

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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 26, 2013

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

Prayer by Father Joseph Daniels, Corpus Christi Parish in Waterville.

FATHER DANIELS: Shall we pray. We stand before you, O God, conscience of our sinfulness but aware that we gather in Your name. Come to us, remain with us, and enlighten our hearts. Give us light and strength to know Your will, to make it our own, and to live it in our lives. Guide us by Your wisdom. Support us by Your power, for You are God. You desire justice for all. Enable us to uphold the rights of others. Do not allow us to be misled by ignorance or corrupted by fear or favor. Unite us to yourself in the bonds of love and keep us faithful to all that is true. As we gather in Your name may we temper justice with love so that all our decisions may be pleasing to You and earn the reward promised to good and faithful servants. May the work which You have begun in us be brought to fulfillment. Amen.

Pledge of Allegiance led by Senator Anne M. Haskell of Cumberland County.

Reading of the Journal of Thursday, February 21, 2013.

Doctor of the day, Christopher Scott Kleeman, MD of Cape Elizabeth.

Off Record Remarks

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Allow a Minor in the Police Explorer Program To Assist with Traffic Control at Civic Events"

H.P. 424 L.D. 605

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

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

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

Joint Resolution

The following Joint Resolution:

H.P. 395

JOINT RESOLUTION ACKNOWLEDGING THE TREATY OF WATERTOWN OF 1776 ON THE OCCASION OF PRESIDENT GEORGE WASHINGTON'S BIRTHDAY

WHEREAS, on the occasion of President George Washington's birthday, February 22nd, the Treaty of Watertown is recognized as having originated at the request of General George Washington, and it is also recognized as our Nation's first foreign treaty concluded by the United State of America after the adoption of the Declaration of Independence; and

WHEREAS, the Treaty of Watertown was the first recognition of United States sovereignty by foreign Nations, as well as one of the earliest expressions of equality and brotherhood among all people; and

WHEREAS, this "Treaty of Alliance and Friendship" was signed on July 19, 1776, in the Town of Watertown in the State of Massachusetts Bay, just 15 days after the signing of the Declaration of Independence; and

WHEREAS, the treaty established a military alliance between the United States and the St. John's Tribes, the Maliseets and the Passamaquoddy Tribe, and Mi'kmaq First Nations in Nova Scotia, 2 of the peoples of the Wabanaki Confederacy, during the Revolutionary War against Great Britain; and

WHEREAS, the treaty was signed by the "Governors," or Council, of the State of Massachusetts Bay, "in behalf of said State, and the other United States of America," just one day after the Declaration of Independence was proclaimed from the balcony of the Old State House in nearby Boston; and

WHEREAS, after the Declaration had been translated, the Maliseet and Mi'kmaq delegates said, "We like it well. We now see that America is right and Old England is wrong, and we will join with you in this fight." Whereupon, according to contemporary accounts, the Chiefs who were present jumped up from where they were sitting during that meeting and manifested a desire to immediately go to war against Great Britain; and

WHEREAS, the preamble of the Treaty of Watertown quotes from the conclusion of the Declaration, asserting for the 13 colonies "that as Free and Independent States they have full power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts & Things which Independent States may of Right do"; and

WHEREAS, under the terms of the treaty, the Mi'kmaq and St. John's Tribes, the Maliseets and Passamaquoddy Tribe, committed to "supply and furnish 600 strong men or as many as may be" for service in the Continental Army, restitution would be paid for any injuries to each other and disputes would be settled peacefully. The tribes also protected the Maine border and launched attacks against British installations; and

WHEREAS, Captain James Bowdoin, for whom Bowdoin College is named, pronounced the new allies as brothers, and proclaimed, "the United States now form a long and strong chain, and it is made longer and stronger by our brethren of the Maliseet and Mi'kmaq Tribes joining with us, and may the Almighty God never suffer the chain to be broken"; and

WHEREAS, after the Revolution, the Constitution of the United States gave Congress the exclusive authority to implement pre-1789 treaties made under the authority of the United States; thus the 1776 Treaty of Watertown transferred to the Federal Government; and

