

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session
beginning December 5, 2012

beginning at Page 1

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

In Senate Chamber
Wednesday
May 1, 2013

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

Prayer by Pastor Rick Gundberg, Augusta First Church of the
Nazarene.

PASTOR GUNDBERG: Good morning. Let us pray. Our
Heavenly Father, we thank You for this glorious day and we ask
that You would guide all who are here today in wisdom and in
truth, the same truth this great country was founded upon. We
pray that all we do would not be about pleasing ourselves, but
about pleasing and honoring You. May You bless these
proceedings and bless all those who serve the people of Maine.
In Your name we pray. Amen.

Pledge of Allegiance led by Senator Rodney L. Whittemore of
Somerset County.

Reading of the Journal of Tuesday, April 30, 2013.

Doctor of the day, Aaron Tebbs, MD of North Yarmouth.

Off Record Remarks

The Chair noted the absence of the Senator from Cumberland,
Senator **GERZOFSKY** and further excused the same Senator
from today's Roll Call votes.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **CRIMINAL
JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Create a
Permanent Wabanaki Law Enforcement Seat on the Board of
Trustees of the Maine Criminal Justice Academy"
H.P. 115 L.D. 140

Majority - **Ought to Pass** (9 members)

Minority - **Ought Not to Pass** (4 members)

In House, April 24, 2013, the Majority **OUGHT TO PASS** Report
READ and **ACCEPTED** and the Bill **PASSED TO BE
ENGROSSED**.

In Senate, April 25, 2013, on motion by Senator **GERZOFSKY** of
Cumberland, the Minority **OUGHT NOT TO PASS** Report **READ**
and **ACCEPTED**, in **NON-CONCURRENCE**.

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

Senator **GOODALL** of Sagadahoc moved the Senate **INSIST**.

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

Senator **BURNS:** Thank you Mr. President. Ladies and
gentlemen of the Senate, I just want to very briefly speak to this
issue. I felt the need to speak on this. I realize where this is
going when this Body insists. I co-sponsored this bill because I
thought it had merit. I thought it had potential to do some good. I
didn't see any way that it was going to do any harm. As you
know, the bill would authorize the increase of the Board of
Trustees of the Maine Criminal Academy. It would add one
position, from 17 to 18, to represent several of our tribes, Native
American tribes, in this state. I thought that that was an
opportunity to open some better communication, better
cooperation between the tribes and the criminal justice system in
our state. I've worked with the Passamaquoddy tribe and other
tribes since 1971 and their law enforcement and the criminal
justice system. They have come a long way in these years, from
having Constables to eventually having police departments. They
used to send their officers out west to be trained with other Native
Americans. Now they train them at the Criminal Justice
Academy. They represent a large portion of our population here
in the state of Maine; a very important population in my district,
two Indian reservations. This would have been an opportunity, I
think, to improve the cooperation that we now enjoy between the
tribes and the criminal justice and law enforcement community. If
this fails, and it appears that is its destiny, I hope this Body, and I
know I'm going to, will pursue other avenues to improve that
cooperation. I know that there are seats available on the Board of
Trustees for the Chief as well as citizen members. I think it would
be very good for our state, as a whole, and certainly for the
criminal justice system to have one of their people being
represented on those. I hope you will work me on that venture.
Thank you very much, Mr. President, for the opportunity.

On motion by Senator **GOODALL** of Sagadahoc, the Senate
INSISTED.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Resolve, To Direct the Department of Transportation To Provide Signs on Interstate 95, on Interstate 395 and in the City of Brewer for the Underground Railroad Memorial at Chamberlain Freedom Park

H.P. 237 L.D. 332

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-23)** (3 members)

In House, April 10, 2013, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-23)**.

In Senate, April 25, 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**.

Senator **GOODALL** of Sagadahoc moved the Senate **INSIST**.

On motion by Senator **KATZ** of Kennebec, 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 Hancock, Senator Langley.

