

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 26, 2013

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

Prayer by Deacon Dean Lachance, St. Michael Parish in Augusta.

DEACON LACHANCE: Good and gracious Lord, we thank You for giving us these willing and courageous Senators to serve the people of Maine. On this day we pray that they may have the gift of patience in order to hear different perspectives. We pray that they may have the gift of wisdom to discern good ideas from poor ones. We pray that they may have the gift of courage to pursue truth and goodness. We pray that they may have the gift of humor to handle words and conversations that may be confrontational and require a light hearted moment. We pray that they may have the gift of a sharpened pencil to effectively lead our state in fiduciary responsibilities for the good of the people of Maine. We pray for our service men and women from Maine who today are facing challenges throughout the world. Additional troops are soon leave the state of Maine and remembering that Maine has the highest number of deaths percentage-wise of any state in the country. Lead them and guide them. Finally, guide this Body with gifts and many more on this day and all days in Your precious name. Amen.

Pledge of Allegiance led by Senator Garrett Paul Mason of
Androscoggin County.

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

Doctor of the day, Representative Linda F. Sanborn, MD of
Gorham.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Prohibit the Taking or Possession of a Natural
Resource That Is on the Land of Another"
H.P. 500 L.D. 749

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

In House, February 28, 2013, **REFERRED** to the Committee on
AGRICULTURE, CONSERVATION AND FORESTRY.

In Senate, March 7, 2013, on motion by Senator **JACKSON** of
Aroostook, **REFERRED** to the Committee on **CRIMINAL
JUSTICE AND PUBLIC SAFETY**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **GOODALL** of Sagadahoc, the Senate
RECEDED and **CONCURRED**.

House Papers

Bill "An Act To Create a Gambling Offset To Enhance the
Collection of Child Support"

H.P. 696 L.D. 982

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

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

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

Bill "An Act To Establish the Maine Length of Service Award
Program"

H.P. 819 L.D. 1154

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

On motion by Senator **HASKELL** of Cumberland, **REFERRED** to
the Committee on **LABOR, COMMERCE, RESEARCH AND
ECONOMIC DEVELOPMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

COMMUNICATIONS

The Following Communication: S.P. 425

March 21, 2013

RESOLUTION IN OPPOSITION TO COST SHIFTS TO TOWNS

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

Whereas, the proposal includes the elimination of \$238 million in municipal revenue sharing; falls \$200 million short of funding local schools at the 55% level passed in referendum; would cut the state's reimbursement for General Assistance by an estimated \$6.7 million; would eliminate the Homestead Exemption for anyone under the age of 65; would take \$8 million *in* truck excise tax revenue from towns; would create a corporate tax exemption for large amounts of currently taxable property, resulting in significant losses of local tax revenue; and

Whereas, the Governor's proposal also contains cuts to health and human services such as prescription drugs for the elderly and disabled; to all funding for clean elections; to wages and benefits of public workers; while also rejecting federal funds to make healthcare affordable to over 44,000 Mainers; and

Whereas, all of the above shifts costs to towns, whose only major means of raising revenue is property taxes, be it

Resolved, the town of Norway calls upon the Maine Legislature to reject these proposals, identify less harmful costs savings and to raise revenue in an equitable fashion to avoid this regressive tax shift.

S/Warren Sessions Jr.
S/Irene E. Millet
S/Michael Twitchell, Vice-Chair
S/William J. Damon

Norway Select-board

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

Sent down for concurrence.

The Following Communication: H.P. 783

TOWN OF HARPSWELL
PO BOX 39
HARPSWELL, MAINE 04079

Resolution Re: Governor's Budget

WHEREAS, the Governor's unprecedented biennial budget proposal places municipalities and their citizens in a most difficult position; and

WHEREAS, the proposal includes the elimination of \$283 million in municipal revenue sharing, falls far short of the 55% State support for schools that has been approved by the citizens in referendum, makes cuts in State reimbursement to cities & towns for General Assistance and Homestead exemptions, eliminates the "circuit breaker" program for anyone under 65, cuts commercial truck excise taxes for cities & towns and reduces corporate property taxes; and

WHEREAS, the proposal also makes cuts in funding for health and human services available to the elderly and disabled; and

WHEREAS, it is not realistic or reasonable to fail to recognize that Maine municipalities will need to assume many of the costs being avoided by the State under this proposal; and

WHEREAS, many or all of the State's municipalities have very limited alternative sources of revenue and thus these cuts will, inevitably lead to increases in property taxes throughout the State; and

WHEREAS, the property tax is the least fair of broadly-applied taxes and other taxes such as sales and income taxes are more aligned with the ability to pay;

NOW THEREFORE, be it resolved that the Board of Selectmen of the Town of Harpswell urges the Legislature to support less harmful and more fair methods to bridge Maine's budgetary gap.

