

# 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  
March 12, 2013

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

Prayer by Pastor Gregory Vinson, Elim Community Church in Bath.

**PASTOR VINSON:** Good morning. I am honored and delighted to be here this morning. I was looking at the pictures of the Presidents on the back wall and realized that there were at least eight that I have known through the years of being able to come. I greet you for my congregation and the faith groups in Bath. Let us pray.

Dear gracious Father, Lord of all who reigns on high and rules the heavens and the earth, let Your presence be sensed and felt here this day as we give thanks for Your blessings that You bestow upon us every day. We give thanks for Your wisdom, Your grace, and Your mercy which is shown to us. We rejoice that You, the creator of the heavens and earth, hold our world, our nation, our state, our communities, our families, and our lives in Your all-sufficient hands and in You there is peace. We pray this day that You bless this Senate and those within it. Bless our giving and receiving of care. Bless our words and conversations, that they may be honorable. Bless our hands and work. Bless our sowing and our growing as we make decisions that affect our great state. Bless our comings and our goings as we travel for many miles. Bless all who enter and depart and may they sense Your presence and Your peace. Bless this house. Your peace imparts to all and may Your unity lead this Senate as they are faithful to discharge their duties to the citizens of this state. May You give strength, understanding, wisdom, and grace to this Body who represent our citizens, that they work together for the greater good of our state. I pray Your blessings be upon them. I pray grace be found within them. I pray Your peace surround them. May Your love be found in all that they do. The Lord bless you and keep you. The Lord make his face shine on you and be gracious to you. The Lord turn his face towards you and give you peace. I ask all these things in Your Son's precious name. Amen and Amen.

Pledge of Allegiance led by Senator Brian D. Langley of Hancock County.

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

Doctor of the day, Dr. William Atlee, MD of Augusta.

Out of order and under suspension of the Rules, on motion by Senator **GOODALL** of Sagadahoc, the following Senate Order:  
S.O. 15

Ordered, that a message be sent to the House of Representatives proposing a Convention of the two branches of the Legislature be held at 11:00 this morning in the Hall of the House for the purpose of extending to the Adjutant General of the Maine National Guard, an invitation to make such communication as pleases him.

**READ and PASSED.**

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Examine Fees Charged by Municipalities Concerning Outdoor-related Activities"  
H.P. 608 L.D. 857

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

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

Bill "An Act To Clarify When a Manufactured Home Becomes Residential Real Property"  
H.P. 605 L.D. 854

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

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

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

Bill "An Act To Provide Protection to a Condominium Association When a Condominium Is Foreclosed On"

H.P. 558 L.D. 807

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

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

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

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**Pursuant to Statute  
Department of Environmental Protection**

The **Department of Environmental Protection**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 2: Rules Concerning the Processing of Applications and Other Administrative Matters, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

H.P. 612 L.D. 861

Be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** 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**.

On motion by Senator **JACKSON** of Aroostook, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT**, in concurrence.

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**COMMUNICATIONS**

The Following Communication: S.P. 348

RESOLUTION 13-01

***Urging the Maine State Legislature to Craft a Biennial State Budget That Prevents a Significant Increase in Property Taxes***

BE IT RESOLVED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that,

WHEREAS, the Governor's unprecedented biennial budget proposal places municipalities in an untenable and uncertain fiscal position during their budget planning; and,

WHEREAS, the proposed biennial budget includes the suspension of municipal revenue sharing that would result in over \$2.6 million in lost revenue to the Town of Scarborough; and,

WHEREAS, the proposed budget cut the state's reimbursement for General Assistance by an estimated \$6.7 million; would eliminate the \$10,000 Homestead Exemption for those under 65 years of age; eliminate the "circuit breaker" property tax and rent relief for anyone under 65 as well as take \$8 million in truck excise tax revenue from municipalities; would create a corporate tax exemption for large amounts of currently taxable property resulting in significant losses in local tax revenue; and,

WHEREAS, these proposed changes in state policy would shift a significant financial burden onto the municipalities tax revenue, which would result in an estimated \$225.00 or 5.37%, increase in property taxes for the average Scarborough household; and,

WHEREAS, any cuts would have a far-reaching and detrimental impact on essential municipal services

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Town Council of the Town of Scarborough, in Town Council assembled, hereby urges the Maine State Legislature to craft a biennial budget compromise that considers the already high property tax burden, seek balance, progressivity and a comprehensive approach with respect to tax policy, and identifies alternative cost savings and tax reforms that would prevent a significant increase in property taxes and protect essential municipal services from detrimental cuts.

NOW, THEREFORE, BE IT FURTHER RESOLVED, THAT, should some, or all of the proposed tax shift take place, the Maine State Legislature should authorize legislation to enable municipalities to consider the adoption of a local option sales tax in an effort to move away from total reliance on the regressive property tax and consider a more progressive tax structure.

Signed and sealed this the 6th day of March, 2013, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine.

S/Ronald D. Ahlquist  
Town Council Chair

S/Yolande P. Justice  
Town Clerk

**READ** and with accompanying papers **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Sent down for concurrence.

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The Following Communication: H.P. 626

**CITY OF SANFORD, MAINE  
OFFICE OF THE CITY MANAGER  
919 MAIN STREET  
SANFORD, MAINE 04073**

**RESOLVE**

February 19, 2013

RESOLVE, To express the Sanford City Council's objections to the Governor's proposed Biennial Budget which calls for the elimination of numerous broad-based taxation revenues previously dedicated by the State for municipal use to lower the burden on property taxation in the overall service level provisions mandated by the State and also as determined by Sanford voters under Home Rule Authority.

