

MAINE STATE LEGISLATURE

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



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

Senate Legislative Record
One Hundred and Twenty-Sixth Legislature
State of Maine

Daily Edition

First Regular Session
beginning December 5, 2012

beginning at Page 1

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Wednesday
April 10, 2013

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

Prayer by Pastor Steve Macleod, Searsport and North Searsport
Methodist Churches.

PASTOR MACLEOD: I greet you on behalf of the churches I
have served for nearly 8 years, as well as the final graduating
class of Bangor Theological Seminary who has served Maine to
train pastors for nearly 200 years, this morning. They are all
praying for you this day, that your deliberations bear good fruit for
all those in the state of Maine. In that spirit, let us join our hearts
together in prayer.

God of all creation, You who created humankind in Your
image and likeness, You who guide us to serve one another as
neighbors and Your beloved children, You who revealed to us the
divine light in the eyes of all men and women, regardless of their
race, creed, means, knowledge, or any other consideration, we
invite Your presence with us this day. As You anointed leaders
among Your people and called to service prophets of old, lead us
to recognize our true election as representatives and authentic
leaders. Help us to transcend those things which divide us and
unite us under the one common goal, to be a blessing to those
whom we serve. May we live out the mandate to care for those
least able to care for themselves. May we submit to needs of the
community and shepherd the lost into new life. May we put aside
personal agendas and unite as one according to Your guidance.
May we stimulate new growth for all, even when it means pruning
branches that do not bear fruit. May we stand boldly as a beacon
on the hill, inviting others into blessing and service by the
example we set in Your name. O God, we recognize that we
cannot truly serve without guidance. We cannot truly uplift those
we represent without openness to the needs of all. Be present
among us so that in spite of our imperfect humanness we can
transcend it and embrace our task to be instruments of Your
grace. Extend Your love to all. Be accountable to all people we
serve, to walk with them, feeling their pain and sharing their joys,
and seeing the light of Your divine love in the eyes of all our
neighbors as we strive to accompany them to our common goal of
common good. As You lead us this day, embolden and
commission us to transform our political system to serve Your
people and to bring real glory to Your holy name. On behalf of
the Searsport and North Searsport United Methodist Churches, I
pray for all before me in the name of Jesus Christ our living Lord.
Amen.

Pledge of Allegiance led by Senator John L. Patrick of Oxford
County.

Reading of the Journal of Tuesday, April 9, 2013.

Doctor of the day, David Jones, MD, FAAFP of Presque Isle.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by
Senator **GOODALL** of Sagadahoc, the following Joint Order:
S.P. 495

Ordered, the House concurring, that when the House and Senate
adjourn, they do so until Tuesday, April 23, 2013 at 10:00 in the
morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on
TRANSPORTATION on Resolve, Directing the Department of
Transportation To Place a Sign on Northbound Interstate 95
Directing Motorists to Lee Academy
H.P. 67 L.D. 74

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass** (2 members)

In House, April 3, 2013, the Minority **OUGHT TO PASS** Report
READ and **ACCEPTED** and the Resolve **PASSED TO BE
ENGROSSED.**

In Senate, April 4, 2013, on motion by Senator **MAZUREK** of
Knox, the Majority **OUGHT NOT TO PASS** Report **READ** and
ACCEPTED, in **NON-CONCURRENCE.**

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

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until
Later in Today's Session, pending **FURTHER CONSIDERATION.**

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations"

S.P. 47 L.D. 126
(C "A" S-12)

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-12)** (5 members)

In Senate, April 2, 2013, on motion by Senator **HASKELL** of Cumberland, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-12)**.

Comes from the House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

On motion by Senator **JACKSON** of Aroostook, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Sent down for concurrence.

The Chair appointed as conferees on the part of the Senate the following:

Senator **HASKELL** of Cumberland
Senator **GERZOFSKY** of Cumberland
Senator **KATZ** of Kennebec

Non-Concurrent Matter

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

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

In House, March 7, 2013, **REFERRED** to the Committee on **JUDICIARY**.

In Senate, March 21, 2013, on motion by Senator **JACKSON** of Aroostook, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES**, in **NON-CONCURRENCE**.

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

On motion by Senator **JACKSON** of Aroostook, the Senate **RECEDED** and **CONCURRED**.

Joint Resolution

The following Joint Resolution:

H.P. 981

**JOINT RESOLUTION RECOGNIZING
THE WEEK OF APRIL 7 - 13, 2013
AS BARBERSHOP HARMONY WEEK**

WHEREAS, The Society for the Preservation and Encouragement of Barber Shop Quartet Singing in America, known now as the Barbershop Harmony Society, was officially organized April 11, 1938 in Tulsa, Oklahoma; and

WHEREAS, what began as a small group has steadily blossomed into the world's largest all-male singing organization, an international organization of men from all stations of life; and

WHEREAS, the Barbershop Harmony Society is dedicated to the spread of harmony for the enjoyment of all people of the world through organizing and encouraging close-harmony singing groups; and

WHEREAS, the Barbershop Harmony Society encourages harmony among all people of the world through the universal language of music; and

WHEREAS, the Barbershop Harmony Society has actively preserved and presented a distinct style of vocal music that originated in North America; and

WHEREAS, the Barbershop Harmony Society is dedicated to sustaining and preserving an American tradition, the barbershop quartet; and

WHEREAS, the Barbershop Harmony Society promotes musical education through music scholarships and other means and supports charitable foundations; and

WHEREAS, "barbershoppers" are engaged in laudable civic service and enrichment of our cultural life through the fostering of traditional values in entertainment and community endeavors; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize the week of April 7-13, 2013 as Barbershop Harmony Week.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: H.P. 968

TOWN OF CAMDEN

April 26, 2013

Resolution Expressing Opposition to the Governor's Proposed State Budget which Shifts Responsibility for Funding the State Budget Shortfall to the Property Tax and Property Taxpayers

Whereas, the Governor has proposed a biennial budget that will shift the responsibility to fund State government by eliminating or significantly modifying Maine's primary programs that are intended to provide property tax relief;

Whereas, the property tax is the most regressive form of taxation and by eliminating Revenue Sharing and greatly changing the eligibility criteria of the Homestead Exemption and the Maine Residents Property Tax and Rent Refund Program (Circuit Breaker) would make the State's tax mix more regressive;

Whereas, by eliminating the State-Municipal Revenue Sharing program, the Town of Camden would lose approximately \$300,000 which would mean a property tax increase to both residential and business property owners, cuts to essential local services, or both;

Whereas, the proposed budget would eliminate the Homestead Exemption program for anyone under the age of 65, which would result in an automatic property tax increase of \$136.80 even if the local budget had no increase;

Whereas, the proposed budget would eliminate the Maine Residents property tax and rent relief program "Circuit Breaker" for anyone under the age of 65 and hurt the people most in need at a time they can least afford to pay higher property taxes; now

Therefore Be it Resolved, that the Camden Select Board calls upon the Maine Legislature to reject these proposals, restore Revenue Sharing, maintain the Homestead and Circuit Breaker programs, and fund State government through an equitable tax system that prevents this unfair shift to property taxpayers.

S/Martin Cates, Chair
S/Donald White, Vice Chair
S/John R. French, Jr.
S/James Heard
Attest: S/Katrina Oakes, Town Clerk
A true copy.

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: H.P. 983

TOWN OF PORTER

March 19, 2013

Whereas, the Governor's unprecedented biennial budget proposal places towns 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, that the town of Porter 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.

Signed

S/Robert Heard, Chair, Board of Selectmen, Town of Porter
S/Chester Chapman, Selectman, Town of Porter
S/Ronald Silvia, Selectman, Town of Porter

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: H.P. 984

**TOWN OF BAR HARBOR
MUNICIPAL OFFICERS
93 COTTAGE STREET, SUITE 1
BAR HARBOR, MAINE 04609-1400**

April 3, 2013

The following resolution was passed, unanimously, by the Bar Harbor Town Council at their April 2, 2013 meeting. At the request of the Bar Harbor Town Council, please send to the full State of Maine 126th Legislature.

Resolution
Of the Bar Harbor Town Council
Opposing Governor LePage's Proposed Tax Shift

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

Whereas, the proposal includes the elimination or deep cuts to municipal revenue sharing; funding local schools; the state's reimbursement for General Assistance; the Homestead Exemption; the "circuit breaker" property tax and rent relief program; and truck excise tax revenue from towns, 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 the wages and benefits of public workers; while also rejecting federal funds to make health care affordable for over 44,000 Mainers; and

Whereas, all of the above shifts costs to towns, whose only major means of raising revenue is property taxes; now therefore,

Be It Resolved, that the Bar Harbor Town Council calls upon the Maine Legislature to reject these proposals, identify less harmful cost savings, and raise revenue in an equitable fashion to avoid this regressive tax shift.