Given under our hand this fourteenth day of March, 2013

Harpswell Board of Selectman

S/Elinor Multer, Chair
S/Richard A. Daniel, Selectman
Harpswell, Maine
Attest: A true and exact copy.
S/Rosalind Knight
Town Clerk, Deputy
Date: March 18, 2013

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. 170

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

March 21, 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 Agriculture, Conservation and Forestry has had under consideration the nomination of Lloyd K. Trafton of West Forks, for appointment to the Land Use Planning Commission.

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 26, 2013

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	1	Jackson of Aroostook
	Representatives	1	Cray of Palmyra
NAYS	Senators	2	Boyle of Cumberland, Sherman of Aroostook
	Representatives	9	Dill of Old Town, Black of Wilton, Hickman of Winthrop, Jones of Freedom, Kent of Woolwich, Marean of Hollis, Noon of Sanford, Saucier of Presque Isle, Timberlake of Turner

ABSENT 0

Two members of the Committee having voted in the affirmative and eleven in the negative, it was the vote of the Committee that the nomination of Lloyd K. Trafton of West Forks, for appointment to the Land Use Planning Commission be denied.

Signed,

S/Troy D. Jackson
Senate Chair

S/James F. Dill
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 171

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

March 21, 2013

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

Dear President Alford and Speaker Eves:

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

L.D. 135 An Act To Require All Government Documents To Be Posted on the Internet

L.D. 207 An Act Regarding the Factors Considered in Determining the Best Interest of a Child in a Court Award of Parental Rights and Responsibilities

L.D. 376 An Act To Amend the Laws Concerning the Adoption of Siblings

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

Sincerely,

S/Sen. Linda M. Valentino
Senate Chair

S/Rep. Charles R. Priest
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 172

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

March 21, 2013

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

Dear President Alford 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 bills out "Ought Not to Pass":

L.D. 341 An Act To Provide a Tax Credit to Employers That Hire Certain Veterans

L.D. 361 An Act To Promote Plug-in Electric Vehicle Sales

L.D. 412 An Act To Expand Employment Tax Increment Financing To Support Job Creation

L.D. 492 An Act To Increase Reimbursement to Municipalities under the Maine Tree Growth Tax Law

L.D. 561 An Act To Support Maine Farms and Alleviate Hunger

We have also notified the sponsors and cosponsors of each bill listed 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.**

SENATE PAPERS

Resolve, Regarding the Transfer of State Property To Assist the Save the Depot Project in Greenville

S.P. 407 L.D. 1170

Presented by Senator THOMAS of Somerset.
Cosponsored by Representative JOHNSON of Greenville and Representative: DAVIS of Sangerville.

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

Sent down for concurrence.

Bill "An Act To Authorize a General Fund Bond Issue To Fund Main Street and Downtown Economic Development Projects"

S.P. 400 L.D. 1163

Presented by Senator GOODALL of Sagadahoc.
Cosponsored by Representative DeCHANT of Bath and Senators: DUTREMBLE of York, JACKSON of Aroostook, KATZ of Kennebec, LACHOWICZ of Kennebec, MAZUREK of Knox, PATRICK of Oxford, Representative: BECK of Waterville.

Bill "An Act To Amend the Laws Governing Retirement Benefits for Capitol Police Officers"

S.P. 412 L.D. 1175

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Representative KESCHL of Belgrade.

Bill "An Act To Authorize a General Fund Bond Issue for the Maine Community Reinvestment and Job Creation Fund"
S.P. 417 L.D. 1180

Presented by Senator GERZOFISKY of Cumberland.
Cosponsored by Representative PRIEST of Brunswick and Senators: BURNS of Washington, GOODALL of Sagadahoc, JACKSON of Aroostook, JOHNSON of Lincoln, Representatives: DeCHANT of Bath, GIDEON of Freeport, KENT of Woolwich, SAXTON of Harpswell.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Authorize a General Fund Bond Issue To Support the Maine Technology Institute's Action Plan Implementation"
S.P. 421 L.D. 1223

Presented by Senator CAIN of Penobscot.
Cosponsored by Representative DILL of Old Town and Senators: GOODALL of Sagadahoc, KATZ of Kennebec, Representatives: HUBBELL of Bar Harbor, KESCHL of Belgrade, NELSON of Falmouth, TIPPING-SPITZ of Orono.