WHEREAS, State Administration has proposed a significant reduction in the distribution of revenue generated only by State taxation and previously determined in Law by the State legislature as necessary to reduce the property tax burden of the Residents of Maine; and

WHEREAS, the State Legislature pursuant to Title 30-A §5681 1 B finds To stabilize the municipal property tax burden and to aid in financing all municipal services, it is necessary to provide funds from the broad-based taxes of State Government that the elimination of the State Revenue Sharing funds to Sanford would result in a loss of \$2,660,622 in the next Fiscal Year representing a \$1.91 on property taxation and violate the intent of current Law; and

WHEREAS, the Biennial Budget proposes to redirect commercial vehicle excise tax from municipal maintenance of roads to the State's maintenance of roads and such action will reduce Sanford's resources for road maintenance by over \$123,390 in the next Fiscal Year or \$0.09 on property taxation; and

WHEREAS, the State Legislature pursuant to Title 36 §683 has granted a Homestead Exemption of \$10,000 to all qualified Maine Residents to lower property tax burden, a benefit of \$193.20 to such Sanford Residents, and that the Biennial Budget seeks to eliminate this State granted benefit to all but qualified Residents over 65 years of age, a loss of \$393,645 to Sanford from broad-based non-property taxation; and

WHEREAS, the State Legislature pursuant to Title 36 Chapter 907 has provided for a property tax and rent refund program based upon economic need and the current Biennial Budget proposes to eliminate the prior determination of necessity to all qualifying Maine Residents except those over 65 years of age; and

WHEREAS, the State Legislature set forth under Title 36 Chapter 915 that business equipment property tax should be paid to municipalities at 100% and then reimbursed to the business by the State and that the Biennial Budget now proposes to eliminate this benefit by exempting the business equipment from taxation and then reducing the State reimbursement of such tax to 60% in the first year to 50% in the second year to municipalities causing a shift of property tax burden from business equipment to real estate in the magnitude of \$150,696 in Sanford or \$0.11; and

WHEREAS, if the currently proposed Biennial Budget is passed the City of Sanford will see the reduction of previously dedicated broad-based State taxation for the purpose of reducing the burden on property taxation as determined within current State Law by prior Legislatures of over \$3,328,353; and

WHEREAS, to replace the proposed State withdrawal of municipal revenue sharing and broad-based taxation the City of Sanford would need to increase property taxation by over \$2.39 per \$1,000 of valuation, representing an average property tax increase of \$529.96 on a \$160,000 home with Homestead, a 12.36% increase in FY 14 before consideration of any other budgetary constraints imposed by the continuing economic downturn and escalating costs of operations; and

WHEREAS, the Sanford School Department is also proposed to receive reduced funding within the next Biennial State Budget and the impacts listed do not account for the yet determined additional burden; and

WHEREAS, the Sanford City Council finds that municipal and school operations have been significantly reduced, capital expenditures are not keeping pace with depreciation and need, staff and services have already been reduced to minimum levels acceptable by Residents, collaborative and shared services have been incorporated into current operations, and that it is NOT feasible to further reduce expenditures sufficiently to account for the State's withdrawal of the distributions from broad-based taxation without further increasing the tax burden upon all property tax payers;

NOW, THEREFORE, BE IT RESOLVED BY THE SANFORD CITY COUNCIL that the Sanford City Council hereby declares their opposition to the Governor's proposed Biennial Budget as the elimination of and withdrawal of the revenue so determined by current Law as necessary and appropriate to reduce the Property Tax Burden of Maine Residents will cause a disproportionate and detrimental shift of net taxation placing current municipal service provisions in jeopardy; and

BE IT FINALLY RESOLVED that the Sanford City Council seeks participation and engagement with the State Legislators to identify and implement fair and equitable solutions to the overall burden upon all State and Local Taxation as it pertains to the welfare, service provisions, and economic future of all Maine Residents.

Read and Adopted by a Vote of the Sanford City Council in meeting assembled:  
February 19, 2013

Municipal Officers

S/Mayor Maura A. Herlihy  
S/Deputy Mayor Joseph R. Hanslip  
S/Councilor Alan R. Walsh  
S/Councilor Bradford J. Littlefield  
S/Councilor Richard L. Wilkins  
S/Councilor Ken Burgess  
S/Councilor Fred W. Smith

Comes from the House, **READ** and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

**READ** and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

The Following Communication: S.C. 137

**STATE OF MAINE  
ONE HUNDRED AND TWENTY SIXTH LEGISLATURE  
COMMITTEE ON AGRICULTURE, CONSERVATION AND  
FORESTRY**

March 7, 2013

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of James P. Norris of Winthrop, for appointment to the Land For Maine's Future Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Jackson of Aroostook, Boyle of Cumberland, Sherman of Aroostook
	Representatives	10	Dill of Old Town, Black of Wilton, Cray of Palmyra, Hickman of Winthrop, Jones of Freedom, Kent of Woolwich, Marean of Hollis, Noon of Sanford, Saucier of Presque Isle, Timberlake of Turner
NAYS		0	
ABSENT		0	

Thirteen members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of James P. Norris of Winthrop, for appointment to the Land For Maine's Future Board be confirmed.

Signed,

S/Troy D. Jackson  
Senate Chair

S/James F. Dill  
House Chair

**READ and ORDERED PLACED ON FILE.**

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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At this point a message was received from the House of Representatives, borne by Representative BERRY of Bowdoinham informing the Senate that the House concurred with the proposition for a Convention of the two branches of the Legislature to be held in the Hall of the House at 11:00 this morning for the purpose of extending to the Adjutant General of the Maine National Guard, an invitation to make such communication as pleases him.

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The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#17)**

YEAS: Senators: None

NAYS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFOSKY, GOODALL, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **James P. Norris** of Winthrop for appointment to the Land For Maine's Future Board was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

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The Following Communication: S.C. 138

**STATE OF MAINE  
ONE HUNDRED AND TWENTY SIXTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 6, 2013

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Honorable Nichi S. Farnham of Bangor, for appointment to the State Board of Education.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Millett of Cumberland, Johnson of Lincoln, Langley of Hancock
	Representatives	10	MacDonald of Boothbay, Daughtry of Brunswick, Hubbell of Bar Harbor, Johnson of Greenville, Kornfield of Bangor, Maker of Calais, McClellan of Raymond, Nelson of Falmouth, Pouliot of Augusta, Rankin of Hiram
NAYS		0	
ABSENT		0	

Rep. Sockmah of Passamaquoddy Tribe supports the Committee's recommendation.