On behalf of the Bar Harbor Town Council,

S/Dana J. Reed, Town Manager

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. 222

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

April 9, 2013

Honorable Darek Grant
Secretary of the Senate
#3 State House Station
Augusta, ME 04333-0003

Dear Secretary Grant,

Pursuant to my authority under House Rule 201.1 (I) (a), I have temporarily appointed Representative Jane P. Pringle of Windham to the Joint Standing Committee on Health and Human Services for the duration of the absence of Representative Matthew Peterson of Rumford effective immediately.

Please do not hesitate to contact me should you have any questions regarding this temporary appointment.

Sincerely,

S/Mark W. Eves
Speaker of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 223

**STATE OF MAINE
ONE HUNDRED AND TWENTY SIXTH LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

April 9, 2013
Honorable Justin L. Alfond, Senate President
Honorable Mark W. Eves, Speaker of the House
126th Maine State Legislature
State House
Augusta, Maine 04333

Dear President Alfond and Speaker Eves,

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

L.D. 1317 An Act Related to Rent Escrow

Sincerely,

S/Sen. John L. Tuttle, Jr
Senate Chair

S/Rep. Louis J. Luchini
House Chair

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

SENATE PAPERS

Resolve, To Provide a Pesticide Spraying Notification Process
S.P. 493 L.D. 1391

Presented by Senator BOYLE of Cumberland.
Cosponsored by Senator: JOHNSON of Lincoln, Representatives:
HARLOW of Portland, NOON of Sanford.

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

Sent down for concurrence.

Bill "An Act Regarding the Cost-of-living Adjustment for Certain State Retirees When the Cost of Living Declines"
S.P. 499 L.D. 1395

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

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

Sent down for concurrence.

Bill "An Act To Make Parents More Aware of Eating Disorders"
S.P. 498 L.D. 1394

Presented by Senator TUTTLE of York.
Cosponsored by Representative MacDONALD of Boothbay and Senators: President ALFOND of Cumberland, CAIN of Penobscot, CRAVEN of Androscoggin, JOHNSON of Lincoln, LANGLEY of Hancock, MAZUREK of Knox, MILLETT of Cumberland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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 Create the Lisbon Water District"
S.P. 500 L.D. 1396

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative BEAVERS of South Berwick and Representative: DUNPHY of Embden.

Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested and ordered printed.

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

Bill "An Act To Encourage Entrepreneurial Investment in Maine"
S.P. 497 L.D. 1393

Presented by Senator WOODBURY of Cumberland.
Cosponsored by Representative BERRY of Bowdoinham and Senator: GOODALL of Sagadahoc.

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.

Bill "An Act To Create Equity and Fairness in the Elver Industry"
S.P. 501 L.D. 1397

Presented by Senator GERZOFISKY of Cumberland.

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 Amend the Motor Vehicle Laws"
S.P. 494 L.D. 1392

Presented by Senator MAZUREK of Knox.
Cosponsored by Representative THERIAULT of Madawaska and Senator: VALENTINO of York, Representatives: NUTTING of Oakland, POWERS of Naples, TURNER of Burlington, VILLA of Harrison, WERTS of Auburn.
Submitted by the Secretary of State pursuant to Joint Rule 204.

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

Sent down for concurrence.

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

ORDERS

Joint Order

On motion by Senator **TUTTLE** of York, the following Joint Order:
S.P. 496

ORDERED, the House concurring, that the Joint Standing Committee on Veterans and Legal Affairs shall report out, to the Senate, a bill regarding the wholesale spirits contract.

READ and **PASSED**.

Sent down for concurrence.

Expression of Legislative Sentiment recognizing:

The Cosmopolitan Club of Bath, on its 100th anniversary. The club was organized on April 11, 1913 by its founder, Miss Elizabeth Webber, and the mission of the club was to bring together, for educational, philanthropic and social purposes, the numerous young women who desired to work together for the welfare of each other and the community at large. The club has had an immense positive and diverse impact on the community. During World War I, members provided aid to French victims of the war, including adopting an orphan, and sponsored the first public health nurse. During World War II, members conducted a street fair, bought defense bonds and sent clothing to our Russian allies. In 1927, the club was inducted into the General Federation of Women's Clubs and the Maine Federation of Women's Clubs. It has supported projects like Maine Youth Leadership, Domestic Violence Awareness, Operation Smile, the Good Shepherd Food Bank and the Maine Women's Fund. While maintaining the same purpose incorporated in 1913, the club continues to maintain the historical and architectural integrity of its clubhouse, a Greek Revival structure on the National Register of Historic Places in the historic business district of Bath. The women of the Cosmopolitan Club of Bath continue to gather in fellowship, raise awareness of the needs of the community, serve that community and open their homes to those in need and to those who serve. We extend our appreciation and congratulations to the Cosmopolitan Club of Bath on its centennial celebration;

SLS 174

Sponsored by Senator GOODALL of Sagadahoc.
Cosponsored by Representatives: DeCHANT of Bath, KENT of Woolwich.

READ.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise today to celebrate the 100th birthday of the Cosmopolitan Club in Bath. Some of their members are here with us today. This has been an organization that came into existence 100 years ago tomorrow. They are a very well organized entity in Bath that does a lot of great things for the region in terms of educationally, philosophically, and for social purposes. Recently they've worked on projects such as bringing awareness of domestic violence, youth leadership, the Maine Women's Fund, and, on a lighter note, they arguably have some of the best strawberry shortcake in the state of Maine. Every year, on Heritage Days, as a fundraiser, groves of people leave Library Park to go over to the Cosmopolitan Club to partake in their strawberry shortcake and raise money for their great causes that they support. I just wanted to rise today and acknowledge their birthday and their celebration and thank them for coming and encourage this organization and all the other organizations that do great things for our communities. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Michelle Ober, Pamela Pinkham, and Ellen Womer of the Cosmopolitan Club of Bath. They are the guests today of the Senator from Sagadahoc, Senator Goodall. Would the guests please rise and accept the full greetings of the Maine State Senate.

Joint Resolution

On motion by Senator **TUTTLE** of York (Cosponsored by Representative **MASTRACCIO** of Sanford and Representatives: **BOLAND** of Sanford, **NOON** of Sanford), the following Joint Resolution:

S.P. 502

**JOINT RESOLUTION
RECOGNIZING THE CITY OF SANFORD AS MAINE'S
NEWEST CITY**

WHEREAS, Sanford, Maine's newest city, is located within beautiful York County, Maine's southernmost county and gateway; and

WHEREAS, the City of Sanford displays a visually breathtaking area of Maine, as it is bordered by ridges and is complemented by brooks and streams as they flow into the pristine Mousam River and then on to the Atlantic Ocean; and

WHEREAS, in 1661, Major William Phillips, an owner of mills in Saco, purchased from the Abenaki Chief Fluellin a tract of land, the western portion of which would become Sanford; and

WHEREAS, the first settlement in this area was established in 1739, and on February 27, 1768 it was incorporated as the Town of Sanford, named after Peleg Sanford, the son of Major Phillips; and

WHEREAS, Sanford held its first town meeting as ordered by the General Court of Massachusetts; and

WHEREAS, by a Special Act of the Maine Legislature in 1935, Sanford changed its form of governance to a representative town meeting; and

WHEREAS, in 2010 a charter commission developed a new charter, and, on November 6, 2012, the people of Sanford voted to establish Sanford as a city with a Council-Mayor-City Manager form of governance, effective January 1, 2013; and

WHEREAS, Sanford is a vibrant service center and economic hub with investments in exceptional infrastructure, economic development partnerships and quality of life and has now implemented a progressive and responsive form of governance reflective of its business-friendly accreditation, and the City of Sanford has been proclaimed "Open for Business"; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize the transition of the Town of Sanford to the City of Sanford on January 1, 2013, the first city created under Maine's home rule provisions enacted in 1970; and be it further

RESOLVED: That We acknowledge the commitment of all Sanford residents, past and present, to improve their legislative and administrative system in response to the needs and will of the people and businesses of Sanford, an economically vibrant and inviting community; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the 2010 Sanford Charter Commission and the Sanford City Councilors for display and preservation for the residents of Sanford, the newest city in Maine.

READ.

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

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Protect Landlords When Tenants Fail To Pay Utility Bills"

H.P. 176 L.D. 215

Reported that the same be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**.

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

On motion by Senator **TUTTLE** of York, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**, in concurrence.

Ought to Pass

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Equalize the Fire Investigation and Prevention Tax Paid by Insurers"

H.P. 205 L.D. 296

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-32)**.

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

READ ONCE.

House Amendment "A" (H-32) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Provide Free Fishing Licenses to Certain Children in the Custody of the Department of Health and Human Services"
H.P. 489 L.D. 717

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 **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Remove an Unnecessary Provision in the Maine Insurance Code"

H.P. 445 L.D. 653

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.

Ought to Pass As Amended

The Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, To Direct the Commissioner of Inland Fisheries and Wildlife To Allow Veterans with Lower Limb Loss To Obtain 'Any-deer' Hunting Permits

H.P. 55 L.D. 63

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-37)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-37)**.