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

Sent down for concurrence.

Bill "An Act To Maintain the Integrity of the Fund for a Healthy Maine"

S.P. 426 L.D. 1232

Presented by Senator CRAVEN of Androscoggin.
Cosponsored by Representative GRAHAM of North Yarmouth and Senators: GRATWICK of Penobscot, JOHNSON of Lincoln, LACHOWICZ of Kennebec, Representatives: BERRY of Bowdoinham, FARNSWORTH of Portland, GATTINE of Westbrook, STUCKEY of Portland.

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

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

Sent down for concurrence.

Bill "An Act To Repeal the Law Allowing Concealed Weapons in State Parks with Certain Exceptions"

S.P. 410 L.D. 1173

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

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

Sent down for concurrence.

Bill "An Act To Reduce Obesity Among Schoolchildren"
S.P. 397 L.D. 1160

Presented by Senator MILLETT of Cumberland.
Cosponsored by Representative MacDONALD of Boothbay and Senators: President ALFOND of Cumberland, BOYLE of Cumberland, LANGLEY of Hancock, Representatives: MAKER of Calais, NELSON of Falmouth, POULIOT of Augusta.

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 Encourage the Use of Biofuels in the State"
S.P. 415 L.D. 1178

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Senator: JACKSON of Aroostook.

Bill "An Act To Further Strengthen the Protection of Pregnant Women and Children from Toxic Chemicals"
S.P. 418 L.D. 1181

Presented by Senator GOODALL of Sagadahoc.
Cosponsored by Speaker EVES of North Berwick and Senators: President ALFOND of Cumberland, GRATWICK of Penobscot, Representatives: DORNEY of Norridgewock, GIDEON of Freeport, GRAHAM of North Yarmouth, GRANT of Gardiner, PRINGLE of Windham, SANBORN of Gorham.

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

Sent down for concurrence.

Bill "An Act To Ensure Regulated Safe Access to Medical Marijuana"
S.P. 398 L.D. 1161

Presented by Senator GERZOFSKY of Cumberland.

Bill "An Act To Improve the Safety of Workers Who Provide Direct Mental Health and Social Services"
S.P. 402 L.D. 1165

Presented by Senator LACHOWICZ of Kennebec.
Cosponsored by Representative GRAHAM of North Yarmouth and Senators: CRAVEN of Androscoggin, MAZUREK of Knox, Representatives: HICKMAN of Winthrop, JONES of Freedom, NADEAU of Winslow.

Bill "An Act Regarding Records Retention by Mental Health Practitioners"
S.P. 403 L.D. 1166

Presented by Senator LACHOWICZ of Kennebec.
Cosponsored by Representative NADEAU of Winslow and Senators: GRATWICK of Penobscot, MAZUREK of Knox, Representative: HICKMAN of Winthrop.

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

Sent down for concurrence.

Resolve, To Establish the Commission To Study the Creation of a State and Federal Fish and Wildlife Museum at the Massabesic Experimental Forest in Alfred and Lyman (EMERGENCY)
S.P. 411 L.D. 1174

Presented by Senator TUTTLE of York.
Cosponsored by Representative SHAW of Standish and Senators: DUTREMBLE of York, HASKELL of Cumberland, Representatives: EVANGELOS of Friendship, GUERIN of Glenburn, LIBBY of Waterboro, MARKS of Pittston, SHORT of Pittsfield, WOOD of Sabattus.

Bill "An Act To Strengthen Maine's Wildlife Laws"
S.P. 423 L.D. 1225

Presented by Senator BURNS of Washington.
Cosponsored by Representatives: MARKS of Pittston, SHORT of Pittsfield.
Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act To Ensure the Rights of Patients"
S.P. 399 L.D. 1162

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative TREAT of Hallowell and
Senators: CRAVEN of Androscoggin, GRATWICK of Penobscot,
HASKELL of Cumberland, PATRICK of Oxford, TUTTLE of York,
Representative: THERIAULT of Madawaska.