WHEREAS, in 1976 Governor Michael Dukakis of Massachusetts declared in an Executive Order that the Commonwealth has never ceased to recognize the treaty, in 1981 the Massachusetts State Legislature affirmed the special status of the Mi'kmaq and, since 1995, the Town of Watertown, Massachusetts has held an annual Treaty Day celebration; 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, and on behalf of the State of Maine, which was formerly a part of the State of Massachusetts Bay, take this opportunity to recognize the significance and importance of the Treaty of Watertown of 1776, which is still honored today, for declaring "the United States and the Tribes of Indians shall henceforth be at peace with each other and be considered as friends and brothers united for their mutual defense, safety and happiness"; and be it further

RESOLVED: That official copies of this resolution, duly authenticated by the Secretary of State, be delivered to the appropriate representatives of the Houlton Band of Maliseet Indians, Aroostook Band of Micmacs, Passamaquoddy Tribe at Sipayik, Passamaquoddy Tribe at Motahkmikuk and Penobscot Indian Nation.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 81

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

February 21, 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 20-A, Chapter 413, §11053 of the Maine Revised Statutes, I have appointed Representative Mary Nelson of Falmouth to the New England Board of Higher Education.

Should 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. 82

**MAINE STATE LEGISLATURE
OFFICE OF PROGRAM EVALUATION AND
GOVERNMENT ACCOUNTABILITY**

February 22, 2013

The Honorable Emily Cain, Senate Chair
The Honorable Chuck Kruger, House Chair
And Members of the Government Oversight Committee
82 State House Station
Augusta, Maine 04333

The Honorable Justin Alford, President of the Senate
and Members of the 126th Maine Senate
3 State House Station Augusta, Maine 04333
The Honorable Mark Eves, Speaker of the House
and Members of the 126th Maine House of Representatives
2 State House Station
Augusta, Maine 04333

Dear Government Oversight Committee Members, Senators and Representatives:

In accordance with 3 MRSA §995.4, I respectfully submit OPEGA's Annual Report on Activities and Performance for 2012. OPEGA's service to the Legislature as a non-partisan resource is meant to provide support in overseeing and improving the

performance of State government. I hope that you and Maine's citizens continue to view our efforts and results as a worthwhile use of taxpayer dollars as we continue working to increase our value to you.

Sincerely,

S/Beth L. Ashcroft
Director

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

SENATE PAPERS

Bill "An Act To Provide Assistance to Maine's Dairy Farms"
S.P. 256 L.D. 707

Presented by Senator CUSHING of Penobscot.
Cosponsored by Representative GIFFORD of Lincoln and Senators: MASON of Androscoggin, THIBODEAU of Waldo, THOMAS of Somerset, WHITTEMORE of Somerset, Representatives: CRAY of Palmyra, DILL of Old Town, HARVELL of Farmington, McCABE of Skowhegan.

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 Return Local Revenue Sharing to Full Funding" (EMERGENCY)

S.P. 262 L.D. 713

Presented by Senator KATZ of Kennebec.
Cosponsored by Representative BLACK of Wilton and Senators: LANGLEY of Hancock, SAVIELLO of Franklin, Representatives: CROCKETT of Bethel, DILL of Old Town, Speaker EVES of North Berwick, KRUGER of Thomaston, MAKER of Calais.

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

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

Bill "An Act To Establish the Mobile Crime Laboratory Fund"
S.P. 238 L.D. 647

Presented by Senator GERZOFISKY of Cumberland.
Cosponsored by Representative PRIEST of Brunswick and Senators: CRAVEN of Androscoggin, HASKELL of Cumberland, JOHNSON of Lincoln, Representatives: BROOKS of Winterport, COTTA of China, DAVIS of Sangerville, FREDETTE of Newport, HARLOW of Portland.

Bill "An Act To Amend the Laws Governing Probation and Remove References to the Intensive Supervision Program of the Department of Corrections"

S.P. 250 L.D. 701

Presented by Senator GERZOFISKY of Cumberland.
Cosponsored by Representative LONG of Sherman and Senator: DUTREMBLE of York, Representatives: DION of Portland, KAENRATH of South Portland, MARKS of Pittston, PEASE of Morrill, WILSON of Augusta.
Submitted by the Department of Corrections pursuant to Joint Rule 204.

