Fire Marshal"

H.P. 242 L.D. 337

Resolve, Directing the Department of Health and Human Services To Amend Its Rules Governing the Use of Certain Antipsychotic Drugs by Children Enrolled in MaineCare

H.P. 243 L.D. 338

Bill "An Act To Reduce Tobacco-related Illness and Lower Health Care Costs in MaineCare" (EMERGENCY)

H.P. 261 L.D. 386

Resolve, To Direct the Department of Health and Human Services To Assist Individuals with Intellectual Disabilities with Home Support

H.P. 262 L.D. 387

Bill "An Act To Amend the Controlled Substances Prescription Monitoring Program Participation Requirements"

H.P. 263 L.D. 388

Bill "An Act To Bring Fairness to General Assistance Programs by Changing the Method of Municipal Reimbursement"

H.P. 264 L.D. 389

Bill "An Act To Restore MaineCare Coverage for Ambulatory Surgical Center Services" (EMERGENCY)

H.P. 265 L.D. 390

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Amend the Health Care Practitioner Licensing, Disciplinary and Reporting Laws Regarding Alcohol and Drug Abuse"

H.P. 286 L.D. 411

Bill "An Act To Restructure the Licensing and Regulation of Boilers and Pressure Vessels and Elevators and Tramways"

H.P. 287 L.D. 414

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

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

Bill "An Act To Require Public Hearings by the Legislature To Be Recorded and Posted on the Internet"

H.P. 244 L.D. 339

Resolve, Authorizing the Sale of Certain Property in Augusta to Motivational Services, Inc.

H.P. 245 L.D. 340

Bill "An Act To Amend the Laws Governing the Development and Administration of Municipal Budgets in Unorganized Territories"

H.P. 272 L.D. 397

Bill "An Act To Eliminate the Constituent Services Allowance for Legislators"

H.P. 273 L.D. 398

Bill "An Act To Change the Name of the Department of Audit"

H.P. 274 L.D. 399

Bill "An Act To Expand Eligible Project Costs in Development Districts"

H.P. 289 L.D. 413

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.

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 a Tax Credit to Employers That Hire Certain Veterans"

H.P. 246 L.D. 341

Bill "An Act To Require the Collection of Sales Tax by any Business Making Sales to Persons in Maine"

H.P. 251 L.D. 346

Bill "An Act To Amend the Maine Tree Growth Tax Law"

H.P. 275 L.D. 400

Bill "An Act To Provide Local Sales Tax Increment Disbursements"

H.P. 276 L.D. 401

Bill "An Act To Exempt Members of the Houlton Band of Maliseet Indians from Property Tax"

H.P. 277 L.D. 402

Bill "An Act To Expand Employment Tax Increment Financing To Support Job Creation"

H.P. 288 L.D. 412

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

Resolve, To Direct the Department of Transportation To Provide Signs on Interstate 95, on Interstate 395 and in the City of Brewer for the Underground Railroad Memorial at Chamberlain Freedom Park

H.P. 237 L.D. 332

Bill "An Act To Waive Driver's License and Nondriver Identification Card Fees for Current and Recently Discharged Members of the Armed Forces"

H.P. 247 L.D. 342

Resolve, To Establish a Task Force on the Establishment of So-called Complete Streets Design Guidelines

H.P. 278 L.D. 403

Bill "An Act To Exempt Snowmobile Clubs from Certain Department of Transportation Sign Requirements"

H.P. 279 L.D. 404

Bill "An Act To Increase Municipal Agent Fees for Licensing and Registration of Motor Vehicles"

H.P. 280 L.D. 405

Bill "An Act To Require Antique Automobiles That Are Operated on the Highways To Be Inspected"

H.P. 281 L.D. 406

Resolve, Directing the Maine Turnpike Authority To Place Signs Directing Motorists to Oxford Casino

H.P. 282 L.D. 407

Come 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 Repeal the Provision of Law That Requires the Trade Name or Brand of Malt Liquor To Be Displayed in Full Sight of a Customer on a Faucet, Spigot or Dispensing Apparatus"

H.P. 238 L.D. 333

Resolve, Regarding the Transfer of Responsibility for Veterans' Cemetery Maintenance

H.P. 248 L.D. 343

Bill "An Act To Amend the Licensing Requirements for Beano Halls Leased by Veterans' Organizations"

H.P. 249 L.D. 344

Bill "An Act To Require a Copy of Communications To Be Filed with Independent Expenditure Reports"

H.P. 283 L.D. 408

Bill "An Act To Revise the Maine Clean Election Act Regarding Participation in Political Action Committees"

H.P. 285 L.D. 410

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Provide Funding to Soil and Water Conservation Districts"

H.P. 252 L.D. 377

Comes 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 Authorize a General Fund Bond Issue To Complete Renovation of a Pier at the Gulf of Maine Research Institute"

H.P. 253 L.D. 378

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 **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 Review Firearm Laws in the State"

H.P. 240 L.D. 335

Bill "An Act To Require Institutions To Report Knowledge or Suspicion of Criminal Violations to a Law Enforcement Agency"

H.P. 254 L.D. 379

Bill "An Act To Clarify the Law Concerning the Threatening Display of Dangerous Weapons"

H.P. 255 L.D. 380

Bill "An Act To Allow a Court To Order a Person Who Violates a Municipal Ordinance To Perform Community Service Work"
H.P. 256 L.D. 381

Bill "An Act Regarding the Period of Time for Which an Incarcerated Person Is Eligible To Earn Good Time"
H.P. 257 L.D. 382

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.

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

Senator **CAIN** of Penobscot was granted unanimous consent to address the Senate off the Record.

Senator **HAMPER** of Oxford 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 **LANGLEY** of Hancock was granted unanimous consent to address the Senate off the Record.

Senator **THIBODEAU** of Waldo was granted unanimous consent to address the Senate off the Record.

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

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

Senator **JOHNSON** of Lincoln 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.

Off Record Remarks

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

On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED**, until Thursday, February 14, 2013, at 10:00 in the morning, in memory of and lasting tribute to Henry "Hank" Hamblen, Jr. of Gorham.