Thirteen members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Honorable Nichi S. Farnham of Bangor, for appointment to the State Board of Education be confirmed.

Signed,

S/Rebecca J. Millett  
Senate Chair

S/W. Bruce MacDonald  
House Chair

**READ and ORDERED PLACED ON FILE.**

**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 support the nomination of the Honorable Nichi Farnham to the State Board of Education. I first met Nichi at the beginning of the 125<sup>th</sup> Legislature when I picked her up in Bangor and we headed down here to elect our Leadership. From that point on I found Nichi to be one of the hardest working Legislators I have ever met. She did her homework, came to every caucus completely prepared to discuss the bills coming out of her committee, and she was a valued member of our caucus and her perspective is sorely missed today. Furthermore, Senator Farnham represented her constituents even when it went against her party. She is widely respected on the boards and committees she serves on and has served on, including the Bangor School Board. Lastly, Senator Farnham is the mother of three boys, all in various stages of education. I would suggest to you that her role as a mother is as important a qualifier as any other as she puts the welfare of children first. It is with great pleasure that I ask you to support the nomination of Nichi Farnham for the State Board of Education. Thank you very much.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Mason.

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, I just want to stand up for a minute and talk about my friend, Senator Nichi Farnham. Our freshmen are probably beginning to learn, Mr. President, that the friends that you make in the Legislature is a completely different bond than you make in any other area of your life. You spend long nights with these people and you battle with these people and they become very, very close friends, on both sides of the aisle. I was lucky enough, in my first term, as Senator Farnham and I served our freshman term together. She was my seatmate. I couldn't have been luckier to have a seatmate like I had in Nichi. There were times that we disagreed, particularly on some education issues, but that's okay, we got through it. I think that speaks volumes to how Nichi thinks on a lot of things. She's completely independent minded and she doesn't follow the herd. I think that's going to be a very valued thing on the Board of Education. I got a chance to get to know her family very well; her husband, Doug, and a few boys. They have become very good friends of mine and we still talk on the phone every once in a while. Nichi is a dedicated community servant. She has been as Mayor of Bangor, as a Senator, and now I'm so glad that the people of Maine are going to get to benefit from her servant's heart on the Board of Education. I would encourage you all to support the nomination of the Education Committee. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, like Senator Mason, in the 125<sup>th</sup> Legislature I was lucky to have a wonderful seatmate. A bright, honorable, hardworking, and thorough person. No, I'm not talking about Senator Thomas,

who was on my other side although he fits all those as well. Nichi Farnham is just an outstanding choice for the Board of Education. Her work here in the Senate, her service in the Bangor School Board, her being on the Education Committee in the 125<sup>th</sup>, and her distinguished chairing of the VLA Committee in the 125<sup>th</sup>. What a fine addition to the State Board of Education. I know I speak for people on both sides of the aisle who served with her in the 125<sup>th</sup>, what an outstanding nomination from the Chief Executive. The state will be well served by her tenure on the board. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Cain.

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, I rise in support of today's nominee, the Honorable Nichi Farnham of Bangor. I've known Nichi and her family for several years through the Bangor area. Though she was never my seatmate and clearly I missed out on that opportunity, I've known Nichi and her family by attending U Maine football games, community events like when we joined to remember the wonderful and honorable Kay Leibowitz together, as an avid runner all over town, and, of course, through Nichi's service in the 125<sup>th</sup> Legislature. I rise to support this nomination today for the State Board of Education because of how I first came to know of Nichi Farnham. That was through her work as a member of the Bangor School Committee. While I live just up the road in Orono, Nichi was known as advocate for students and for parents, so it is fitting that she now join the State Board of Education. I ask you to join me in supporting today's nominee, the Honorable Nichi Farnham of Bangor. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Cushing.

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I, too, wish to add my voice to those supporting this nomination. I've known the Farnham's as somebody who grew up in Bangor for many years. They have always been active in our community. Nichi continues that role in an exemplary way through her participation, both in civic and non-profit activities, in the community. She and I were colleagues this weekend in an event where we helped the Komen Foundation and I found her throughout to be energetic and positive in everything she approached, as she does in life. I welcome the opportunity to serve with her on different boards and panels because she brings that common sense and reasonable attitude that we all seek when we are dealing with important issues. I urge this Body to again join my colleagues in supporting her for this important position for Maine's Board of Education. Thank you.

**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 in support of this nomination. As many of us have said before, it's important, public service. The Honorable Senator Farnham is a very skilled individual; a thoughtful individual. Despite our disagreements, she always approached problems in a very reasonable and thoughtful manner and is one that the State Board of Education will value

and it will be in the best interest of the state. I applaud Senator Farnham for coming forward and looking to continue her service to the state. I encourage the Body to support this nomination. Thank you, Mr. President.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#18)**

YEAS: Senators: None

NAYS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GOODALL, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

ABSENT: Senator: GERZOFISKY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Nichi S. Farnham** of Bangor for appointment to the State Board of Education was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

**THE PRESIDENT:** The Chair is proud to announce in the rear of the chamber the Honorable Nichi S. Farnham of Bangor.

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Off Record Remarks

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The Following Communication: S.C. 139

**DEPARTMENT OF DEFENSE, VETERANS  
AND EMERGENCY MANAGEMENT  
22 STATE HOUSE STATION  
CAMP KEYES, AUGUSTA, MAINE 04333-0033**

February 19, 2013



Office of the Commissioner and The Adjutant General

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

Dear President Alfond:

As the Commissioner of the department of Defense, Veterans and Emergency Management and the Adjutant General of the Maine National Guard, I accept your invitation to address the Joint Session of the 126<sup>th</sup> Maine Legislature on Tuesday, March 12, 2013 at 11:00 a.m.