Bill "An Act To Make Post-conviction Possession of Animals a Criminal Offense"

S.P. 252 L.D. 703

Presented by Senator MAZUREK of Knox.
Cosponsored by Senators: BURNS of Washington, COLLINS of York, GERZOFISKY of Cumberland, HILL of York, JACKSON of Aroostook, LACHOWICZ of Kennebec, PATRICK of Oxford, TUTTLE of York.

Bill "An Act To Reduce Emergency Rescue Costs"

S.P. 257 L.D. 708

Presented by Senator DUTREMBLE of York.
Cosponsored by Senators: LACHOWICZ of Kennebec, PATRICK of Oxford, Representative: CHENETTE of Saco.

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

Sent down for concurrence.

Bill "An Act To Allow Public Schools To Offer Classes Limited to Students of a Single Gender"

S.P. 248 L.D. 699

Presented by Senator TUTTLE of York.
Cosponsored by Representative BOLAND of Sanford.

Bill "An Act To Require Students To Receive Instruction in Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator prior to Graduation"

S.P. 258 L.D. 709

Presented by Senator DUTREMBLE of York.
Cosponsored by Senators: BOYLE of Cumberland, LACHOWICZ of Kennebec, PATRICK of Oxford, TUTTLE of York, Representative: CHENETTE of Saco.

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 Remove the 100-megawatt Limit on Renewable Sources of Energy"

S.P. 237 L.D. 646

Presented by Senator YOUNGBLOOD of Penobscot.
Cosponsored by Representative DUNPHY of Embden and
Senator: THIBODEAU of Waldo, Representatives: CAMPBELL of
Orrington, NEWENDYKE of Litchfield.
Submitted by the Governor's Energy Office pursuant to Joint Rule
204.

Bill "An Act To Increase Maine's Energy Competitiveness"

S.P. 246 L.D. 697

Presented by Senator KATZ of Kennebec.
Cosponsored by Representative KRUGER of Thomaston and
Senators: CAIN of Penobscot, GERZOFISKY of Cumberland,
GOODALL of Sagadahoc, SAVIELLO of Franklin, THIBODEAU of
Waldo, YOUNGBLOOD of Penobscot, Representatives: DION of
Portland, GRAHAM of North Yarmouth.

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 Clarify Solid Waste Policy" (EMERGENCY)

S.P. 243 L.D. 694

Presented by Senator CAIN of Penobscot.
Cosponsored by Representative DILL of Old Town and Senators:
BOYLE of Cumberland, GRATWICK of Penobscot,
YOUNGBLOOD of Penobscot, Representatives: PEAVEY
HASKELL of Milford, TIPPING-SPITZ of Orono.

Bill "An Act To Amend the Site Location of Development Laws"

S.P. 244 L.D. 695

Presented by Senator BOYLE of Cumberland.
Cosponsored by Representative BLACK of Wilton and Senators:
DUTREMBLE of York, TUTTLE of York, Representatives:
AYOTTE of Caswell, CAMPBELL of Newfield, McLEAN of
Gorham, REED of Carmel.

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

Sent down for concurrence.

Resolve, To Require the Department of Health and Human
Services To Seek a Federal Waiver of Certain Requirements
Regarding Contracting for Transportation Services under
MaineCare

S.P. 241 L.D. 650

Presented by Senator TUTTLE of York.

Cosponsored by Representative CHASE of Wells and Senators:
COLLINS of York, DUTREMBLE of York, VALENTINO of York,
Representatives: BEAUDOIN of Biddeford, BOLAND of Sanford,
MASTRACCIO of Sanford, NOON of Sanford.
Resolve, Requiring the Department of Health and Human
Services To Adopt an Alternative MaineCare Nonemergency
Transportation System to the Current Risk-based Prepaid
Ambulatory Health Plan (EMERGENCY)

S.P. 259 L.D. 710

Presented by Senator COLLINS of York.

Cosponsored by Representative CHASE of Wells and Senators:
CRAVEN of Androscoggin, DUTREMBLE of York, LACHOWICZ
of Kennebec, TUTTLE of York, Representatives: BEAVERS of
South Berwick, PARRY of Arundel.