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

READ ONCE.

Committee Amendment "A" (H-37) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Prohibit a Requirement That a Superintendent Reside in the School Administrative Unit" (EMERGENCY)

H.P. 10 L.D. 6

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-31)**.

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln
LANGLEY of Hancock

Representatives:

MacDONALD of Boothbay
DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
JOHNSON of Greenville
MAKER of Calais
McCLELLAN of Raymond
NELSON of Falmouth
POULIOT of Augusta
RANKIN of Hiram

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Representative:

KORNFELD of Bangor

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought Not To Pass** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-31)**.

Reports **READ**.

Senator **MILLETT** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **JACKSON** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by Senator **MILLETT** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Ban the Purchase of Bottled Water by State Agencies"

H.P. 224 L.D. 315

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

Signed:

Senator:

COLLINS of York

Representatives:

GRAHAM of North Yarmouth
BOLAND of Sanford
BOLDUC of Auburn
COTTA of China
HAYES of Buckfield
MacDONALD of Old Orchard Beach
NADEAU of Winslow
NADEAU of Fort Kent
PEASE of Morrill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-36)**.

Signed:

Representative:

CHENETTE of Saco

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill
"An Act To Require That Motorcyclists Wear Helmets"
H.P. 69 L.D. 66

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

Signed:

Senators:
MAZUREK of Knox
COLLINS of York

Representatives:
THERIAULT of Madawaska
GILLWAY of Searsport
NUTTING of Oakland
PARRY of Arundel
PEOPLES of Westbrook
TURNER of Burlington
VEROW of Brewer

The Minority of the same Committee on the same subject
reported that the same **Ought To Pass as Amended by
Committee Amendment "A" (H-20)**.

Signed:

Senator:
VALENTINO of York

Representatives:
McLEAN of Gorham
POWERS of Naples
WERTS of Auburn

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

Reports **READ**.

Senator **MAZUREK** of Knox moved the Senate **ACCEPT** the
Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **THIBODEAU** of Waldo, supported by a
Division of one-fifth of the members present and voting, a Roll
Call was ordered.

On motion by Senator **JACKSON** of Aroostook, **TABLED** until
Later in Today's Session, pending the motion by Senator
MAZUREK of Knox to **ACCEPT** the Majority **OUGHT NOT TO
PASS** Report, in concurrence. (Roll Call Ordered)

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill
"An Act To Prohibit the Use of a Handheld Mobile Telephone
while Operating a Motor Vehicle"

H.P. 71 L.D. 68

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

Signed:

Senators:
MAZUREK of Knox
COLLINS of York

Representatives:
THERIAULT of Madawaska
GILLWAY of Searsport
NUTTING of Oakland
PARRY of Arundel
POWERS of Naples
TURNER of Burlington
VEROW of Brewer
WERTS of Auburn

The Minority of the same Committee on the same subject
reported that the same **Ought To Pass as Amended by
Committee Amendment "A" (H-19)**.

Signed:

Senator:
VALENTINO of York

Representatives:
McLEAN of Gorham
PEOPLES of Westbrook

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

Reports **READ**.

Senator **MAZUREK** of Knox moved the Senate **ACCEPT** the
Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **THIBODEAU** of Waldo, supported by a
Division of one-fifth of the members present and voting, a Roll
Call was ordered.

On motion by Senator **JACKSON** of Aroostook, **TABLED** until
Later in Today's Session, pending the motion by Senator
MAZUREK of Knox to **ACCEPT** the Majority **OUGHT NOT TO
PASS** Report, in concurrence. (Roll Call Ordered)

SECOND READERS

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

House As Amended

Bill "An Act To Allow Vehicles Engaged in Snow Removal or Sanding Operations on Public Ways To Use Preemptive Traffic Light Devices" (EMERGENCY)

H.P. 15 L.D. 11
(C "A" H-33)

Bill "An Act To Amend Standards for Participation in Certain Public School Services by Students Who Are Homeschooled"

H.P. 53 L.D. 61
(C "A" H-30)

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

H.P. 207 L.D. 298
(C "A" H-35)

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

H.P. 247 L.D. 342
(C "A" H-34)

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

Senate As Amended

Bill "An Act To Amend the Limited Liability Company Laws"

S.P. 193 L.D. 503
(C "A" S-22)

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 Enact Measures To Improve Enforcement Mechanisms in the Elver Industry

S.P. 222 L.D. 632
(C "A" S-23)

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, first of all let me say that, as many of you already recognize, the Republican Caucus does not have an individual that serves on this committee, so it makes it sometimes difficult for us to get all the information in a timely fashion. This morning we had a discussion around this very important piece of legislation. Indeed, I am going to support this piece of legislation this morning, but in going over it and discussing it in caucus there were some points brought up that are of concern to some of our members. The Administration has reassured me that there is another vehicle that is coming before this committee to deal with this issue. They have committed to me to correct, or at least address, some of these concerns that members of our caucus have been able to bring to their attention. We will be supporting this very important piece of legislation because it is, indeed, incredibly important that we do it in a timely fashion. Thank you.

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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 Relating to Ways under the Jurisdiction of the Midcoast Regional Redevelopment Authority and the Loring Development Authority

S.P. 48 L.D. 127
(C "A" S-15)

An Act To Amend and Clarify the Maine Uniform Securities Act

S.P. 65 L.D. 176
(C "A" S-18)

An Act To Electronically Issue Permits for Burning

S.P. 118 L.D. 285
(C "A" S-14)

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

H.P. 213 L.D. 304

An Act To Amend the Charter of the Augusta Parking District

S.P. 137 L.D. 357

An Act Concerning Hurricane Deductibles

H.P. 302 L.D. 452
(C "A" H-17)

An Act To Eliminate Certain Data Collection Requirements of the Forest Health and Monitoring Program of the Division of Forestry

H.P. 307 L.D. 457

An Act Regarding Maine Commercial Motor Carrier Safety Regulations

S.P. 187 L.D. 494
(C "A" S-16)

An Act To Exempt All-terrain Vehicle Trail Management from Storm Water Management Requirements

S.P. 232 L.D. 642

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

H.P. 447 L.D. 655

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.

An Act Concerning the Use of Tobacco Settlement Funds for Children's Health Care

H.P. 140 L.D. 180
(C "A" H-10)

On motion by Senator **CAIN** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

An Act To Promote Dental Care for Low-income Populations

H.P. 341 L.D. 499
(C "A" H-18)

On motion by Senator **CAIN** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

An Act To Adjust Maine's Minimum Wage Annually Based on Cost-of-living Changes

H.P. 430 L.D. 611
(C "A" H-16)

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later Assigned (4/9/13) matter:

Bill "An Act To Create the Aging in Place Program"
S.P. 473 L.D. 1354

Tabled - April 9, 2013, by Senator **PATRICK** of Oxford

Pending - **REFERENCE**

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

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/9/13) matter:

SENATE REPORT - from the Committee on **TAXATION** on Bill "An Act To Provide Greater Access to Capital for Certain Businesses Through Advance Payment of Employment Tax Increment Financing Benefits"

S.P. 111 L.D. 278

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-21)**

Tabled - April 9, 2013, by Senator **JACKSON** of Aroostook

Pending - **ACCEPTANCE OF REPORT**

(In Senate, April 9, 2013, Report **READ**.)

Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-21) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later Assigned (4/9/13) matter:

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Change the Taxes on Fuel Purchased for Use Other Than on the Highways"

S.P. 221 L.D. 631

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-20)** (6 members)

Tabled - April 9, 2013, by Senator **KATZ** of Kennebec

Pending - motion by Senator **HASKELL** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report (Roll Call Ordered)

(In Senate, April 9, 2013, Reports **READ**.)

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Thomas.