Sincerely,

S/Brigadier General James D. Campbell  
Commissioner and The Adjutant General

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 141

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

March 6, 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 3, Chapter 10 § 227 of the Maine Revised Statutes, I am pleased to re-appoint Mr. Timothy Walton of Fayette to the Maine-Canadian Legislative Advisory Commission.

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

Sincerely,

S/Mark W. Eves  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 142

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

March 6, 2013

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

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 79 An Act To Allow a Junior Hunter To Shoot Any Deer on Opening Day of Hunting Season

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. David E. Dutremble  
Senate Chair

S/Rep. Michael A. Shaw  
House Chair

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

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The Following Communication: S.C. 143

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON LABOR, COMMERCE, RESEARCH AND  
ECONOMIC DEVELOPMENT**

March 7, 2013

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

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor, Commerce, Research and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 418 An Act To Enforce Wage Laws by Preventing Misclassification of Employees

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. John L. Patrick  
Senate Chair

S/Rep. Erin D. Herbig  
House Chair

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

The Following Communication: S.C. 144

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON TAXATION**

March 7, 2013

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

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 150 An Act To Modernize State Income Tax Refunds

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Anne M. Haskell  
Senate Chair

S/Rep. Adam A. Goode  
House Chair

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

The Following Communication: S.C. 145

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON TRANSPORTATION**

March 7, 2013

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

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 51 An Act To Allow Lifetime Disability Plates or Placards for Eligible Applicants with Lower Limb Loss
- L.D. 226 An Act To Establish a Renewable Energy License Plate
- L.D. 472 An Act To Allow Properly Lifted Vehicles To Operate

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Edward J. Mazurek  
Senate Chair

S/Rep. Charles K. Theriault  
House Chair

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

**SENATE PAPERS**

Bill "An Act To Make Technical Changes to the Agriculture, Conservation and Forestry Laws"

S.P. 332 L.D. 987

Presented by Senator SHERMAN of Aroostook.  
Cosponsored by Representative GIFFORD of Lincoln.  
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.

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 12, 2013

Bill "An Act To Establish Restrictions on Ammunition Feeding Devices"

S.P. 342 L.D. 997

Presented by President ALFOND of Cumberland.  
Cosponsored by Senator GERZOFISKY of Cumberland,  
Representative BERRY of Bowdoinham and Representatives:  
DION of Portland, LAJOIE of Lewiston.

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

Sent down for concurrence.

---

Resolve, To Review the Impact of Unfunded Education Mandates and Evaluate the Efficacy of Education Laws (EMERGENCY)

S.P. 322 L.D. 944

Presented by Senator LANGLEY of Hancock.  
Cosponsored by Representative POULIOT of Augusta and  
Senators: BURNS of Washington, MASON of Androscoggin,  
SAVIELLO of Franklin, THOMAS of Somerset, VALENTINO of  
York, WHITTEMORE of Somerset, Representative: DAUGHTRY  
of Brunswick.

Bill "An Act To Change the State's Share of Education Costs Including Teacher Retirement Costs" (EMERGENCY)

S.P. 339 L.D. 994

Presented by Senator SHERMAN of Aroostook.

Bill "An Act To Establish a Moratorium on the Approval and Operation of Virtual Public Charter Schools" (EMERGENCY)

S.P. 340 L.D. 995

Presented by President ALFOND of Cumberland.  
Cosponsored by Senator VALENTINO of York, Representatives:  
DEVIN of Newcastle, KORNFELD of Bangor, Representative  
MacDONALD of Boothbay and Senators: BOYLE of Cumberland,  
JACKSON of Aroostook, MILLETT of Cumberland, SAVIELLO of  
Franklin, Representatives: BECK of Waterville, DAUGHTRY of  
Brunswick.

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 Promote the Installation of Masonry Stoves"

S.P. 326 L.D. 948

Presented by Senator JOHNSON of Lincoln.  
Cosponsored by Representative McCABE of Skowhegan and  
Senators: BOYLE of Cumberland, JACKSON of Aroostook,  
PATRICK of Oxford, Representatives: AYOTTE of Caswell,  
BOLAND of Sanford, NADEAU of Fort Kent.

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

Sent down for concurrence.

---

Resolve, To Establish the Commission To Study Long-term Care Facilities

S.P. 331 L.D. 986

Presented by Senator BURNS of Washington.  
Cosponsored by Representative MAKER of Calais and Senators:  
COLLINS of York, CRAVEN of Androscoggin, CUSHING of  
Penobscot, JACKSON of Aroostook, Representatives: LONG of  
Sherman, MALABY of Hancock, NADEAU of Fort Kent, TURNER  
of Burlington.

Bill "An Act To Require Public Disclosure of Health Care Prices"

S.P. 335 L.D. 990

Presented by Senator WOODBURY of Cumberland.  
Cosponsored by Senators: CLEVELAND of Androscoggin,  
WHITTEMORE of Somerset, Representatives: MALABY of  
Hancock, STUCKEY of Portland, TREAT of Hallowell, WALLACE  
of Dexter.

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 Health Plan Improvement Law Regarding Prescription Drug Step Therapy and Prior Authorization"

S.P. 329 L.D. 984

Presented by Senator GRATWICK of Penobscot.  
Cosponsored by Representative MORRISON of South Portland  
and Senators: CRAVEN of Androscoggin, LACHOWICZ of  
Kennebec, PATRICK of Oxford, Representatives: EVANGELOS  
of Friendship, JONES of Freedom, KUSIAK of Fairfield, NADEAU  
of Winslow, SAUCIER of Presque Isle.

Bill "An Act To Promote Wellness and Prevention through Health Plans"

S.P. 336 L.D. 991

Presented by Senator WOODBURY of Cumberland.  
Cosponsored by Senator: WHITTEMORE of Somerset,  
Representatives: MORRISON of South Portland, WALLACE of  
Dexter.

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

Sent down for concurrence.