Bill "An Act To Facilitate Patient Education"

S.P. 260 L.D. 711

Presented by Senator LACHOWICZ of Kennebec.
Cosponsored by Representative GATTINE of Westbrook and
Senators: CUSHING of Penobscot, HAMPER of Oxford,
Representatives: BECK of Waterville, CHIPMAN of Portland.

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 Amend the Junior Hunting License Requirements"

S.P. 254 L.D. 705

Presented by Senator MAZUREK of Knox.
Cosponsored by Senators: BURNS of Washington, COLLINS of
York, GERZOFISKY of Cumberland, HILL of York, LACHOWICZ
of Kennebec, PATRICK of Oxford, THIBODEAU of Waldo,
TUTTLE of York.

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 Allow the Adjustment of the Assessment Rate for
the Rural Medical Access Program"

S.P. 236 L.D. 645

Presented by Senator WHITTEMORE of Somerset.
Cosponsored by Representative FITZPATRICK of Houlton and
Representative: MONAGHAN-DERRIG of Cape Elizabeth.
Submitted by the Department of Professional and Financial
Regulation pursuant to Joint Rule 204.

LEGISLATIVE RECORD - SENATE, TUESDAY, FEBRUARY 26, 2013

Bill "An Act To Make Records of External Review Proceedings Overseen by the Bureau of Insurance Confidential"
S.P. 239 L.D. 648

Presented by Senator GRATWICK of Penobscot.
Cosponsored by Representative TREAT of Hallowell.
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Bill "An Act To Amend the Captive Insurance Laws"
S.P. 242 L.D. 651

Presented by Senator CUSHING of Penobscot.
Cosponsored by Representative McCLELLAN of Raymond and Senators: THIBODEAU of Waldo, WHITTEMORE of Somerset, Representatives: BLACK of Wilton, JOHNSON of Greenville, MALABY of Hancock, POULIOT of Augusta, TYLER of Windham, VOLK of Scarborough.

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

Sent down for concurrence.

Bill "An Act To Amend the Workers' Compensation Self-insurance Laws"

S.P. 255 L.D. 706

Presented by Senator TUTTLE of York.

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

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

Bill "An Act To Include Raising Equines in the Definition of Agriculture for the Purpose of the Maine Workers' Compensation Act of 1992"

S.P. 245 L.D. 696

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Representative HICKMAN of Winthrop and Representatives: BLACK of Wilton, DILL of Old Town, TIMBERLAKE of Turner.

Bill "An Act To Require Elevators To Be Accessible for Ambulance Stretchers"

S.P. 249 L.D. 700

Presented by Senator TUTTLE of York.

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 Provide an Exemption from Fuel and Sales Taxes to Persons Engaged in Snowmobile Trail Grooming"
(EMERGENCY)

S.P. 247 L.D. 698

Presented by Senator THOMAS of Somerset.
Cosponsored by Representative CROCKETT of Bethel and Senators: COLLINS of York, MAZUREK of Knox, Representatives: AYOTTE of Caswell, DAVIS of Sangerville, JOHNSON of Greenville, WILLETTE of Mapleton.

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

Sent down for concurrence.

Resolve, Directing the Department of Transportation To Place Signs on Interstate 295 Directing Motorists to the Town of Harpswell

S.P. 261 L.D. 712

Presented by Senator GERZOFSKY of Cumberland.
Cosponsored by Senators: CLEVELAND of Androscoggin, COLLINS of York, CRAVEN of Androscoggin, HILL of York, KATZ of Kennebec, MAZUREK of Knox.

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

Sent down for concurrence.

Bill "An Act To Facilitate Consumer Taste Testings"
S.P. 240 L.D. 649

Presented by Senator TUTTLE of York.
Cosponsored by Representative LUCHINI of Ellsworth and Representative: MASON of Topsham.

Bill "An Act To Strengthen the Law Prohibiting Black Market Wagering on Harness Horse Races"

S.P. 251 L.D. 702

Presented by Senator TUTTLE of York.

Bill "An Act To Improve the Availability of Coupons in the State"

S.P. 253 L.D. 704

Presented by Senator TUTTLE of York.