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I didn't intend to speak on this again, but Senator Jackson said something yesterday when we talked about this bill. It started me thinking. When I first started buying off-road fuel we didn't pay \$1 a gallon for it. We paid 19¢. Once a week we'd go fill up the fuel barrel and we'd pay our 40¢ or 50¢ tax and that would go us all week. No one worried about 40¢ or 50¢. Today, if you are going to the woods and you are going to do anything, 100 gallon fuel tank is not big enough. You need 200 or 250. It's not 19¢ anymore. It's \$4. You are paying \$50 or more every day for taxes so you can work. Some people will say, "Well, you're getting more for the wood that you sell. What are you complaining about?" Yes, you can. The last time I sold logs, the last time we had a saw mill in Greenville, I got half as much as I get today. Fuel is 20 times as much and we get twice as much for the logs. Sounds like a good deal to me. Doesn't it you? We're working for a lot less and we're paying a lot more in taxes. It's a struggle. We've had votes here where it seems like we can't wait when some multi-national corporation comes here with their hand out and they want millions of dollars in one tax break or another, one special treatment or another. These people that we are talking about, they are not multi-national corporations. They are local people. They've been doing this for 4 or 5 generations. We're quibbling about a few pennies a gallon. Last year the fishermen needed a break. We didn't just reduce the tax, we eliminated it. These loggers, who are struggling, are paying way outrageous prices for their equipment, and are working more hours than most people that I know put in, need a break. They need some help, just like the fishermen did. How about if we are a little less anxious to give these multi-national people a break and we're a little more anxious to help our home-grown people? Thank you.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I, too, had decided not to speak on this, but given another opportunity I thought I would weigh in on a very important issue to my area. Much of what I believe has already been said here, especially by the good Senator from Arostook, Senator Jackson, and Senator Thomas. I think it's very important for us to remember that what may create a fiscal note to us is very important here, but it's not as important to those people that

are trying to make a living day in and day out, out on the highway, driving these trucks and trailers, especially in the northern part of my district. We just passed a bill a couple of days ago here that may or may not have an adverse impact on that part of my district that is up above Princeton, where there are very few opportunities for people to make a living, whether you are a sportsman guide or whether you are driving a log truck or working in the woods. If we can do anything here such as reducing some of the costs of doing business which they are engaged in, trying to make a living for their families, I think it's an opportunity missed if we don't do that. As the good Senator Thomas just mentioned, we saw fit to do this for the lobstermen and the fishermen last year. Rightfully so, it made their bottom line a little bit better so that they could make a living. I think it's very reasonable for us to consider doing this for these people that are working in the woods industry especially. I'm going to vote to support that type of measure and against the pending motion. Thank you, Mr. President.

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues of the Senate, I don't disagree with the importance of helping businesses here in the state of Maine. I believe that this dyed fuel that is purchased is already exempt from one tax, so there is some advantage that's been provided to this group. I would also remind people that when the cost of this is borne by the Appropriations Committee and it moves onto the people of the state of Maine, it is working men and women who are going to pay this as well. They are going to have to pay the bill for this. It's going to come out of them in some way. Once again, I would encourage your support for the Ought Not to Pass Report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Arostook, Senator Jackson.

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just wanted to rise and say how much I respect the Senator from Cumberland, Senator Haskell, and the tough job that she has in the Taxation Committee. There are a lot of competing interests on our limited revenues coming into the state. I understand truly how hard it is to balance all those interests. I also wanted to take the moment to say that the Professional Logging Contractors of Maine asked me to put this bill in on their behalf. I have a lot of people in my district that this will affect. I also wanted to say, for all the comments that were very good about helping Maine businesses here, that Professional Logging Contractors of Maine has got another couple of bills coming that are totally designed towards Maine businesses, not those foreign, multi-national corporations that we've heard about. I certainly hope that we have the same zest and support for those bills coming down the pike that we do today.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Haskell to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#39)

YEAS: Senators: BOYLE, CLEVELAND, CRAVEN, GERZOFKY, GOODALL, GRATWICK, HASKELL, MAZUREK, MILLETT, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, CAIN, COLLINS, CUSHING, DUTREMBLE, FLOOD, HAMPER, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, WHITTEMORE, YOUNGBLOOD

ABSENT: Senator: HILL

12 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **HASKELL** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-20) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Resolve, Directing the Department of Transportation To Place a Sign on Northbound Interstate 95 Directing Motorists to Lee Academy

H.P. 67 L.D. 74

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass** (2 members)

Tabled - April 10, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **FURTHER CONSIDERATION**

(In House, April 3, 2013, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.)

(In Senate, April 4, 2013, on motion by Senator **MAZUREK** of Knox, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

(In House, April 9, 2013, that Body **INSISTED**.)

Senator **JACKSON** of Aroostook moved the Senate **ADHERE**.

On motion by Senator **THOMAS** of Somerset, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Thomas.

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, this bill, if we defeat the pending motion, would allow one sign on the northbound side of Interstate 95 in Lincoln, 100 or so miles north of here. This sign would help people from 17 countries and 15 states find the school their children attend. It will help parents from all over the world find Lee Academy before they spend more than \$30,000 a year to send their children to this great school. By the way, those parents will add hundreds of thousands of dollars to an economy that has one of the highest unemployment rates in the state of Maine. When I served on the Transportation Committee, we allowed both Hebron Academy and Maine Central Institute to have two signs on I-95. Lee Academy only wants one sign and they are willing to pay for it themselves. If you miss the exit in Lincoln, you've got to drive all the way to Medway and then drive all the way back. If you've ever been up there, that's a long ride even at 75 miles an hour. This school needs a sign to direct visitors to the school and they deserve it, just like MCI did and just like Hebron Academy did. Please help people find this great school and vote against the pending motion. Thank you.

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

Senator **CRAVEN:** Thank you Mr. President. May I ask a question through the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **CRAVEN:** Thank you Mr. President. I'd like to know how big the sign is?

THE PRESIDENT: The Senator from Androscoggin, Senator Craven poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Somerset, Senator Thomas.

Senator **THOMAS:** Thank you Mr. President. I don't know the exact dimensions, but it will be the same size as the one for Hebron Academy and the one for Maine Central Institute.

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

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, it is not always that I can publicly take the opportunity to wholeheartedly agree with the Senator from Somerset. I wanted to take the opportunity to do that today and thank him for his articulate description of the northern part of my district, where, I will be honest with you, I have missed the exit and I have had to go up and turn around. I also want to make sure that we understand, I want to make sure that it is clear that I understand, the Transportation Committee has had serious and ongoing

conversations about the challenges of these signs and making sure that we don't cross a line or get into a slippery slope related to billboards. I want to thank them publicly and I appreciate that work. In this case, it is about consistency. It is about the signs that have already been in place and put in place in other places. In case it was not stated, I wanted to reinforce the fact that Lee Academy is only asking for one sign, only on the northbound side of the highway, and that they will assume all costs related to the creation of the sign and the placement of the sign. I appreciate the opportunity to share this information with you. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Valentino.

Senator VALENTINO: Thank you very much Mr. President. Members of the Senate, I rise to speak in support of the Majority Ought Not to Pass Report, a report that 11-2. One of those was the good sponsor of this bill. I would champion for my academy the same way. Lee Academy is a wonderful academy. We heard wonderful things about Lee Academy, but we also had another bill in for Berwick Academy. That sponsor had wonderful things to say about Berwick Academy and had a room full of people, students and educators and parents of foreign students, who came in to speak for that sign. We did not vote to approve that sign. We also had a sign for Gould Academy come in. That, again, we had people come in to speak about the wonderful attributes for Gould Academy. We did not allow that sign. I will also say that I represent Thornton Academy and Thornton Academy is a wonderful school which has foreign students from all over the world that come to Thornton Academy. If you miss the exit for Saco, you do have to go all the way down into Scarborough for the next exit. You have to go through a lot of traffic. We can't go 75 miles an hour on my stretch of the road yet. There are a lot of great schools out there and my first reaction is that if this goes through I'm going to run down and put an after deadline bill in and I'm going to get one for Thornton Academy because it's a great idea. The problem has been that it is an extremely slippery slope. All of the signs that are up there are all in violation, really, of the Department of Transportation rules. They have all been done by the Legislature. That's why we have a sign when you get off the turnpike that says Fort Kent, 10,000 miles from now. It was legislatively done. That sign is a nonconforming sign. You go down 295, you go down the turnpike, they are all nonconforming signs. It has to be a point where you say stop. We need to treat everybody fairly. Treating Lee Academy by denying their sign is actually treating them fairly. It is treating them the same way that we have treated everybody else in the Transportation Committee. A sub-committee was actually formed to look at all of the sign requests and the sub-committee came back and said, "Enough, no more signs." Every single person offered to pay for their sign, to put their sign up. This is not anything new. Everybody offered to pay for their sign. I think everybody would have gone and physically hammered it onto the post themselves. All I'm saying is that if we allow one, without allowing the others, is that fair? Is that what we want to do? I would say that the 11 people on the Transportation Committee said no, that is not fair. Thank you very much.