Bill "An Act Regarding the Maine Guaranteed Access
Reinsurance Association"
S.P. 404 L.D. 1167

Presented by Senator WHITEMORE of Somerset.
Cosponsored by Representative TREAT of Hallowell and
Senators: CUSHING of Penobscot, WOODBURY of Cumberland,
Representatives: DOAK of Columbia Falls, FITZPATRICK of
Houlton.

Bill "An Act To Require Health Insurers To Use One Geographic
Area as Permitted by the Federal Patient Protection and
Affordable Care Act"
S.P. 413 L.D. 1176

Presented by Senator GRATWICK of Penobscot.
Cosponsored by Representative SANBORN of Gorham and
Senators: CRAVEN of Androscoggin, LACHOWICZ of Kennebec,
Representatives: DOAK of Columbia Falls, MAKER of Calais,
PRINGLE of Windham, SHAW of Standish, TURNER of
Burlington, 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.

Bill "An Act To Create the Brunswick Landing Job Increment
Financing Fund"
S.P. 416 L.D. 1179

Presented by Senator GERZOFKY of Cumberland.
Cosponsored by Representative PRIEST of Brunswick and
Senators: President ALFOND of Cumberland, GOODALL of
Sagadahoc, JACKSON of Aroostook, LANGLEY of Hancock,
PATRICK of Oxford, Representatives: DeCHANT of Bath,
GIDEON of Freeport, KENT of Woolwich.

Bill "An Act To Preserve the Dynamic Status Quo Pending
Expiration of Collective Bargaining Agreements"
S.P. 419 L.D. 1221

Presented by Senator CAIN of Penobscot.
Cosponsored by Representative GILBERT of Jay, Representative
HERBIG of Belfast and Senators: PATRICK of Oxford, SAVIELLO
of Franklin, Representatives: CAMPBELL of Newfield, FREY of
Bangor, GRAHAM of North Yarmouth, HAMANN of South
Portland, MASON of Topsham, MASTRACCIO of Sanford.

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 Support the Maine Downtown Center"
S.P. 409 L.D. 1172

Presented by Senator GOODALL of Sagadahoc.
Cosponsored by Representative DeCHANT of Bath and
Senators: CAIN of Penobscot, DUTREMBLE of York, JACKSON
of Aroostook, MAZUREK of Knox, PATRICK of Oxford,
Representative: HERBIG of Belfast.

On motion by Senator **GOODALL** of Sagadahoc, **REFERRED** to
the Joint Select Committee on **MAINE'S WORKFORCE AND
ECONOMIC FUTURE** and ordered printed.

Sent down for concurrence.

Resolve, To Allow Certain Holders of Lobster and Crab Fishing
Licenses To Harvest River Herring for Personal Use as Bait
S.P. 408 L.D. 1171

Presented by Senator GOODALL of Sagadahoc.
Cosponsored by Representative MacDONALD of Boothbay and
Senators: BURNS of Washington, JOHNSON of Lincoln,
LANGLEY of Hancock, Representatives: DOAK of Columbia
Falls, KUMIEGA of Deer Isle, SAXTON of Harpswell.

Bill "An Act Regarding Advertising of Maine Shellfish"
S.P. 422 L.D. 1224

Presented by Senator GERZOFKY of Cumberland.
Cosponsored by Representative GIDEON of Freeport and
Senators: BURNS of Washington, GOODALL of Sagadahoc,
HASKELL of Cumberland, JOHNSON of Lincoln,
Representatives: LONG of Sherman, SAXTON of Harpswell,
TYLER of Windham.

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 Accountability in State Contracts"
S.P. 406 L.D. 1169

Presented by Senator LACHOWICZ of Kennebec.
Cosponsored by Representative LIBBY of Lewiston and
Senators: GRATWICK of Penobscot, MAZUREK of Knox,
SAVIELLO of Franklin, Representatives: MASTRACCIO of
Sanford, NADEAU of Winslow.

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 26, 2013

Bill "An Act To Implement the Recommendations from the Discontinued and Abandoned Roads Stakeholder Group"
S.P. 414 L.D. 1177

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Representative KESCHL of Belgrade.