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Bill "An Act To Protect Maine Consumers"  
S.P. 345 L.D. 1000

Presented by Senator VALENTINO of York.

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

Sent down for concurrence.

---

Bill "An Act To Ensure the Proportional Offset against Retirement Benefits of Workers' Compensation Awards"  
S.P. 327 L.D. 949

Presented by Senator JOHNSON of Lincoln.  
Cosponsored by Representative GILBERT of Jay and Senators: JACKSON of Aroostook, PATRICK of Oxford, Representatives: CAMPBELL of Newfield, MASTRACCIO of Sanford.

Bill "An Act To Create a State-sponsored 401(k) Retirement Plan for Participation by Private Employers"  
S.P. 337 L.D. 992

Presented by Senator WOODBURY of Cumberland.  
Cosponsored by Senator: WHITTEMORE of Somerset,  
Representatives: HERBIG of Belfast, VOLK of Scarborough.

Resolve, To Amend Maine Board of Pharmacy Rules Regarding Automated Pharmacy Systems in Hospitals  
S.P. 338 L.D. 993

Presented by Senator CUSHING of Penobscot.  
Cosponsored by Representative BEAULIEU of Auburn and Senators: HAMPER of Oxford, MASON of Androscoggin, THIBODEAU of Waldo, Representatives: SANDERSON of Chelsea, TREAT of Hallowell, WILLETTE of Mapleton.

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.

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Bill "An Act To Allow Municipalities To Petition the Department of Marine Resources To Establish Dive-only Areas for Scallops in Mooring Fields"  
S.P. 324 L.D. 946

Presented by Senator LANGLEY of Hancock.

On motion by Senator **JOHNSON** of Lincoln, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

Sent down for concurrence.

---

Bill "An Act To Ensure the Effectiveness of Constitutional Officers"  
S.P. 325 L.D. 947

Presented by Senator JOHNSON of Lincoln.  
Cosponsored by Representative McCABE of Skowhegan and Senators: JACKSON of Aroostook, LACHOWICZ of Kennebec, PATRICK of Oxford, Representatives: GRAHAM of North Yarmouth, NADEAU of Winslow.

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 Amend the Tax Laws"  
S.P. 333 L.D. 988

Presented by Senator HASKELL of Cumberland.  
Cosponsored by Representative KNIGHT of Livermore Falls.  
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Bill "An Act To Conform the Maine Tax Laws for 2012 to the United States Internal Revenue Code" (EMERGENCY)  
S.P. 334 L.D. 989

Presented by Senator HASKELL of Cumberland.  
Cosponsored by Representative KNIGHT of Livermore Falls.  
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Bill "An Act To Improve the Accuracy of Fuel Tax Reporting"  
S.P. 341 L.D. 996

Presented by Senator THIBODEAU of Waldo.  
Cosponsored by Representative VOLK of Scarborough and Senators: BURNS of Washington, LANGLEY of Hancock, Representatives: GILLWAY of Searsport, HAMANN of South Portland, HARVELL of Farmington, MORRISON of South Portland.  
Submitted by the Department of Economic and Community Development pursuant to Joint Rule 204.

Bill "An Act To Provide Consistency in the Application of the Property Tax Exemption for Religious Organizations"  
S.P. 343 L.D. 998

Presented by Senator HASKELL of Cumberland.  
Cosponsored by Representative GOODE of Bangor and Senator: BURNS of Washington, Representatives: BROOKS of Winterport, DAVIS of Sangerville, MAREAN of Hollis, TIPPING-SPITZ of Orono.

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

Sent down for concurrence.

---

Bill "An Act To Amend Provisions of Law Pertaining to Motor Vehicles"

S.P. 323 L.D. 945

Presented by Senator MAZUREK of Knox.  
Cosponsored by Senators: COLLINS of York, VALENTINO of York, Representatives: THERIAULT of Madawaska, VEROW of Brewer.

Resolve, To Repeal the Requirement That the Department of Transportation Facilitate a Feasibility Study of an East-west Highway and Provide for Public Access to Certain Documents  
S.P. 330 L.D. 985

Presented by Senator MAZUREK of Knox.  
Cosponsored by Representatives: CASSIDY of Lubec, McLEAN of Gorham, PEOPLES of Westbrook, POWERS of Naples, THERIAULT of Madawaska, WERTS of Auburn.

Resolve, Directing the Department of Transportation To Fund or Seek Funding To Complete a Design and Engineering Assessment for the Extension of Passenger Rail Service from Portland North on the State-owned St. Lawrence and Atlantic Railway Corridor

S.P. 344 L.D. 999

Presented by Senator CRAVEN of Androscoggin.  
Cosponsored by Representative RUSSELL of Portland and Senators: CLEVELAND of Androscoggin, GERZOFSKY of Cumberland, MAZUREK of Knox, Representatives: LAJOIE of Lewiston, LIBBY of Lewiston, PLANTE of Berwick, ROTUNDO of Lewiston, WERTS of Auburn.

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

Sent down for concurrence.

---

Bill "An Act To Improve Laws Governing Financial Disclosure by Legislators and Certain Public Employees and Public Access to Information Disclosed"

S.P. 346 L.D. 1001

Presented by Senator CAIN of Penobscot. (GOVERNOR'S BILL)  
Cosponsored by Representative BEAULIEU of Auburn and 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.

---

**Pursuant to Statutes  
Maine Turnpike Authority**

Senator MAZUREK for the **Maine Turnpike Authority**, pursuant to the Maine Revised Statutes, Title 23, section 1961, subsection 6 asked leave to report that the accompanying Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2014"

S.P. 328 L.D. 983

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

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

On motion by Senator MAZUREK of Knox, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

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

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**ORDERS**

**Joint Orders**

Expressions of Legislative Sentiment recognizing:

The following members of the Hermon High School Cheerleading Team, the Hermon Hawks, who have won the 2013 Class B State Championship: Katie Reynosa, Catherine McElvain, Destinee Knight, Kaitlenn Turner, Alivia Brown, Taylor Smith, Sarah Perley, Tiffany Tanner, Katrina Smith, Olivia Guiggey, Danielle Dennison, Erica Turmel, Marissa Cox, Riley Wood, Bailey Dalton, Kayla Ouellette and Alexis Hake; coach Kristie Reed; and assistant coach Christina Paradis. We extend our congratulations and best wishes to the members of the team on their achievement;  
SLS 103

Sponsored by Senator GRATWICK of Penobscot.  
Cosponsored by Representatives: GUERIN of Glenburn, REED of Carmel.

**READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Gratwick.

Senator **GRATWICK:** Thank you Mr. President. It is a great pleasure to be able to announce the presence here in the Chamber of the cheering team from Hermon High School. They won the 2013 Class B State Championship. I would ask them to stand up here, along with their coaches. It requires a great deal of work to be the best and they are the best. We all congratulate them. Well done. Thank you.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair welcomes the wonderful team from Hermon High School and thank you for being here.

---

Sergeant Tracey Higley, of the Rumford Police Department, who was named the 2013 Officer of the Year by the Maine Association of Police. Sergeant Higley has been with the department since 1994 and is well-known for his efforts with programs such as Special Olympics and Keeping Kids Safe. He received this award for distinguishing himself throughout the year with actions that not only bring credit to law enforcement but actions that promote and enhance the Maine Association of Police. We extend our congratulations to Sergeant Higley on his receiving this well-deserved award;

SLS 104

Sponsored by Senator PATRICK of Oxford.  
Cosponsored by Representative: PETERSON of Rumford.

**READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I am very honored today to have an opportunity to stand up and speak on behalf of the Senate of Sergeant Tracey Higley of Rumford and the Rumford Police Department who was named the 2013 Officer of the Year by the Maine Association of Police. Officer Higley actually has been in the department since 1994. Although I haven't known him that long, our lives were entwined through my legislative career as his son broke both legs in a skiing accident, or tubing accident, and I was able to go and recognize his two friends that actually made a heroic effort in helping their friend. Since that time, I have seen Sergeant Higley at other events as well. Sergeant Higley has been with the department since 1994 and is well known for his efforts with programs such as Special Olympics and Keeping Kids Safe. He received this award for distinguishing himself throughout the year with actions that not only bring credit to law enforcement but actions that promote and enhance the Maine Association of Police. We extend our congratulations to Sergeant Higley for his receiving this award because, to me, when you have your peers pick you for something, to be the recipient of the year, it's really special. I am really honored to have Sergeant Higley in the Rumford police force. I congratulate him very much. Thank you very much for a job well done.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber Samantha Wyman and Sergeant Tracey Higley of Rumford. They are the guests today of the Senator from Oxford, Senator Patrick. Would they please rise and accept the greetings of the Maine State Senate.

---

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Eliminate the Forest Certification Incentive Cost-share Fund"

H.P. 199 L.D. 290

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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Change the Name of the Department of Audit"

H.P. 274 L.D. 399

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.**

---

**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect a Private Memorial Placed in a Public Right-of-way"

H.P. 35 L.D. 40

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

GERZOFISKY of Cumberland  
DUTREMBLE of York  
PLUMMER of Cumberland

Representatives:

DION of Portland  
CASAVANT of Biddeford  
KAENRATH of South Portland  
LAJOIE of Lewiston  
MARKS of Pittston  
PEASE of Morrill  
PLANTE of Berwick  
TYLER of Windham  
WILSON of Augusta

The Minority of the same Committee on the same subject reported that the same **Ought To Pass.**

Signed:

Representative:

LONG of Sherman

Comes from the House with the Majority **OUGHT NOT TO PASS**  
Report **READ** and **ACCEPTED.**

Reports **READ.**

On motion by Senator **GERZOFISKY** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

---

**Senate**

**Ought to Pass**

Senator JACKSON for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Reduce Reporting Responsibilities of the Department of Agriculture, Conservation and Forestry"

S.P. 119 L.D. 286

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

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

**READ ONCE.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

Senator GERZOFISKY for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on 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

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

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

**READ ONCE.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

Senator GERZOFISKY for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the County Jail Inspection Requirement for Nationally Accredited Facilities"

S.P. 134 L.D. 354

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

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

**READ ONCE.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

Senator MAZUREK for the Committee on **TRANSPORTATION** on Resolve, Regarding Revenue from the World Acadian Congress Commemorative Registration Plate (EMERGENCY)

S.P. 151 L.D. 371

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

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

**READ ONCE.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

**Ought to Pass As Amended**

Senator CLEVELAND for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend the Charter of the Ogunquit Sewer District"

S.P. 32 L.D. 81

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-5).**

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

**READ ONCE.**

Committee Amendment "A" (S-5) **READ** and **ADOPTED.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

Senator MAZUREK for the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Motor Vehicle Laws Governing Requisite Tire Size"

S.P. 13 L.D. 21

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-4).**

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

**READ ONCE.**

Committee Amendment "A" (S-4) **READ** and **ADOPTED.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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

**SECOND READERS**

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

**House**

Bill "An Act To Amend the Laws Governing Payment of Fees to Registers of Deeds"

H.P. 44 L.D. 49

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

**Senate**

Bill "An Act To Lower the Cost of Copies of Medical Records"  
S.P. 15 L.D. 23

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

S.P. 88 L.D. 252

**READ A SECOND TIME** and **PASSED TO BE ENGROSSED.**

Sent down for concurrence.

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

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

After Convention

In Senate Chamber

Senate called to order by the President

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 (2/28/13) matter:

Bill "An Act To Make Bylaws and Minutes of Board Meetings of Publicly Funded Hospitals Subject to the Freedom of Access Act"  
H.P. 476 L.D. 684

Tabled - February 28, 2013, by Senator **VALENTINO** of York

Pending - **REFERENCE**

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

(In House, February 26, 2013, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES.**)

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/5/13) matter:

JOINT RESOLUTION - Recognizing Maine Adult Education  
S.P. 286

Tabled - March 5, 2013, by Senator **GOODALL** of Sagadahoc

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



(In Senate, March 5, 2013, on motion by Senator **MILLETT** of Cumberland, **READ**.)