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

Senator GERZOFSKY: Thank you Mr. President. Ladies and gentlemen of the Senate, you might have thought I'd gotten up to debate on helmets today or other issues. This one I didn't expect that we were going to debate. Seeing how we're going to debate it, I want to get my two cents in because I put in a sign bill this year for a town in my district that has no sign for a whole town. Actually the liaison from the Department of Transportation got lost twice trying to find this town. The town of Harpswell. I know where it is. I can't hardly get any place without bumping into it. They don't have a sign on the Interstate. They've wanted a sign on the Interstate since the Interstate was built, since 295 got up there. They asked me to put in a bill this year and I did. I talked to the chairs of the committee and I found out just what they were going to do with sign bills. Well, I took my lumps like everybody else. They were very nice. They allowed me to table it so I could go to my community. I could also take the Commissioner of Transportation with me. We brought in a thick book and explained to them the rules and how much we'd been breaking those rules in the Legislature. If we're going to pass signs, we might as well get rid of the billboard sign law because we've taken the State and put it in the position of creating the billboard signs. If you drive down the highway, down south or up north, you will find a proliferation of signs telling us how to get to everyplace except Harpswell. I couldn't get my Harpswell bill in this year, so if this bill were to pass I want you to know where I'm going to be tomorrow. I'll be down in Transportation trying to resurrect my bill, just like everybody else will. We have a proliferation of State signs. Either we are going to reenact the sign bill law and start having signs all over the place like we're doing, except they won't be State sponsored signs, they will be commercial signs. Just what an academy would have, a big billboard, back in the old days, saying where the academy was. We got rid of that. We replaced them with State signs. I would say follow the chairs on this one. Follow the committee, 11-2 vote. Treat everybody the same. I just want fair treatment, my friends. If you get a sign, I want a sign. That's the way it's going to go through this whole Legislature. Thank you very much, Mr. President, for your time.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Collins.

Senator COLLINS: Thank you Mr. President. Ladies and gentlemen of the Senate, today's modern vehicles, they have GPS in them. You could find just about any place in the United States by relying on one of these systems. I'm sure that includes Lee Academy. As far as the necessity for a sign, I question whether or not it's even needed. We have, on the Transportation Committee, in the past have tried to be cooperative, but it was a mistake, in allowing signage for other private academies. That was a mistake. We've now adopted the federal regulations, which prohibit those types of signs on the interstate highway system here in Maine. I think that's the correct course of action. We've treated all the sign bills the same way this particular year in session. They are all being voted almost unanimously Ought Not to Pass. I am also on that side of the ledger of Ought Not to Pass. As mentioned in previous testimony, it was an 11-2 vote in the committee of jurisdiction, that being the Transportation Committee. I would urge you to follow my light. Thank you.

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

Senator **BURNS**: Thank you Mr. President. Ladies and gentlemen of the Senate, I can't believe I'm rising twice in the same day. I learned several years ago that that's not a good idea, but I can't sit in my seat on this one. Just for a moment please indulge me. The good Senator, Senator Valentino, mentioned that this is an issue of fairness and I agree wholeheartedly. We already have two signs. Somebody asked the size of that sign. I believe it was Senator Craven. As you know, I come back and forth every Sunday. On my way down Sunday night I looked for the sign for MCI so I would have some idea what I was talking about. It's pretty innocuous. I think it's only about 10" high and the width of the large billboard above it. It is something that you drive by day in and day out and never notice. It's not like it's an eyesore. It's very appropriate, I think. Again, the issue is of fairness. It's already there for MCI. It's already there for Hebron. I certainly would never suggest that those two wonderful schools would lose their sign, but I am suggesting that it's a matter of fairness that we do this for this school. I understand the argument about the billboards. We're not talking about billboards here. We're talking about giving some direction to a very important institution. I don't think that's going to open the floodgates to all the billboard signs coming back. My little academy down in Washington County. We're off Route 1. We're not off the Interstate. We have a small sign on both sides of the road that leads off Route 1 to go to the academy so people can find it. I'm sure their GPS's would take them there, but you know it's kind of nice to have a little bit of direction. It's certainly kind of nice to have something to look at that will give you some direction when you go north of Old Town. If you haven't been there, take the ride and see for yourself. I think what's being requested here is very reasonable. I don't think it's going to open up the floodgates and I would ask you to not support the motion. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, just to rise and answer the question that was put. It's not 10,000 miles; it's 290 to Fort Kent.

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

Senator **PATRICK**: Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I did co-sponsor the bill to put a sign for Gould Academy and am pretty sad that it didn't get there. I've heard of Lee Academy. The one thing I do know is Lee Academy is located on Route 6, 12 miles east of the town of Lincoln, Maine. It is accessible from both the north and south by traveling on Interstate 95 to Lincoln. We're in the center of the Village of Lee, the crossroads of Route 6 and Route 168. If I didn't know where Lee Academy was, one thing I would do is look it up. The directions are pretty clear on their own website on how to get there. As much as I'd like to support this, I'd like to support one for Gould and the other institutions as well. There will always be an issue of fairness on there unless we open it up to everyone who wants a sign on there. If we open it up to just the institutions I'm sure there are many small businesses that want to have one. Signs do work in some respects and signs don't work in other respects. We've got a sign down at the beginning of the state of Maine that says, "Open for Business"

and that doesn't seem to have worked all that well. I'm going to be voting in support of the Adhere.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Jackson to Adhere. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#40)

YEAS: Senators: BOYLE, CLEVELAND, COLLINS, CRAVEN, GERZOFOSKY, GOODALL, GRATWICK, HASKELL, JACKSON, JOHNSON, KATZ, LACHOWICZ, MAZUREK, MILLETT, PATRICK, THIBODEAU, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, CAIN, CUSHING, DUTREMBLE, FLOOD, HAMPER, LANGLEY, MASON, PLUMMER, SAVIELLO, SHERMAN, THOMAS, TUTTLE, WHITTEMORE, YOUNGBLOOD

ABSENT: Senator: HILL

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **JACKSON** of Aroostook to **ADHERE, PREVAILED.**

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Prohibit a Requirement That a Superintendent Reside in the School Administrative Unit" (EMERGENCY)

H.P. 10 L.D. 6

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-31)** (12 members)

Minority - **Ought Not To Pass** (1 member)

Tabled - April 10, 2013, by Senator **JACKSON** of Aroostook

Pending - motion by Senator **MILLETT** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, April 4, 2013, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-31).**

(In Senate, April 10, 2013, Reports **READ.**)

On motion by Senator **JACKSON** of Aroostook, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I rise in support of this motion. I think we all want to have great schools. I think we can also agree that a part of having great schools is having great leaders. That begins with the Superintendent of Schools. To me, that's the goal of this legislation. It's to help communities be in the best possible position to have the best leaders. Right now certain charters, including the charter of the City of Augusta, indicate that school superintendents must live within the four corners of the municipality. Let me tell you a little bit about the Augusta City Charter. It was passed decades ago. It was reviewed by a commission back in 1997. I know because I was chair of that commission at that time. We talked about how many city councilors we ought we have and we talked about what the districts ought to be. We talked about all sorts of things in this 40 page charter. I can assure you that one thing we didn't think about back then, that was sort of passed over, was this antiquated charter provision rule that was in there that looked back to an earlier day when school superintendents tended to be in their jobs for 20, 30, or 40 years, as was the case in Augusta literally, and it was just passed through. Times have changed. School superintendents are like baseball managers now. They have a shelf life of about three to five years for a variety of reasons. A requirement that school superintendents live within their communities really does tie a community's hands. You could say, "Fine, why don't you just go and change the charter?" We can certainly try to do that, but changing the charter is a rather cumbersome and complicated procedure. The alternative is to say, "Why don't we leave these decisions in the hands of those who really think most about educational issues? They are not appointed people. They are not self-anointed. They are elected by the community." That is our school boards; school boards who understand the challenges of trying to recruit superintendents. I'm sure you've all faced that in your own districts as well. Right now, let's say we identified in Augusta a great potential school superintendent who lived in Hallowell, less than a mile from where we are right now. That person was towards the end of their career, they don't want to have to sell their home, or even someone younger who's not sure they are going to be a good fit for the community and want to sell their home. Right now we literally can't hire them. I understand the opposition to this. It's a matter of local control. If it's in the charter; go change the charter. It is a matter of local control. It seems to me that the committee, by, I think it was, a 12-2 vote or a very lopsided vote, said, "Let's leave that local decision in the hands of the local elected officials, the school board." It seems to me that's a good outcome and I urge support of the motion. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, you certainly can't make this stuff up. I

think it's important that we not lose sight of how this bill got here. This bill was sponsored by an individual that represents a district where this is a very important issue. It was taken to the voters of that district. There was an attempt to change the charter so that the superintendent in that district did not have to live within the confines of that school district. It was rejected by the voters. Now we have a bill sitting before us today from one of our representatives. They brought it in good faith, but the fact of the matter is this is an attempt to override the will of the voters in that community. I think that's unfortunate. We're going to, as a Body, say that the school boards should have jurisdiction over a town charter. I really hesitate to give them that sort of authority. I appreciate the fact that they are the ones that have interaction with any superintendent within the state. The fact of the matter is that voters in that district said, "We want our superintendent to live in our community." We certainly shouldn't be stripping that authority away from any of our communities. If that is what the community decides that they want in their charter, that's where it should be. I might add that it's not the school board that has typically had jurisdiction over town charters. It's the municipal officials. Now we're allowing the school board to make that decision. I think that's unfortunate. I think it's an overreach on our part as well as an overreach on any school board's part to simply override the will of the people that they are representing. That's not good government. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just wanted to point out that this is exactly the debate we had in the committee. It started with a great deal of concern over local control. It's also very clear in Maine law that what the school board does have responsibility for is hiring a superintendent. This is a case where it's the town charter interfering with their ability to fulfill that expectation. We felt strongly that the school board is responsive to the district which elects them. We also felt that, although in the particular case you are referring to where it's a municipal school district, there is an inherent problem in having municipal charters determine where a superintendent lives as we now have many more districts that are consolidated school districts. Which town's charter in a consolidated school district should determine where the superintendent must reside if you have several? I think that leaving the question to the charters of the municipalities creates an inherent problem and the responsibility is clear in law that it's the school board that makes those decisions. They are still elected. We need to give them the power to make those decisions for the best interest of the school system. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Valentino.