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 Allow Cooperative Housing Owners Who Are Blind To Qualify for the Property Tax Exemption"
S.P. 401 L.D. 1164

Presented by Senator GOODALL of Sagadahoc.
Cosponsored by Representative MASON of Topsham and Senators: CAIN of Penobscot, HASKELL of Cumberland, Representative: TIPPING-SPITZ of Orono.

Bill "An Act To Improve Maine Veterans' Property Tax Exemptions"
S.P. 424 L.D. 1226

Presented by Senator CLEVELAND of Androscoggin.
Cosponsored by Senator HILL of York and Representative: LIBBY of Lewiston.

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

Sent down for concurrence.

Resolve, To Establish the Commission To Study How To Improve Maine's Transportation Infrastructure (EMERGENCY)
S.P. 405 L.D. 1168

Presented by Senator MAZUREK of Knox.
Cosponsored by Senators: CAIN of Penobscot, COLLINS of York, GERZOFKY of Cumberland, LACHOWICZ of Kennebec, VALENTINO of York, Representatives: GOODE of Bangor, THERIAULT of Madawaska.

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

Sent down for concurrence.

Resolve, To Create a Task Force on Maine's Ethics and Transparency Laws (EMERGENCY)
S.P. 420 L.D. 1222

Presented by Senator CAIN of Penobscot.
Cosponsored by Representative CAREY of Lewiston and Senators: GOODALL of Sagadahoc, KATZ of Kennebec.

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.

ORDERS

Joint Order

Expression of Legislative Sentiment recognizing:

Megan Williams, of Waterville, who has received the 2012 Mid-Maine Chamber of Commerce's Rising Star Award for her work with Hardy Girls Healthy Women, a nonprofit organization that serves close to 1,000 teenagers and preteen girls a year. We extend our congratulations and best wishes to Ms. Williams on her receiving this honor;

SLS 120

Sponsored by Senator LACHOWICZ of Kennebec.
Cosponsored by Representatives: BECK of Waterville, LONGSTAFF of Waterville.

READ.

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

Senator LACHOWICZ: Thank you Mr. President. Ladies and gentlemen of the Senate, today I would like us to recognize Megan Williams, a resident of Waterville, who is the President of Hardy Girls Healthy Women. I first met Megan Williams when she was an Americorp volunteer many years ago, working at Hardy Girls Healthy Women. In that time she's become the President and has grown that program into something that is a powerful force in Central Maine and all across the country, really, for what they do for young women everywhere. My particular interest is the work they do for anti-bullying and the kinds of things I've seen going on. I can't thank Megan enough for doing what she does and I really want to thank the Mid-Maine Chamber of Commerce for recognizing the wonderful work she does to help young women in Central Maine and across the country. I'd like us all to honor her today. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair would ask Megan Williams to please rise and accept the greetings of the Maine State Senate.

Off Record Remarks

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator CLEVELAND for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Transfer the Responsibilities of the Department of Public Safety, Maine Communications System Policy Board to the Bureau of Consolidated Emergency Communications"
S.P. 152 L.D. 372

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator CRAVEN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Permits for Final Disposition of Dead Human Bodies"
S.P. 224 L.D. 634

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HASKELL for the Committee on **TAXATION** on Bill "An Act To Allow Motor Fuel Taxable Sales Disclosure"
S.P. 76 L.D. 240

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 MILLETT for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Authorize the Provision of Insurance on Student Loans" (EMERGENCY)
S.P. 131 L.D. 351

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-8)**.

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

READ ONCE.

Committee Amendment "A" (S-8) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator PATRICK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Provide for the 2013 and 2014 Allocations of the State Ceiling on Private Activity Bonds"
S.P. 82 L.D. 246

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-9)**.

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

READ ONCE.

Committee Amendment "A" (S-9) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator PATRICK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Extend Funding for the Loring Job Increment Financing Fund"
S.P. 93 L.D. 260

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-7)**.

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

READ ONCE.