On motion by Senator **TUTTLE** of York, **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 Orders

Expression of Legislative Sentiment recognizing:

Hancock County Technical Center, in Ellsworth, and the center's media communications program students for their outstanding contributions in honoring our nation's veterans. Under the direction of Benjamin Speed, 6 students from the program collected video and audio recordings and photographs for Wreaths Across America as they embarked on a one-week trip to Arlington National Cemetery in December 2012 to lay wreaths on headstones. The students joined veterans, Gold Star families, volunteers and organizers in delivering the wreaths, stopping at numerous schools, monuments and veterans facilities along the way. Each day, students posted interviews, stories of the day and helmet-camera video clips online. Once they returned to Maine, the students created a library of media for use by Wreaths Across America, which will help the nonprofit organization to meet its mission of serving veterans and veterans' families. We extend our congratulations and our appreciation to all participants in this venture;

SLS 78

Sponsored by Senator LANGLEY of Hancock.
Cosponsored by Senators: BURNS of Washington, YOUNGBLOOD of Penobscot, Representatives: CAMPBELL of Orrington, CHAPMAN of Brooksville, DOAK of Columbia Falls, HUBBELL of Bar Harbor, KUMIEGA of Deer Isle, LOCKMAN of Amherst, LUCHINI of Ellsworth, MALABY of Hancock.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Langley.

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, I rise today to recognize the students and instructor of the Hancock County Technical Center's Media Communications class for outstanding work chronicling this year's Wreaths Across America convoy. Ben Speed and his students spent a week aboard the convoy that started in the town of Harrington in Washington County and ended at Arlington National Cemetery. The wreath laying is held annually on the second or third Saturday of December. The annual pilgrimage from Harrington, Maine to Arlington National Cemetery has become known as the world's largest veteran's parade; stopping at schools, monuments, veteran's homes, and communities all along the way to remind people how important it is to remember, honor, and teach. Mr. Speed and his students have joined with Wreaths

Across America to help teach younger generations about the value of their freedoms and the importance of honoring those who sacrificed so much to protect those freedoms. Their week-long journey was filled with more experiences and real world learning than could ever be delivered in a classroom. These students will never forget their experience and because of their work we now have a digital record. Please join them in the Welcome Center at noon to see their work, and meet the students and Wreaths Across America.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Burns.

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I would be remiss if I didn't too stand to recognize these young folks that have come down here today to visit with us. I'd just like to remind you that Wreaths Across America, for those of you who don't know, started in 1992 by Merrill Worcester up in Washington County. They deliver 100,000 wreaths or so to Arlington every year and about 450,000 across the country in honor of our fallen heroes. I'm very pleased that this group has cataloged this in video and I'm anxious to see that presentation this afternoon down in the Visitor's Center. I hope you will join me there. Again, my congratulations and thank you to these young people and Mr. Speed for making this possible. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber students Simon French, Byron Farley, and Nick Donovan and their instructor, Benjamin Speed. They all are from Hancock County Technical Center. Additionally, from Wreaths Across America, John and Bunny O'Leary. Would they please rise and accept the greetings of the Maine State Senate.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Make Changes to the Educators for Maine Program"

H.P. 94 L.D. 112

Reported that the same **Ought to Pass.**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Make Changes to the Maine College Savings Program"

H.P. 95 L.D. 113

Reported that the same **Ought to Pass**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Correct an Inconsistency in Maine's Apprenticeship Laws"

H.P. 85 L.D. 103

Reported that the same **Ought to Pass**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass

Senator CRAVEN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Fully Fund the Homemaker Services Program"

S.P. 12 L.D. 20

Reported that the same **Ought to Pass**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator GOODALL for the Joint Select Committee on **JOINT RULES** on Joint Order, "To Amend the Joint Rules To Require Review of a Proposal To Create a New Crime or Enhance an Existing Criminal Penalty"

S.P. 29

Reported that the same **Ought to Pass**.

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

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

Ordered sent down forthwith for concurrence.