Senator **VALENTINO:** Thank you very much Mr. President. Members of the Senate, I rise today to support the Majority Report out of the Education Committee. The report was a 12-1 report. I did not support the original bill. If the original bill was before this Body I would not be voting for the original bill. This is not the original bill. Even the title has been changed. The title is now, "An Act Regarding the Authority of a School Board to Elect a School Superintendent." It's a new title and a new bill and a new amendment that I can support. It was a difficult decision for me

because I do represent part of Biddeford and the superintendent actually lives in Saco. I think that work that the Education Committee has done on this fulfills the needs of both the citizens and the school board and is a practical solution. This is not about one community. This is about the entire state of Maine. The amended version simply allows a school board to choose whether or not the residency should be part of the superintendent's contract. There is no order. There is no mandate. Only an option. The bill is really about home rule; letting the school board decide. All existing state law indicates that school boards and school units have sole control over a superintendent. Let the schools work that. State law already has declared that municipalities cannot restrict fire chiefs or police chiefs or other city employees from having to reside in the town or city in which they work. I would question why we're forcing a superintendent when we could have a fire chief or a police chief in Saco that might live in Cape Elizabeth. If there is an emergency, he has to come down from Cape Elizabeth. A superintendent has to be in the same town. I would think those emergency personnel, if anything, they would be required to live in the town. That is not the case because state law has said that they do not have to live in that town. As I said, I did not support the original bill, but I do support the amendment. One of those reasons is that I do have a letter here from the Biddeford school committee which, "We the members of the Biddeford school committee, by unanimous vote, express our support of L.D. 6 as currently amended by the Education and Cultural Affairs Committee of the Maine Legislature." It is signed by every member of the school board. With that, I would say we do not force fire chiefs or police chiefs to reside in the town. Let the school boards make the decision. This is not about one city. This is about superintendents throughout the entire state of Maine. Therefore, I will be supporting the Majority Report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Dutremble.

Senator **DUTREMBLE:** Thank you Mr. President. I wasn't going to rise today to speak on this bill, but I think it's very important that I do stand up. We all know how this bill became this bill and how it was introduced. My constituents just voted on this in November, the same time they elected me. It was overwhelmingly that they defeated this residency change in the charter. Senator Katz stated that the charter may be antiquated and outdated. Our voters came out and they voted for the charter. They voted to deny this. As their representative in the Majority, I would have to support them and I will be voting against this bill. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Millett to Accept the Majority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#41)

YEAS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, FLOOD, GERZOFISKY, GOODALL, GRATWICK, HAMPER, HASKELL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MILLETT, PATRICK, PLUMMER, SHERMAN, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: DUTREMBLE, MAZUREK, SAVIELLO, THIBODEAU, THOMAS, TUTTLE

ABSENT: Senator: HILL

28 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being absent, motion by Senator **MILLETT** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED.**

READ ONCE.

Committee Amendment "A" (H-31) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later Assigned Today matter:

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Require That Motorcyclists Wear Helmets"

H.P. 69 L.D. 66

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-20)** (4 members)

Tabled - April 10, 2013, by Senator **JACKSON** of Aroostook

Pending - motion by Senator **MAZUREK** of Knox to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence (Roll Call Ordered)

(In House, April 9, 2013, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 10, 2013, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#42)

YEAS: Senators: BURNS, CAIN, CLEVELAND, COLLINS, CUSHING, FLOOD, GERZOFKY, GOODALL, HAMPER, HASKELL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, YOUNGBLOOD

NAYS: Senators: BOYLE, CRAVEN, DUTREMBLE, GRATWICK, MILLETT, TUTTLE, VALENTINO, THE PRESIDENT - JUSTIN L. ALFOND

ABSENT: Senator: HILL

26 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **MAZUREK** of Knox to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

NAYS: Senators: BOYLE, BURNS, CRAVEN, FLOOD, GRATWICK, JOHNSON, LANGLEY, MILLETT, TUTTLE, VALENTINO

ABSENT: Senator: HILL

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **MAZUREK** of Knox to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Prohibit the Use of a Handheld Mobile Telephone while Operating a Motor Vehicle" H.P. 71 L.D. 68

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-19)** (3 members)

Tabled - April 10, 2013, by Senator **JACKSON** of Aroostook

Pending - motion by Senator **MAZUREK** of Knox to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence (Roll Call Ordered)

(In House, April 9, 2013, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 10, 2013, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL (#43)

YEAS: Senators: CAIN, CLEVELAND, COLLINS, CUSHING, DUTREMBLE, GERZOFKY, GOODALL, HAMPER, HASKELL, JACKSON, KATZ, LACHOWICZ, MASON, MAZUREK, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

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

ORDERS

Joint Resolution

On motion by Senator **CUSHING** of Penobscot (Cospponsored by Senators: President ALFOND of Cumberland, BOYLE of Cumberland, BURNS of Washington, CAIN of Penobscot, CLEVELAND of Androscoggin, COLLINS of York, CRAVEN of Androscoggin, DUTREMBLE of York, FLOOD of Kennebec, GERZOFKY of Cumberland, GOODALL of Sagadahoc, GRATWICK of Penobscot, HAMPER of Oxford, HASKELL of Cumberland, HILL of York, JACKSON of Aroostook, JOHNSON of Lincoln, KATZ of Kennebec, LACHOWICZ of Kennebec, LANGLEY of Hancock, MASON of Androscoggin, MAZUREK of Knox, MILLETT of Cumberland, PATRICK of Oxford, PLUMMER of Cumberland, SAVIELLO of Franklin, SHERMAN of Aroostook, THIBODEAU of Waldo, THOMAS of Somerset, TUTTLE of York, VALENTINO of York, WHITTEMORE of Somerset, WOODBURY of Cumberland, YOUNGBLOOD of Penobscot, Representatives: AYOTTE of Caswell, BEAR of the Houlton Band of Maliseet Indians, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BECK of Waterville, BENNETT of Kennebunk, BERRY of Bowdoinham, BLACK of Wilton, BOLAND of Sanford, BOLDUC of Auburn, BROOKS of Winterport, CAMPBELL of Newfield, CAMPBELL of Orrington, CAREY of Lewiston, CASAVANT of Biddeford, CASSIDY of Lubec, CHAPMAN of Brooksville, CHASE of Wells, CLARK of Easton, COOPER of Yarmouth, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, DAVIS of Sangerville, DeCHANT of Bath, DEVIN of Newcastle, DION of Portland, DOAK of Columbia Falls, DUNPHY of Embden, DUPREY of Hampden, ESPLING of New Gloucester, EVANGELOS of Friendship, FITZPATRICK of Houlton, FOWLE of Vassalboro, FREDETTE of Newport, FREY of Bangor, GATTINE of Westbrook, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GRANT of Gardiner, GUERIN of Glenburn, HAMANN of South

Portland, HARLOW of Portland, HARVELL of Farmington, HAYES of Buckfield, HERBIG of Belfast, HICKMAN of Winthrop, HOBBS of Saco, JACKSON of Oxford, JOHNSON of Eddington, JOHNSON of Greenville, JONES of Freedom, JORGENSEN of Portland, KAENRATH of South Portland, KENT of Woolwich, KESCHL of Belgrade, KINNEY of Limington, KNIGHT of Livermore Falls, KORNFELD of Bangor, KUMIEGA of Deer Isle, LAJOIE of Lewiston, LIBBY of Waterboro, LIBBY of Lewiston, LOCKMAN of Amherst, LONG of Sherman, LONGSTAFF of Waterville, LUCHINI of Ellsworth, MacDONALD of Old Orchard Beach, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MAREAN of Hollis, MARKS of Pittston, MASON of Topsham, McCABE of Skowhegan, McCLELLAN of Raymond, McELWEE of Caribou, MITCHELL of the Penobscot Nation, MONAGHAN-DERRIG of Cape Elizabeth, MORIARTY of Cumberland, NADEAU of Fort Kent, NADEAU of Winslow, NEWENDYKE of Litchfield, NOON of Sanford, NUTTING of Oakland, PARRY of Arundel, PEASE of Morrill, PEAVERY HASKELL of Milford, PEOPLES of Westbrook, PETERSON of Rumford, POULIOT of Augusta, PRIEST of Brunswick, PRINGLE of Windham, RANKIN of Hiram, REED of Carmel, ROCHELO of Biddeford, ROTUNDO of Lewiston, RUSSELL of Portland, RYKERSON of Kittery, SANDERSON of Chelsea, SAUCIER of Presque Isle, SAXTON of Harpswell, SCHNECK of Bangor, SHAW of Standish, SHORT of Pittsfield, SIROCKI of Scarborough, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STUCKEY of Portland, THERIAULT of Madawaska, TIMBERLAKE of Turner, TURNER of Burlington, TYLER of Windham, VEROW of Brewer, VILLA of Harrison, VOLK of Scarborough, WALLACE of Dexter, WEAVER of York, WELSH of Rockport, WERTS of Auburn, WILLETTE of Mapleton, WILSON of Augusta, WINCHENBACH of Waldoboro, WINSOR of Norway, WOOD of Sabattus), the following Joint Resolution:

S.P. 503

JOINT RESOLUTION

RECOGNIZING THE BOY SCOUTS OF AMERICA FOR ITS PUBLIC SERVICE AND ITS CONTRIBUTIONS TO THE LIVES OF THE NATION'S BOYS AND YOUNG MEN

WHEREAS, scouting is the largest voluntary youth movement in the world, with a membership totaling more than 25 million; and

WHEREAS, the Boy Scouts of America is an organization that was incorporated on February 8, 1910, and recognized by federal charter on June 15, 1916, to provide an educational program for boys and young men to build strong moral character, learn the responsibilities of participatory citizenship and develop personal fitness; and

WHEREAS, the Boy Scouts of America teaches the core values of duty to God and country, personal honor, respect for the beliefs of others, volunteerism and interdependence with the environment, values that are conducive to good character, citizenship and health; and

WHEREAS, since 1910, more than 111,000,000 people have been members of the Boy Scouts of America; and

WHEREAS, the Boy Scouts of America has enhanced the lives of millions of boys and young men from every ethnic, religious and economic background, including those with disabilities and

special needs, participating in scouting programs across the United States; and

WHEREAS, each local Boy Scout Council charges each Boy Scout with performing 12 hours of community service yearly, for a total of 30,000,000 community service hours each year; and

WHEREAS, more than 1,000,000 adult volunteer leaders selflessly serve young people in their communities through organizations chartered by the Boy Scouts of America; and

WHEREAS, the Boy Scouts of America has always affirmed faith in God as foundational and essential to its purpose and mission, animated by Lord Baden-Powell's insight that "God has given us...the great Book of Nature to read"; and

WHEREAS, the Boy Scouts of America enjoys a sustained record of proven success in producing leaders for our nation who are trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize the Boy Scouts of America and express our appreciation for the public service it performs through its contributions to the lives of the nation's boys and young men.

READ.

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, Chicago publisher William D. Boyce lost his way in a dense fog in London. A boy came to his aide and, after guiding them in, refused the tip, explaining that as a Scout he would not take a tip for doing a good turn. This gesture by an unknown Scout inspired a meeting with Sir. Robert Baden-Powell, the British founder of the Boy Scouts. As a result, William Boyce incorporated the Boy Scouts of America on February 8, 1910. He also created the Lone Scouts, which was merged with the Boy Scouts in 1924. Today I rise to speak to the many positive attributes offered to America's youth for the last 102 years as a result of this chance meeting. Over 111 million young men have been Boy Scouts in America. Imagine the impact in the lives of those youths who have learned the basics to advanced skills that have allowed them, in some cases, to save a life. They have been mentored by family, neighbors, and community members. Today those include over one million adults in this country. The mission of the Boy Scouts of America is to prepare young people to make ethical and moral choices over their lifetime by instilling in them the values of the Scout Oath and Scout Law. Their motto, very handily and appropriately, is Be Prepared. Their slogan is Do a Good Turn Daily. For boys between 11 and 17 years of age, or those who have earned the Cub Scouting Arrow of Light Award and are at least 10 years of age, or have completed the 5th grade and are 10 years of age, they may participate in this program. Ninety-five percent of all Boy Scouts participated in Cub Scouting at some time. As of 2012 the combined total was over one million members of the Scouting organization. One of the most significant levels of achievement

as a Scout is the advancement to Eagle Scout. I have had the privilege, as many of you have, of attending the Code of Honor Ceremony for a number of young men who have achieved this impressive rank and it truly is a special occasion. From 1912 to 2011, more than two million Boy Scouts earned the Eagle Scout rank. Included among them, I just wanted to highlight a few names, are: Neal Armstrong, the first man to step on the moon; President Gerald R. Ford; Bill Gates, founder of Microsoft; Supreme Court Justice Stephen Breyer; former U.S. Secretary of Defense and CIA Director Robert Gates; William Sessions, the former Federal Judge and Director of the FBI; in our region, former Governor Michael Dukakis. I may hazard to say that within our Body there are a number of people who have also, Mr. President, been able to complete this level of participation in a very worthwhile journey in their life. In closing, Mr. President, I'd like to share a few words of the Scout Oath as I feel it's something we, in this Body, should reflect on as we the people's business. The Scout Law urges them to be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent. Thank you, Mr. President.

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

Senator **SAVIELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, for those that don't know it, I'm one of the few Eagle Scouts that sit in this Body and also in the other chamber. If it wasn't for Scouts I really wouldn't be where I am today. In the rush of growing up in New Jersey, there were a lot of temptations out there that could have easily, as many of you known, lead me astray into what I shouldn't have been involved in and would have been spending a lot of time with my friends in the other blue instead of the green. Today I still remember being at Boy Scout Camp when a cook came down the field. Here was this distraught 11 year old in the woods, trying to figure out the volume of a tree. I know Senator Boyle would serve a smile with that, as he is. Totally frustrated with how to do the math to make that happen, this cook came up to me and said, "Let me help you." I don't even know what his name was. Because of that gentleman that became my profession, because he took the time to help me understand what I needed to do. It taught me also to respect nature and how I, too, can help make that a better place as I worked towards that. It also taught me to be the person I am, where I really do want to do, and try to do, a good deed daily. Thank you very much, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just rise to add my voice in support of the Boy Scouts of America. This organization has been a tremendous asset to our state and our nation for many many years, where they teach young men life skills, leadership, and public service. I know that each and every one of us is very proud of the Scouts that live in the districts that we represent. Most of us have had an opportunity at one point or another to attend an Eagle Scout Ceremony. We recognize just how proud the parents are when their young person obtains that rank. Certainly we want to recognize them today.

On motion by Senator **THIBODEAU** of Waldo, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I wanted to rise and talk a little bit about my experience with the Boy Scouts. I never was in the Boy Scouts, but we had two sons that both wanted to join, in particular my eldest. I had the great honor and privilege of serving a number of years as a Boy Scout Leader for Troop 189 in Fort Kent, which is only 290 miles away from here. It truly was a privilege for me and my son. My son, years later, decided to not continue on with it. Since then I've had the real honor of attending a number of Eagle Scout Awards for young men that came into the first class with him. It is something that I always had a background and the knowledge of and something to speak to, a connection with, those young men. All through that time, going on outings on the St. Francis River and down to Washburn for overnight camp outs, it really was something that made people come together and share a moment, the stories, and instances that I'll never forget and I'm sure some of those Boy Scouts won't either. Great times helping out. Teaching people how to swim. All different backgrounds. People that didn't have a lot of money, didn't really have a whole lot of other opportunities, had the Boy Scouts to look forward to. It was always something that I really enjoyed and I think that it's a great program for some people. That's why I'm supporting it today. I just wanted to rise and talk about what a good thing I think it is for people in the state of Maine.

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

Off Record Remarks

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Cushing to Adopt the Joint Resolution. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL (#44)

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

NAYS: Senators: None

ABSENT: Senator: HILL

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being absent, on motion by Senator **CUSHING** of Penobscot, the Joint Resolution was **ADOPTED**.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 224

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

April 9, 2013

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

Dear President Alfond,

This is to inform you that I am today nominating Ryan Armstrong of Hampden for appointment as the student member to the Board of Trustees, Maine Maritime Academy.

Pursuant to P&SL 1975, Chapter 771 §428, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Amend the Reporting Requirements of the Workers' Compensation Management Fund"
H.P. 988 L.D. 1385

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

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

Bill "An Act To Allocate Net Revenue from Energy Corridor Leases on the Maine Turnpike for Purposes of Energy and Environmental Conservation"
H.P. 989 L.D. 1386

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.