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

Sent down for concurrence.

---

The Chair laid before the Senate the following Tabled and Later Assigned (3/7/13) matter:

Bill "An Act Regarding the Disclosure of Certain Records in Criminal Matters"

H.P. 623 L.D. 900

Tabled - March 7, 2013, by Senator **LACHOWICZ** of Kennebec

Pending - **REFERENCE**

(In House, March 7, 2013, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.)

On motion by Senator **LACHOWICZ** of Kennebec, **REFERRED** to the Committee on **JUDICIARY**, in **NON-CONCURRENCE**.

Sent down for concurrence.

---

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

#### **PAPERS FROM THE HOUSE**

##### **House Papers**

Bill "An Act To Establish a Database To Prevent Individuals Involuntarily Admitted or Committed to a Mental Health Institution from Being Issued Concealed Handgun Permits"

H.P. 672 L.D. 958

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

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

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Bill "An Act To Require That Seed Money Generated at an Individual College of the Maine Community College System Be Returned to That College for the Purpose of Enhancement"

H.P. 673 L.D. 959

Bill "An Act Regarding the Required Local Contribution in the School Funding Formula"

H.P. 700 L.D. 1002

Resolve, To Establish the Commission To Study Accessibility and Affordability of Higher Education (EMERGENCY)

H.P. 701 L.D. 1003

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, To Direct Eastern Maine Community College To Create Industry-specific Workplace Transition Educational Programming

H.P. 674 L.D. 960

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 Establish the Electromagnetic Field Safety Act"

H.P. 663 L.D. 950

Bill "An Act To Encourage Community-based Renewable Energy"

H.P. 678 L.D. 964

Bill "An Act To Improve Maine's Underground Facility Damage Prevention Program"

H.P. 679 L.D. 965

Bill "An Act To Clarify Voting Procedures for Standard Water Districts"

H.P. 702 L.D. 1004

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.

---

Bill "An Act To Clarify an Exemption to the Municipal Subdivision Laws"

H.P. 680 L.D. 966

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.

---

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 2-year Limit on Methadone and Suboxone Treatments under MaineCare"  
H.P. 664 L.D. 951

Bill "An Act Regarding Residency Requirements for General Assistance"  
H.P. 681 L.D. 967

Bill "An Act To Provide Needed Psychiatric Hospitalization for Persons with Mental Illness"  
H.P. 682 L.D. 968

Resolve, Directing the Department of Health and Human Services To Reduce and Limit the Adult Developmental Services Waiting Lists by Implementing a More Efficient, Responsive and Individualized Model of Service Delivery (EMERGENCY)  
H.P. 683 L.D. 969

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

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

---

Bill "An Act To Eliminate Funding To Reduce Deer Predation"  
H.P. 684 L.D. 970

Bill "An Act To Assist Hunters Transporting Animals for Registration"  
H.P. 703 L.D. 1005

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.

---

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act Regarding Exemptions under the Maine Insurance Code"  
H.P. 685 L.D. 971

Bill "An Act To Clarify Transparency of Medical Provider Profiling Programs Used by Insurance Companies and Other Providers of Health Insurance"  
H.P. 704 L.D. 1006

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.

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Bill "An Act To Educate Women on the Medical Risks Associated with Abortion"  
H.P. 686 L.D. 972

Bill "An Act To Make Veterans' Property Tax Exemption Applications Confidential"  
H.P. 687 L.D. 973

Bill "An Act To Prevent Fraudulent Trademark Registration"  
H.P. 688 L.D. 974

Bill "An Act To Ensure Accountability of Guardians Ad Litem and Parenting Coordinators"  
H.P. 689 L.D. 975

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.

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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 Increased Wages for Wabanaki Tribal Members"  
H.P. 665 L.D. 952

Bill "An Act To Reform Employer-provided Benefits"  
H.P. 690 L.D. 976

Bill "An Act To Restore Uniformity to the Maine Uniform Building and Energy Code"  
H.P. 691 L.D. 977

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.

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Bill "An Act To Provide for and Recognize the Right of the Houlton Band of Maliseet Indians To Fish for Marine Organisms"  
H.P. 666 L.D. 953

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

On motion by Senator **JOHNSON** of Lincoln, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed, in concurrence.

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Resolve, Extending the Time That the Commissioner of Administrative and Financial Services Has To Sell or Lease Property in Augusta (EMERGENCY)  
H.P. 667 L.D. 954

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located in Bangor, Boothbay Harbor and Hallowell

H.P. 668 L.D. 955

Bill "An Act To Enhance Public Participation in Legislative Committee Proceedings through the Internet"  
H.P. 692 L.D. 978

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.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Improve and Simplify the Application for Benefits under the Circuitbreaker Program"

H.P. 669 L.D. 956

Bill "An Act To Exempt the Sale of the United States Flag from the Sales Tax"

H.P. 693 L.D. 979

Bill "An Act To Provide an Income Tax Credit for a Qualified Conservation Contribution"

H.P. 694 L.D. 980

Bill "An Act Relating to Precious Metal Coins"

H.P. 705 L.D. 1007

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.