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, I missed the chance to speak on this the last time around. I was out in the hallway. I beg your indulgence. I wanted to speak on this issue mostly because of the inspiration I got from watching the movie Lincoln. It really connected with me because of our service here in the Legislature. I wondered what we would have done, sitting in this Body, back around the time of the Civil War. I've been doing a little research on our Governor at that time, Israel Washburn from Livermore Falls. Israel had come to this Body in about 1830. Served here a number of terms. In 1842 he was elected to Congress. Served in the 32nd, 33rd, 34th, and on up to the 36th. He came back to Maine and was elected Governor in 1860. I read some of his speeches to the Joint Convention about rallying Maine and getting the word out for Maine's troops. In my mind, Maine played a huge part in getting folks and getting troops. They were convened right outside the State House, off the balcony in that long lawn across the way. Where we had served such an important part in the Civil War and sending our troops, we sent the most percentage of anybody, I felt that we have a connection more than maybe a lot of other states do. That's where my support of this comes from. Thank you for your indulgence.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Sagadahoc, Senator Goodall to Insist. 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 (#61)

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

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

EXCUSED: Senator: GERZOFSKY

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **GOODALL** of Sagadahoc to **INSIST**, **PREVAILED**.

Joint Resolution

The following Joint Resolution:

H.P. 1064

JOINT RESOLUTION RECOGNIZING APRIL 2013 AS AUTISM AWARENESS MONTH

WHEREAS, autism is a spectrum disorder, which means no 2 people with autism are affected the same way, and it is a complex developmental disability that usually appears during the first 3 years of life and results in a neurological disorder that affects the functioning of the brain; and

WHEREAS, autism affects social interaction and communication skills, and an average of 1 in 88 children are diagnosed with this spectrum disorder, and prevalence has increased 78% since the United States Centers for Disease Control and Prevention's first study in 2007; and

WHEREAS, autism knows no racial, ethnic or social boundaries and neither income, lifestyle nor education affects the occurrence, and it is estimated that 1,500,000 people live with autism spectrum disorder in the United States; and

WHEREAS, autism costs the United States \$90,000,000,000 in annual health care costs; 90% of the costs are in adult services. These costs are estimated to increase in 10 years to \$200,000,000,000 to \$400,000,000,000; and

WHEREAS, a single specific cause of autism is not known, but current research links it to biological or neurological differences in the brain, and outdated theories and myths, such as autism being a mental illness, have been proven to be false; and

WHEREAS, with support, people with autism can live full lives and make meaningful contributions to society; 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 our deliberations to acknowledge that the month of April 2013 is Autism Awareness Month and to pledge our support and encouragement to the assistance of all those affected by autism; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Autism Society of Maine as a token of our respect and support.

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

READ and **ADOPTED**, in concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication: H.P. 1063

**TOWN OF FRIENDSHIP
P.O. BOX 207
FRIENDSHIP, MAINE 04547**

Resolution Re: Citizens United

WHEREAS, in a Town Meeting held Tuesday, March 19th, 2013, citizens of the Town of Friendship voted unanimously to pass a Resolution to take action on the issue of Citizens United for the purpose of limiting the influence and controlling the political spending by corporations and unions in our elections;

NOW THEREFORE, be it resolved that the Board of Selectmen of the Town of Friendship directs the Maine Legislature and Maine's Congressional delegation to call upon Congress to pass a U.S. Constitutional amendment for the purpose of overturning the Supreme Court's "Citizens United versus the Federal Election Commission" decision made on January 21, 2010.

Given under our hand this 22 day of April, 2013.

Friendship Board of Selectman
S/David Benner
S/Elizabeth Dinsmore
S/Arthur Thompson, Jr.
Friendship, Maine
Attest: A true and exact copy.
S/Joel Fearn
Town Clerk
April 22, 2013

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

READ and **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**, in concurrence.

The Following Communication: S.C. 280

**STATE OF MAINE
126TH MAINE LEGISLATURE**

April 29, 2013

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

Dear Secretary Grant:

Pursuant to our authority under Title 12, Chapter 619, Subchapter 2, §6447 of the Maine Revised Statutes, we are pleased to appoint the following members to the *Lobster Management Policy Council*:

Representative Peter Doak of Columbia Falls
Representative Brian Hubbell of Bar Harbor
Representative Walter Kumiega, III of Deer Isle
Representative Jeremy Saxton of Harpswell
Representative Wayne Parry of Arundel

Should you have questions regarding these appointments, please do not hesitate to contact us.

Sincerely,

S/Justin L. Alford
President of the Senate

S/Mark W. Eves
Speaker of the House

READ and **ORDERED PLACED ON FILE**.

SENATE PAPERS

Bill "An Act To Implement Managed Care in the MaineCare Program"

S.P. 552 L.D. 1487

Presented by Senator KATZ of Kennebec.
Cosponsored by Senators: CAIN of Penobscot, CRAVEN of Androscoggin, HILL of York, WOODBURY of Cumberland, Representatives: CHASE of Wells, HARVELL of Farmington, KESCHL of Belgrade.