Committee Amendment "A" (S-7) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate As Amended

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

Resolve, To Direct the Department of Education To Amend Its Rules Regarding Restraint of Students (EMERGENCY)
S.P. 79 L.D. 243
(C "A" S-6)

SECOND READERS

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

House

Bill "An Act To Permit Temporary Operation of a Motor Vehicle with an Expired Operator's License Solely for the Purpose of Traveling Home or Renewing the License"
H.P. 148 L.D. 187

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

Resolve, Directing the Probate and Trust Law Advisory Commission To Review Maine's Probate Code and the Uniform Probate Code
H.P. 230 L.D. 321

Bill "An Act To Repeal Provisions of the Law That Apply or Refer to State Facilities for Persons with Intellectual Disabilities"
H.P. 235 L.D. 325

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

House As Amended

Resolve, Regarding Legislative Review of Chapter 675: Infrastructure Surcharge and Capital Reserve Accounts, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 6 L.D. 4
(C "A" H-7)

Bill "An Act To Raise the School Construction Bond Cap"
H.P. 73 L.D. 91
(C "A" H-5)

Bill "An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013" (EMERGENCY)
H.P. 234 L.D. 324
(C "A" H-6)

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

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

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

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Emergency Measure

An Act To Amend the Student Membership Criteria of the State Board of Education
S.P. 80 L.D. 244

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Acts

An Act Regarding Registration of Fetal Deaths
S.P. 89 L.D. 253

An Act To Eliminate the Commercial Standard for Maine White-cedar Shingles
S.P. 115 L.D. 282

An Act To Eliminate the Elm Tree Restoration Fund
S.P. 116 L.D. 283

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

An Act To Change the Name of the Department of Audit
H.P. 274 L.D. 399

PASSED TO BE ENACTED and having been signed by the President were presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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 (3/20/13) matter:

Bill "An Act To Provide an Internship Employment Tax Credit"
S.P. 381 L.D. 1099

Tabled - March 20, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **REFERENCE**

(Joint Select Committee on **MAINE'S WORKFORCE AND ECONOMIC FUTURE** suggested and ordered printed.)

On motion by Senator **GOODALL** of Sagadahoc, **REFERRED** to the Committee on **TAXATION**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/21/13) matter:

Bill "An Act To Facilitate Veterans' and Their Spouses' Access to Employment, Education and Training"
H.P. 802 L.D. 1137

Tabled - March 21, 2013, by Senator **PATRICK** of Oxford

Pending - **REFERENCE**, in concurrence

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Regarding the Disposition of Firearms in State Custody"

H.P. 826 L.D. 1182

Bill "An Act To Prohibit the Enforcement of Federal Law Placing Restrictions on Firearms or Ammunition"

H.P. 827 L.D. 1183

Bill "An Act To Regulate and Tax Marijuana"

H.P. 868 L.D. 1229

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

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

Bill "An Act Regarding Special Education Requirements for School Administrative Units That Do Not Operate Any Schools"
H.P. 828 L.D. 1184

Bill "An Act To Enhance Efforts To Use Locally Produced Food in Schools"

H.P. 829 L.D. 1185

Bill "An Act To Amend the Compulsory School Attendance Laws"
H.P. 871 L.D. 1231

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 Create the Maine Energy Cost Reduction Authority"

H.P. 831 L.D. 1187

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

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

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 Removal of Trees for Shoreline Stabilization Adjacent to Coastal Wetlands under the Natural Resources Protection Act"

H.P. 830 L.D. 1186

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 Prohibit Coal Tar Pavement Products"

H.P. 857 L.D. 1212

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

Senator **BOYLE** of Cumberland moved to **REFER** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES**, in concurrence.

On motion by Senator **JACKSON** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by Senator **BOYLE** of Cumberland to **REFER** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES**, in concurrence.

Bill "An Act To Ensure the Integrity of Neuropsychological Testing Materials"

H.P. 820 L.D. 1155

Resolve, Directing the Department of Health and Human Services To Amend Its Rules of Reimbursement under the MaineCare Program for Audiology and Speech-language Pathology Services

H.P. 832 L.D. 1188

Bill "An Act Regarding Implementation of Cost-of-living Increases for Nursing Facilities" (EMERGENCY)

H.P. 833 L.D. 1189

Bill "An Act To Reduce Costs and Increase Access to Methadone Treatment"

H.P. 858 L.D. 1213

Bill "An Act To Require a Mandatory Assessment by a Physician prior to Psychotropic or Electroconvulsive Therapy"

H.P. 859 L.D. 1214

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Require the Secretary of State To Issue Certificates of Title for All-terrain Vehicles, Snowmobiles and Watercraft"

H.P. 834 L.D. 1190

Bill "An Act To Strengthen the Fishing Laws"