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Bill "An Act To Require Legislative Approval for the Issuance of Bonds by the Maine Turnpike Authority"

H.P. 670 L.D. 957

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.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Allow Candidate Name Tags on Election Day"  
H.P. 695 L.D. 981

Bill "An Act To Assess a Fine on a Person Who Provides Misinformation on a Primary Candidate's Consent Form"  
H.P. 706 L.D. 1008

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

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

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

**PAPERS FROM THE HOUSE**

**Joint Resolution**

Joint Resolution in Memoriam:

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

Lieutenant Colonel Michael J. Backus, of Wilton, operations branch chief of the Maine Army National Guard. Lt. Col. Backus was born in Farmington and was a 1986 graduate of Mt. Blue High School. He graduated from the United States Military Academy at West Point in 1990 and was selected to attend flight school, where he trained and served as an Apache helicopter pilot. After joining the Maine Army National Guard, he flew medevac helicopters with the 112th Medical Company in 2003 when he was deployed to Iraq during Operation Enduring Freedom. When he returned stateside, Lt. Col. Backus was handpicked to help establish the National Guard Bureau State Partnership Program in Maine. He also served as director of public affairs for the Maine Army National Guard before becoming the executive officer of the Guard's 52nd Troop Command in Bangor. Lt. Col. Backus became the recruiting and retention battalion commander for the Maine Army National Guard in 2009, and in May 2012 he was promoted to operations branch chief for the Directorate of Logistics of the Maine Army National Guard, Camp Keyes, Augusta. Lt. Col. Backus was a member of the Farmington American Legion Post 28, the Frank L. Mitchell Veterans of Foreign Wars Post 3335 of Jay and the Wilton Congregational Church and was an official member of the Chicken Barbecue Squinting Group at the annual Blueberry Festival. Described as "selfless and amazing," Lt. Col. Backus gave tirelessly to the community and the area youth. We acknowledge Lt. Col. Backus's dedicated commitment to his community, to his State and to the Nation. He will be greatly missed and long remembered by his loving family, his many friends and colleagues and those whose lives he touched;

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

**READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, today, as I prepared for this memoriam, my thoughts were of Mike; the soldier defending the country. I thought about Mike and his involvement in the community and Mike's love for his family. I had a very difficult time sorting them out. As I narrowed down this conversation and what I referenced at the funeral, I thought of two books. The first is a book called When Bad Things Happen To Good People. Somewhere in that book it talks about life as a beautiful tapestry. I think of that tapestry as our community at home and the state of Maine. When you turn it over there is a bunch of threads and knots. Now cut one of those out and turn it over. Try to find where the thread was. In this book it says that you can't. I say in Mike's case you can. I thought about the book Celestine Prophecy. I don't want to get into the philosophical parts of the book, but just in the beginning when it talks about that there is no such thing as a coincidence. When something happens, or you meet somebody, there is a message for you. You just need to listen. With my time

with Mike, I believe this was a coincidence that, fortunately, both of us listened to. When I first met Mike I read about him in the Franklin Journal, about this young man from Wilton flying helicopters. Cool, he's defending our country. He's overseas. He's one of us. Then one day, while knocking on doors, who did I meet? Mike Backus. The first coincidence really had a curve. The next real coincidence is when we were coaching baseball. I had retired and Mike was still doing that. He was coaching the Cardinals. Being a former coach, I know this can be a very trying exercise because how do you get young people's attention, especially about 9-years old, and keep them from digging holes in right field instead of paying attention to what's going on in the game. Mike approached me and my son, Ben, and asked if we would come and help his team. He was a good coach, but he realized that another voice would help. He wanted their team to really do their best and he knew that someone else needed to point that out. He taught his players the value of diligence and sacrifice that was needed to be winners. I might mention that Mike's team won three championships. Now the chicken story; I saw some of you smiling when you heard about that. We have the Wilton Blueberry Festival every year. Mike, in the last four or five years, has been helping. In that festival everybody that helps cook is required to wear a Hawaiian shirt. That's why I have the Hawaiian bowtie on today. I can't bring props, so I didn't bring the shirt, but I wore the tie instead. When we get together we have a crew and the youngest person, or should I say the youngest person cooking, not the youngest person, is entitled the "Grasshopper". You can stay in that position for years. In fact, you can get promoted to cook and you can get demoted back to Grasshopper. It all depends on the head cook, who happens to be me. Somehow I think Mike is cooking chickens in heaven. I said at the funeral; Mike it is okay to do that but please do not tell God the secret recipe. My fondest memories of Mike, though, is the time he helped me in recognizing veterans. He was always ready to help; whether we went to visit WWII veterans that were home to give them their certificates of thanks or their Silver Medals for wounds or whether it was a veteran's ceremony that we did at the Farmington Baptist Church. I always asked General Libby if he would participate, secretly hoping that he would say no so that I could ask Mike to do it. Mike read the MIA story. He handed out medals and certificates. Most importantly to me, he helped welcome home our Vietnam veterans. What better way to say welcome home than from a fellow soldier? In Wilton we started the Veteran's Day Celebration back up again and I could always depend on Mike to be my speaker because I knew he would tell a story from the heart. A special day a year ago is when he got to recognize his grandfather, Rudy Toothacker, a WWII veteran; thanking him for his service to the country. This year we took a picture of Mike, Janet Smith, Representative Black, and myself. That hangs on my refrigerator and always will. At the end of every veteran's ceremony I end up with this poem or story. You can decide whatever you like it to be. A prayer. It says; It's the Soldier. 'It's the soldier, not the minister who has given us the freedom of religion. It's the soldier, not the reporter, who has given us the freedom of press. It's the soldier, not the poet, that has given us the freedom of speech. It is the soldier, not the campus organizer, who has given us the freedom to protest. It is the soldier, not the lawyer, who has given the right to a fair trial. It is the soldier, not the politician, who has given us the right to vote. It's the soldier who salutes the flag, who serves beneath the flag, and who's coffin is draped by the flag, who allows the protester to burn the flag.' Mike, we thank you for

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protecting the country, for being part of the community, for being the father and husband, and for being my friend. Thank you.

**ADOPTED**, in concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in rear of the chamber John Backus, Mike's father; Kristi Backus, Mike's wife; Nate and Evan Backus, their sons; and other members of the Backus family. Will they please rise and accept the full greetings of the Maine State Senate.

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Off Record Remarks

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

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

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

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

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

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On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED**, until Thursday, March 14, 2013, at 10:00 in the morning, in memory of and lasting tribute to Lieutenant Colonel Michael J. Backus of Wilton.