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

Sent down for concurrence.

Bill "An Act To Address Maine's Immediate Workforce Needs"
S.P. 554 L.D. 1489

Presented by Senator **LANGLEY** of Hancock.
Cosponsored by Representative **GRANT** of Gardiner and
Senators: **CUSHING** of Penobscot, **GOODALL** of Sagadahoc,
KATZ of Kennebec, **PATRICK** of Oxford, **VALENTINO** of York,
Representatives: **BENNETT** of Kennebunk, **MAKER** of Calais.
Submitted by the Department of Economic and Community
Development pursuant to Joint Rule 204.

On motion by Senator **JACKSON** of Aroostook, **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 a Tax Expenditures Budget Process"
S.P. 553 L.D. 1488

Presented by Senator **CAIN** of Penobscot.
Cosponsored by Representative **ROTUNDO** of Lewiston.

On motion by Senator **HASKELL** of Cumberland, **REFERRED** to the Committee on **TAXATION** 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 **VALENTINO** of York, the following Joint Order:

S.P. 551

ORDERED, the House concurring, that the Joint Standing Committee on Judiciary shall report out, to the Senate, a bill regarding issues pertaining to guardians ad litem.

READ and **PASSED**.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Pursuant to Public Law

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Clarify Telecommunications Regulation Reform"
H.P. 1060 L.D. 1479

Reported that the same be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**, pursuant to Public Law 2011, chapter 623, Part A, section 25 and Part D, section 7.

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.

Bill and accompanying papers **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**, in concurrence.

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow a Court To Order a Person Who Violates a Municipal Ordinance To Perform Community Service Work"
H.P. 256 L.D. 381

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-97)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-97)**.

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

READ ONCE.

Committee Amendment "A" (H-97) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Remove the Limit on the Retention of Live Smelts" (EMERGENCY)
H.P. 361 L.D. 542

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

Signed:

Senators:

DUTREMBLE of York
BURNS of Washington
HASKELL of Cumberland

Representatives:

SHAW of Standish
CRAFTS of Lisbon
DAVIS of Sangerville
ESPLING of New Gloucester
EVANGELOS of Friendship
KUSIAK of Fairfield
MARKS of Pittston
SHORT of Pittsfield
WOOD of Sabattus

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

Signed:

Representative:

BRIGGS of Mexico

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

Reports **READ**.

On motion by Senator **DUTREMBLE** of York, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

READ ONCE.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

Ordered sent forthwith to the Engrossing Division.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature
H.P. 109 L.D. 134

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

Signed:

Senators:

LACHOWICZ of Kennebec
COLLINS of York

Representatives:

GRAHAM of North Yarmouth
BOLAND of Sanford
CHENETTE of Saco
COTTA of China
HAYES of Buckfield
MacDONALD of Old Orchard Beach
NADEAU of Winslow

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-104)**.

Signed:

Representatives:

BOLDUC of Auburn
NADEAU of Fort Kent
PEASE of Morrill

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

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#62)

YEAS: Senators: BOYLE, CAIN, COLLINS, CRAVEN, DUTREMBLE, HILL, JACKSON, JOHNSON, LACHOWICZ, MASON, MAZUREK, MILLETT, VALENTINO, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, CLEVELAND, CUSHING, FLOOD, GOODALL, GRATWICK, HAMPER, HASKELL, KATZ, LANGLEY, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, WHITTEMORE, WOODBURY

EXCUSED: Senator: GERZOFISKY

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **LACHOWICZ** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "A" (H-104) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator TUTTLE for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Ensure Equity in Funding to State Postsecondary Institutions of Higher Learning"
S.P. 200 L.D. 510

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-43)**.

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

READ ONCE.

Committee Amendment "A" (S-43) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing Probation and Remove References to the Intensive Supervision Program of the Department of Corrections"
S.P. 250 L.D. 701

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-44)**.

Signed:

Senators:

DUTREMBLE of York
PLUMMER of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-45)**.

Signed:

Senator:

GERZOFKY of Cumberland

Reports **READ**.