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

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

Resolve, Regarding Legislative Review of Portions of Chapter 252: Rules Governing Certification of Seed Potatoes in the State of Maine, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry (EMERGENCY)

H.P. 4 L.D. 2

Bill "An Act To Authorize the Commissioner of Inland Fisheries and Wildlife To Change a Fishing Season Opening Date Statewide"

H.P. 24 L.D. 26

READ A SECOND TIME and **PASSED TO BE ENGROSSED**, in concurrence.

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 (2/21/13) matter:

Bill "An Act To Establish a Veteran-to-farmer Training Pilot Program"

H.P. 284 L.D. 409

Tabled - February 21, 2013, by Senator **TUTTLE** of York

Pending - **REFERENCE**

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

(In House, February 19, 2013, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.)

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

The Chair laid before the Senate the following Tabled and Later Assigned (2/21/13) matter:

Bill "An Act To Clarify the Role of Career and Technical Education Region Adult Education Programs"

H.P. 396 L.D. 577

Tabled - February 21, 2013, by Senator **MILLETT** of Cumberland

Pending - **REFERENCE**

(In House, February 21, 2013, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.)

On motion by Senator **MILLETT** of Cumberland, **REFERRED** to the Joint Select Committee on **MAINE'S WORKFORCE AND ECONOMIC FUTURE**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (2/21/13) matter:

Bill "An Act To Award Academic Credit to Service Members for Military Education, Experience and Training"

H.P. 397 L.D. 578

Tabled - February 21, 2013, by Senator **MILLETT** of Cumberland

Pending - **REFERENCE**

(In House, February 21, 2013, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.)

On motion by Senator **MILLETT** of Cumberland, **REFERRED** to the Joint Select Committee on **MAINE'S WORKFORCE AND ECONOMIC FUTURE**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (2/21/13) matter:

Bill "An Act To Promote the Attainment of Higher Education Degrees"

H.P. 442 L.D. 623

Tabled - February 21, 2013, by Senator **MILLETT** of Cumberland

Pending - **REFERENCE**

(In House, February 21, 2013, **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.

The Chair laid before the Senate the following Tabled and Later Assigned (2/21/13) matter:

Bill "An Act To Require That Certain Changes in Conservation Law Not Be Made by Rule"

H.P. 420 L.D. 601

Tabled - February 21, 2013, by Senator **DUTREMBLE** of York

Pending - **REFERENCE**

(In House, February 21, 2013, **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.

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, Directing the Department of Agriculture, Conservation and Forestry To Review, Clarify and Update Its Rules Pertaining to the Maple Syrup Industry

H.P. 449 L.D. 657

Bill "An Act To Change the Grade Standards of the Maine Maple Syrup Industry"

H.P. 450 L.D. 658

Bill "An Act To Clarify the Laws Governing the Rule-making Authority of the Maine Forest Service"

H.P. 486 L.D. 714

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 Enhance Self-defense by Removing Restrictions on the Carrying and Use of Weapons"

H.P. 452 L.D. 660

Bill "An Act To Prohibit Sale or Possession of Synthetic Cannabinoids"

H.P. 453 L.D. 661

Bill "An Act Regarding Sexually Explicit Text Messaging by Minors"

H.P. 454 L.D. 662

Bill "An Act To Change the Time Restriction on the Use of Fireworks"

H.P. 455 L.D. 663

Bill "An Act To Increase the Penalties for Crimes Involving Illegal or Prescription Drugs"

H.P. 456 L.D. 664

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

Bill "An Act To Facilitate the Transition to a Standards-based Educational System"

H.P. 457 L.D. 665

Bill "An Act To Limit the Amount a School Administrative Unit May Spend without Voter Approval"

H.P. 458 L.D. 666

Bill "An Act To Increase Funding to Schools" (EMERGENCY)

H.P. 459 L.D. 667

Bill "An Act To Make Agriculture Studies a Part of the Maine Curriculum"

H.P. 460 L.D. 668

Bill "An Act Requiring School Administrative Units To Adopt School Volunteer Policies"

H.P. 461 L.D. 669

Bill "An Act To Protect Charter Schools by Requiring Them To Be Operated as Nonprofit Organizations"

H.P. 463 L.D. 671

Bill "An Act Relating to Exemption from Immunization for Schoolchildren"

H.P. 464 L.D. 672

Bill "An Act To Ensure the Least Restrictive Learning Environment in Public Schools for Students with Food Allergies"