H.P. 835 L.D. 1191

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

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

Bill "An Act Prohibiting Property Insurance Discrimination Based on Breed of Dog"

H.P. 836 L.D. 1192

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

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

Bill "An Act To Allow a Wrongful Death Cause of Action for the Death of an Unborn Child"

H.P. 837 L.D. 1193

Bill "An Act To Protect Social Media Privacy in School and the Workplace"

H.P. 838 L.D. 1194

Bill "An Act To Amend the Freedom of Access Act"

H.P. 861 L.D. 1216

Come from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Update a Reference Contained in the Maine Uniform Building and Energy Code"
H.P. 821 L.D. 1156

Bill "An Act To Establish the Fair Chance for Employment Act"
H.P. 822 L.D. 1157

Bill "An Act To Protect the Privacy of Job Applicants"
H.P. 839 L.D. 1195

Bill "An Act To Amend the Postgraduate Education Requirements for Physicians Who Have Completed an Accredited Residency Program in Oral and Maxillofacial Surgery"
H.P. 840 L.D. 1196

Bill "An Act To Allow Stores under 10,000 Square Feet To Be Open on Certain Holidays"
H.P. 841 L.D. 1197

Bill "An Act To Protect Earned Pay"
H.P. 842 L.D. 1198

Bill "An Act Regarding Mobile Home Ownership"
H.P. 843 L.D. 1199

Bill "An Act To Protect Employees from Abusive Work Environments"
H.P. 845 L.D. 1201

Bill "An Act To Update the Maine Veterinary Practice Act"
H.P. 846 L.D. 1202

Bill "An Act To Encourage Financing of Manufactured Housing for the Workforce"
H.P. 847 L.D. 1203

Bill "An Act To Modify Franchise Territories for Personal Sports Mobile Dealerships"
H.P. 862 L.D. 1217

Bill "An Act To Improve Access to Oral Health Care"
H.P. 870 L.D. 1230

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 Impose a Duty To Warn and Protect on Mental Health Professionals"

H.P. 844 L.D. 1200

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

On motion by Senator **PATRICK** of Oxford, **REFERRED** to the Committee on **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

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Length of Terms of Senators to 4 Years
H.P. 823 L.D. 1158

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the President of the Senate and the Speaker of the House of Representatives To Be Maine Natives
H.P. 865 L.D. 1220

Come from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

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

Bill "An Act To Lower the Rate of Excise Tax on Older Vehicles To Acknowledge the Longer Life Span of Motor Vehicles"
H.P. 849 L.D. 1205

Bill "An Act To Ensure Equity in the Taxation of Food Items"
H.P. 850 L.D. 1206

Bill "An Act To Expand the Property Tax Exemption for Veterans Who Are 100% Disabled"
H.P. 851 L.D. 1207

Bill "An Act To Amend the Law Regarding Affordable Housing Tax Increment Financing"
H.P. 863 L.D. 1218

Bill "An Act To Promote Tourism and Economic Development"
H.P. 866 L.D. 1227

Come from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

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

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

PAPERS FROM THE HOUSE

House Papers

Resolve, To Establish the Commuter and Passenger Rail Advisory Task Force (EMERGENCY)
H.P. 852 L.D. 1208

Bill "An Act To Prohibit the Use of Public Resources for a Privately Owned East-west Highway"
H.P. 853 L.D. 1209

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 To Ensure Compliance with the Laws Governing Elections"
H.P. 854 L.D. 1210

Bill "An Act To Amend the Laws Concerning Absentee Ballots"
H.P. 855 L.D. 1211

Bill "An Act To Establish a Run-off Process for the Election of the Governor, United States Senator or United States Representative"
H.P. 864 L.D. 1219

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

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

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act To Address Human Trafficking, Sex Trafficking and Prostitution"
H.P. 824 L.D. 1159

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **GERZOFISKY** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218, in concurrence.

**Pursuant to Statute
Administrator of the Unorganized Territory**

The **Administrator of the Unorganized Territory**, pursuant to the Maine Revised Statutes, Title 36, section 1604 asked leave to report that the accompanying Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2013-14" (EMERGENCY)
H.P. 867 L.D. 1228

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

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

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

On motion by Senator **HASKELL** of Cumberland, **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

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

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 26, 2013

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

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

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

On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED** to Wednesday, March 27, 2013, at 10:00 in the morning.