On motion by Senator **DUTREMBLE** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-44)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-44) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

House

Resolve, Regarding Legislative Review of Portions of the MaineCare Benefits Manual, Chapter III, Section 21: Home and Community Benefits for Adults with Intellectual Disabilities or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)
H.P. 5 L.D. 3

Bill "An Act To Amend the Short Form Deeds Act"
H.P. 296 L.D. 424

Bill "An Act To Amend the Law Concerning Protection from Abuse Orders To Include Pets"
H.P. 479 L.D. 687

Bill "An Act To Ensure the Periodic Review and Revision of Statutory Provisions"
H.P. 536 L.D. 785

Bill "An Act To Validate Certain Real Estate Transactions Entered into by a Corporation while Its Charter Was Suspended"
H.P. 600 L.D. 849

Resolve, To Study the Issue of Inheritance of Digital Assets
H.P. 601 L.D. 850

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

House As Amended

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

H.P. 262 L.D. 387
(C "A" H-95)

Bill "An Act To Protect Public Health at Public Institutions of Higher Education"

H.P. 318 L.D. 468
(C "A" H-77)

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

Senate

Bill "An Act To Improve Death Investigations"

S.P. 309 L.D. 884

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

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

S.P. 245 L.D. 696
(C "A" S-42)

Resolve, To Establish a Working Group To Study Issues Relating to Broadband Infrastructure Deployment

S.P. 301 L.D. 876
(C "A" S-41)

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

S.P. 320 L.D. 943
(C "A" S-40)

Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2014"

S.P. 328 L.D. 983
(C "A" S-39)

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

Sent down for concurrence.

ENACTORS

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

Emergency Measure

An Act To Allocate the Balance of Funds Not Expended by the Task Force on Franco-Americans

H.P. 572 L.D. 821
(C "A" H-50)

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.

Emergency Measure

An Act To Clarify the Maine New Markets Capital Investment Program Tax Credit

H.P. 778 L.D. 1109
(C "A" H-57)

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

Emergency Resolve

Resolve, Directing the Bureau of Insurance To Amend Its Rules Pertaining to Medicare Advantage Plans

S.P. 196 L.D. 506

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 **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Pursuant to Constitution
Public Land**

Resolve, Concerning Rights-of-way over Eastern Road in Scarborough

S.P. 113 L.D. 280

In accordance with the provisions of Article IX, Section 23 of the Constitution, this requires the affirmative vote of two-thirds of the entire elected Membership of the Senate, 34 Senators having voted in the affirmative and no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act To Amend the Maine Workers' Compensation Act of 1992
S.P. 9 L.D. 1
(C "A" S-31)

An Act Regarding Pharmacy Provider Audits
H.P. 39 L.D. 44
(C "A" H-45)

An Act To Allow an Operator of a Motor Vehicle To Show Proof of Insurance by Electronic Means
H.P. 108 L.D. 133
(C "A" H-52)

An Act To Amend the Charter of St. Mark's Home for Women in Augusta
H.P. 169 L.D. 208
(C "A" H-48)

An Act To Provide Greater Access to Capital for Certain Businesses through Assignment of Benefits under the Business Equipment Tax Reimbursement Program and the Maine Employment Tax Increment Financing Program
S.P. 111 L.D. 278
(C "A" S-21)

An Act To Improve Funding of Agricultural Development Projects
S.P. 120 L.D. 287
(C "A" S-36)

An Act To Eliminate the Requirement That the Department of Agriculture, Conservation and Forestry Provide Technical Services for Direct-marketing Agricultural Products
H.P. 198 L.D. 289
(C "A" H-40)

An Act To Authorize the Public Advocate To Publish and Distribute Consumer Information
H.P. 212 L.D. 303
(C "A" H-46)

An Act To Exempt Persons 80 Years of Age and Older from Jury Duty at Their Discretion
H.P. 219 L.D. 310
(C "A" H-49)

An Act To Restructure the Licensing and Regulation of Boilers and Pressure Vessels and Elevators and Tramways
H.P. 287 L.D. 414
(C "A" H-55)

An Act To Add Trailers to the Additional Versions or Classes of a Specialty Plate
S.P. 170 L.D. 438
(C "A" S-28)

An Act To Change the Budget Approval Process for Alternative Organizational Structures
S.P. 211 L.D. 521

An Act To Remove the Statement of Oral Condition as a Requirement for Denturists Making Partial Dentures
H.P. 372 L.D. 553

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

H.P. 492 L.D. 720
(C "A" H-42)

An Act Regarding Fire Escapes for Certain Buildings
H.P. 571 L.D. 820

An Act Regarding the Sexual Assault Forensic Examiner Advisory Board

S.P. 308 L.D. 883
(C "A" S-26)