Bill "An Act To Provide Clarity and Consistency in Routine Public Health Licensing Activities"
H.P. 990 L.D. 1387

Bill "An Act To Clarify Civil Liability of Persons Making False Claims to the Department of Health and Human Services"
H.P. 991 L.D. 1388

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 Facilitate a Pilot Program for Sunday Hunting for Residents Only"
H.P. 994 L.D. 1398

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

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

Bill "An Act To Provide for the Aroostook Band of Micmacs Certain Rights Regarding Hunting, Fishing and Wildlife Management"

H.P. 995 L.D. 1399

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

On motion by Senator **DUTREMBLE** of York, **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 Expedite the Foreclosure Process"

H.P. 992 L.D. 1389

Resolve, Directing the Attorney General To Confer with Tribal Governments To Establish Procedures Regarding the Tribal Provisions of the Federal Violence Against Women Act of 1994

H.P. 996 L.D. 1400

Bill "An Act To Amend the Laws Governing the Issuance of and Access to Birth Certificates and Certain Medical Information"

H.P. 997 L.D. 1401

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

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

Bill "An Act Regarding the Cancellation of Subscription Services"

H.P. 993 L.D. 1390

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

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

Bill "An Act To Amend the Taxes Imposed on Alcohol and Lodging"

H.P. 998 L.D. 1402

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 **TAXATION** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolutions

The following Joint Resolution:

H.P. 986

**JOINT RESOLUTION COMMEMORATING
THE HOLOCAUST AND HUMAN RIGHTS CENTER OF
MAINE'S LEGISLATIVE AWARENESS DAY AND YOM
HASHOAH, THE DAY OF REMEMBRANCE**

WHEREAS, from 1933 to 1945, 6,000,000 Jews were murdered in the Holocaust as part of a state-sponsored, systematic persecution and annihilation program of genocide, and millions of other people suffered as victims of Nazism, such as the handicapped, political dissidents and many others for racial, ethnic or national reasons; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated and the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies and governments; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some of whom lost their lives and others of whom have experienced lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, the national community, pursuant to an Act of Congress, will be commemorating the week of April 7 through April 14, 2013 as the Days of Remembrance of the Victims of the Holocaust, including the Day of Remembrance, known as Yom HaShoah, April 8, 2013; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration and April 10, 2013 has been designated as the Holocaust and Human Rights Center of Maine's Legislative Awareness Day; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Holocaust and in honor of the survivors, rescuers and liberators, urge everyone to recommit themselves to the lessons of the Holocaust through the Holocaust and Human Rights Center of Maine's Legislative Awareness Day and the international week of commemoration and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Holocaust and Human Rights Center of Maine and the United States Holocaust Memorial Council in Washington, D.C. on behalf of the people of the State of Maine.

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

READ.

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

The following Joint Resolution:

H.P. 987

**JOINT RESOLUTION MEMORIALIZING
THE PRESIDENT OF THE UNITED STATES
AND THE UNITED STATES CONGRESS
TO SUPPORT THE INDEPENDENCE
OF THE NAGORNO-KARABAKH REPUBLIC**

WE, your Memorialists, the Members of the One Hundred and Twenty-sixth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the United States Congress, as follows:

WHEREAS, Nagorno-Karabakh is a landlocked region in the South Caucasus and has historically been Armenian territory, populated by an overwhelming majority of Armenians, which was severed from Armenia by the Soviet dictator Joseph Stalin in 1921 and placed under newly created Soviet Azerbaijani administration; and

WHEREAS, February 20, 1988 marked the beginning of the national liberation movement in Nagorno-Karabakh; and

WHEREAS, the Nagorno-Karabakh democracy movement inspired peoples throughout the Soviet Union to stand up against tyranny and for their rights and freedoms, helping to bring democracy to millions and contributing to world peace; and

WHEREAS, in 1989, the United States Senate expressed support for the legitimate aspirations for freedom of the people of Nagorno-Karabakh; and

WHEREAS, on September 2, 1991, in a popular expression of democracy, the elected legislature of Nagorno-Karabakh declared the creation of the Nagorno-Karabakh Republic, in full compliance with then-existing legislation and international norms; and

WHEREAS, on December 10, 1991, the people of Nagorno-Karabakh voted overwhelmingly in a referendum in favor of the independence of the region and, on January 6, 1992, the democratically elected legislature of the Nagorno-Karabakh Republic formally declared independence; and

WHEREAS, Azerbaijan launched a full-scale military aggression to suppress the national liberation movement in the Nagorno-Karabakh Republic, which ended with the signing of a cease-fire in 1994; and

WHEREAS, as one of the mediators, along with Russia and France, the United States has expressed its vision for a stable and peaceful South Caucasus, and direct United States aid to Nagorno-Karabakh represents a vital source of humanitarian relief for post-war reconstruction in the republic; and

WHEREAS, the Nagorno-Karabakh Republic has built a democratic nation, with a free-market-oriented economy and a vibrant civil society, and has held several presidential and parliamentary elections, all praised by international monitors as free and fair; now, therefore, be it

RESOLVED: That We, your Memorialists, encourage and support the Nagorno-Karabakh Republic's continuing efforts to develop as a free and independent nation in order to guarantee its citizens those rights inherent in a free and independent society; and be it further

RESOLVED: That We urge and request that the President of the United States and the United States Congress support the self-determination and democratic independence of the Nagorno-Karabakh Republic and its constructive involvement with the international community's efforts to reach a just and lasting solution to security issues in that strategically important region; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the Honorable Robert Avetisyan, Permanent Representative to the United States of the Nagorno-Karabakh Republic and to each Member of the Maine Congressional Delegation.

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

READ.

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

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

ENACTORS

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

Emergency Measure

An Act To Open the St. Croix River to River Herring
H.P. 65 L.D. 72

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you Mr. President. I just wanted to rise and speak briefly in support of enactment of L.D. 72. I will keep my comments brief. In the words of George Smith, who was involved in originally putting in place the blockage of the alewife passage many years ago, who spoke before the committee and said, "We made a mistake years ago." The science, the historical record, all of the information that's come to light today, there is an overwhelming preponderance of evidence that opening up the St. Croix River to the passage of alewife is the right thing to do. I ask that you all take advantage of this opportunity and join me for the sake of the groundfisheries, bait for our lobster industry, and most of all for the health of the St. Croix. I ask that you join me in voting for enactment of L.D. 72. Thank you.

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.

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

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

Senator **DUTREMBLE:** Thank you Mr. President. In regards to L.D. 66, I originally recorded my vote in the negative. I would like to publically make it known that I would like to show that my vote should have been in the affirmative for the motion Ought Not to Pass. Thank you.

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

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

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

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 963

**JOINT RESOLUTION MEMORIALIZING
THE PRESIDENT OF THE UNITED STATES
AND THE CONGRESS OF THE UNITED STATES
TO PROVIDE TO THE HOULTON BAND OF MALISEET
INDIANS JUST AND EQUITABLE COMPENSATION
COMPARABLE TO THE SETTLEMENT PROVIDED TO THE
PENOBSCOT NATION AND THE PASSAMAQUODDY TRIBE**

WE, your Memorialists, the Members of the One Hundred and Twenty-sixth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

WHEREAS, in the 1970s, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians asserted claims for possession of large areas of land in the State and for damages, alleging that the lands in question originally were transferred in violation of the Indian Trade and Intercourse Act of 1790; and

WHEREAS, the Indian claimants and the State reached certain agreements that represented a good faith effort on the part of all parties to achieve a fair and just resolution of those claims, which, in the absence of agreement, would have been pursued through the courts for many years to the ultimate detriment of the State and all its citizens, including the Indians; and

WHEREAS, in 1980, a settlement was reached and was enacted by the Maine Legislature as the Maine Revised Statutes, Title 30, chapter 601, An Act to Implement the Maine Indian Claims Settlement, and, as part of the settlement, the tribes dropped their claims to 12.5 million acres of land; and

WHEREAS, the United States Congress indicated that it finds and declares that the settlement represented a good faith effort on the part of United States Congress to provide the 3 tribes with a fair and just settlement of their land claims; and

WHEREAS, of the \$81,500,000 settlement, paid for by the Federal Government and not the State of Maine, \$40,300,000 was awarded to the Passamaquoddy Tribe and \$40,300,000 was awarded to the Penobscot Nation, while \$900,000 was awarded to the Houlton Band of Maliseet Indians; and

WHEREAS, the Houlton Band of Maliseet Indians also claims aboriginal territory in Maine, although the basis of their claim is different from that of the Passamaquoddy Tribe and Penobscot Nation, because the Maliseet Indians had not signed treaties giving up their lands in Maine, yet their lands were taken from them; and

WHEREAS, the Houlton Band of Maliseet Indians believes that the settlement did not fairly compensate the band and seeks just and equitable compensation; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States and the United States Congress consider the request by the Houlton Band of Maliseet Indians to receive a just and fair level of compensation that is comparable to the compensation that was previously provided to the Passamaquoddy Tribe and Penobscot Nation; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, the President of the United States Senate and the Speaker of the United States House of Representatives, to each Member of the Maine Congressional Delegation and to the appropriate representatives of the Houlton Band of Maliseet Indians.

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

READ and **REFERRED** to the Committee on **JUDICIARY**, in concurrence.

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

On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, April 23, 2013, at 10:00 in the morning.