H.P. 465 L.D. 673

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 Encourage the Use of Career Interest and Aptitude Tests in Higher Education"

H.P. 462 L.D. 670

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

On motion by Senator **MILLETT** of Cumberland, **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 Amend the Charter of the Veazie Sewer District To Expand Its Boundaries" (EMERGENCY)
H.P. 467 L.D. 675

Resolve, To Direct the Public Utilities Commission To Review Telecommunications Services in Northern Oxford County
H.P. 468 L.D. 676

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

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

Bill "An Act To Clarify the Natural Resources Protection Act" (EMERGENCY)

H.P. 466 L.D. 674

Comes 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.

Bill "An Act To Allow Random Drug Testing for Recipients of Certain Public Benefits"

H.P. 470 L.D. 678

Bill "An Act Regarding Prescription Medications for Children under the MaineCare Program"

H.P. 488 L.D. 716

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

Resolve, Regarding the Management of Maine's Brook Trout and Landlocked Salmon Resources

H.P. 471 L.D. 679

Bill "An Act To Provide Free Fishing Licenses to Certain Children in the Custody of the Department of Health and Human Services"
H.P. 489 L.D. 717

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

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

Bill "An Act To Remove an Unnecessary Provision in the Maine Insurance Code"

H.P. 445 L.D. 653

Bill "An Act To Improve Oversight of Insurance Rates and Ensure Consistency with Federal Law" (EMERGENCY)
H.P. 473 L.D. 681

Bill "An Act To Require Health Insurers To Provide Coverage for Nutritional Wellness and Illness Prevention Measures and Products"

H.P. 474 L.D. 682

Bill "An Act To Assist Homeowners with Wood Stoves in Obtaining Property Insurance"

H.P. 475 L.D. 683

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.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, To Increase Funding for Indigent Legal Aid Provided to Wabanaki Tribal Members

H.P. 478 L.D. 686

Bill "An Act To Amend the Law Concerning Protection from Abuse Orders To Include Pets"

H.P. 479 L.D. 687

Bill "An Act Concerning Adverse Possession"

H.P. 480 L.D. 688

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

Resolve, Requiring the Department of Economic and Community Development To Develop Incentives for Industries in the State To Increase Employment of Maine Residents

H.P. 448 L.D. 656

Bill "An Act To Clarify Compensation for the Panel of Mediators"

H.P. 481 L.D. 689

Bill "An Act To Ensure Efficiency in the Unemployment Insurance System"

H.P. 482 L.D. 690

Bill "An Act To Prohibit Enforcement of Federal Laws Regulating Commerce in Violation of the Constitution of the United States"

H.P. 483 L.D. 691

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 Protect Maine Food Consumers' Right To Know about Genetically Engineered Food and Seed Stock"

H.P. 490 L.D. 718

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Provide Funding for Education by Restoring the 8.5 Percent Income Tax Rate for High-income Taxpayers"

H.P. 484 L.D. 692

Bill "An Act To Provide Solar Energy Tax Credits to Maine Homeowners"

H.P. 485 L.D. 693

Bill "An Act To Ensure Access to Information in the Property Tax Abatement and Appeals Process"

H.P. 491 L.D. 719

Bill "An Act To Eliminate Sales Tax Exemptions for Snowmobiles and All-terrain Vehicles Purchased by Nonresidents for Use in the State"

H.P. 492 L.D. 720

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.

Bill "An Act To Raise the Speed Limit on Interstate 295"

H.P. 446 L.D. 654

Bill "An Act To Amend or Repeal Outdated or Underutilized Laws Related to Transportation"

H.P. 447 L.D. 655

Bill "An Act To Provide Transparency in Public-private Partnerships for Transportation Projects"

H.P. 493 L.D. 721

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.

Bill "An Act Concerning Postsecondary Tuition Waivers for Children of Veterans"

H.P. 469 L.D. 677

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

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

Senator **CRAVEN** of Androscoggin 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 **TUTTLE** 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 **PATRICK** of Oxford 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 **KATZ** of Kennebec 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.

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

On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED** to Thursday, February 28, 2013, at 10:00 in the morning.