An Act To Repeal a Specialized Form of the Generic Crime of Theft by Unauthorized Taking or Transfer
H.P. 614 L.D. 887

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

An Act Relating to Private School Student Participation in Public School Cocurricular, Interscholastic and Extracurricular Activities
H.P. 74 L.D. 92
(C "A" H-53)

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

An Act To Create a Tax Credit for Primary Care Professionals Practicing in Underserved Areas
S.P. 172 L.D. 440
(C "A" S-24)

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

An Act To Change the Taxes on Fuel Purchased for Use Other Than on the Highways
S.P. 221 L.D. 631
(C "A" S-20)

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

An Act To Prohibit the Sale of Gasoline That Contains Corn-based Ethanol as an Additive at a Level Greater than 10 Percent by Volume

H.P. 303 L.D. 453
(C "A" H-56)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#63)

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

NAYS: Senators: None

EXCUSED: Senator: GERZOFSKY

34 Senators having voted in the affirmative and No Senator having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Act

An Act To Provide a Sales Tax Refund for Tobacco Sold to a Member of a Federally Recognized Indian Tribe for Cultural, Spiritual or Ceremonial Purposes

H.P. 173 L.D. 212
(C "A" H-43)

Comes from the House, Bill and accompanying papers **INDEFINITELY POSTPONED.**

On motion by Senator **JACKSON** of Aroostook, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

Resolves

Resolve, To Require the Department of Inland Fisheries and Wildlife To Conduct a Study on the Use of Rubber Lures and Nondegradable Fishing Hooks and Lures

H.P. 37 L.D. 42
(C "A" H-47)

Resolve, Directing the Department of Agriculture, Conservation and Forestry To Develop a Plan for the Protection of the Public Health from Mosquito-borne Diseases

H.P. 201 L.D. 292
(C "A" H-54)

Resolve, Directing the Public Utilities Commission To Review Certain Electricity Distribution Charges Assessed on Businesses

H.P. 211 L.D. 302
(C "A" H-58)

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

H.P. 243 L.D. 338
(C "A" H-51)

Resolve, To Create a Working Group To Identify Elementary School and Middle School Applied Learning Opportunities

S.P. 150 L.D. 370
(C "A" S-37)

Resolve, Relating to Guide Signs on Highways

H.P. 282 L.D. 407
(C "A" H-39)

Resolve, Directing the Family Law Advisory Commission To Study and Report on the Uniform Parentage Act and Other Similar Laws and Proposals

H.P. 291 L.D. 419

Resolve, To Establish a Working Group To Study Vision Requirements for Obtaining a Driver's License and To Review the Current Prohibition on the Use of Telescopic or Bioptic Lenses while Driving

H.P. 383 L.D. 564
(C "A" H-38)

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

All matters thus acted upon were ordered sent down forthwith for 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 (4/23/13) matter:

JOINT ORDER - To Require the Joint Standing Committee on Health and Human Services To Report Out a Bill Regarding the Cost of Copies of Medical Records

S.P. 525

Tabled - April 23, 2013, by Senator **GOODALL** of Sagadahoc

Pending - motion by Senator **CRAVEN** of Androscoggin to **PASS**

(In Senate, April 23, 2013, on motion by Senator **CRAVEN** of Androscoggin, **READ**.)

On motion by Senator **CRAVEN** of Androscoggin, the Joint Order was **PASSED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/30/13) matter:

SENATE REPORT - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Ensure the Proportional Offset against Retirement Benefits of Workers' Compensation Awards"
S.P. 327 L.D. 949

Report - **Ought to Pass**

Tabled - April 30, 2013, by Senator **PATRICK** of Oxford

Pending - **ACCEPTANCE OF REPORT**

(In Senate, April 30, 2013, Report **READ**.)

Report **ACCEPTED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later Assigned (4/30/13) matter:

Bill "An Act Authorizing the Board of Environmental Protection To Modify a License for a Wind Energy Development"
H.P. 1052 L.D. 1471

Tabled - April 30, 2013, by Senator **BOYLE** of Cumberland

Pending - **REFERENCE**

(In House, April 30, 2013, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.)

On motion by Senator **BOYLE** of Cumberland, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Reduce the Use of Hospital Emergency Departments for Preventable Oral Health Conditions"
H.P. 1068 L.D. 1486

Comes 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.

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

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

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

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

Senator **BURNS** of Washington was granted unanimous consent to address the Senate off the Record.

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

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

On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED** to Thursday, May 2, 2013, at 10:00 in the morning.