

# MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Seventh Legislature

State of Maine

Daily Edition

First Regular Session  
beginning December 3, 2014

beginning at Page 1

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

In Senate Chamber  
Thursday  
February 12, 2015

Senate called to order by President Michael D. Thibodeau of  
Waldo County.

Prayer by Senator David C. Burns of Washington County.

**SENATOR BURNS:** Good morning. Can we bow our heads and hearts in prayer please. Dear Heavenly Father, we come humbly into Your presence again today, for You are a holy God. We thank You for the blessings that You have given to us and our families. We thank You for the safe traveling that we've been able to experience the last few weeks. Thank You for watching over us. Father, this morning we ask for Your blessing on these Bodies of legislators and the Chief Executive on the second floor. Father, we just pray for Your guidance, Your wisdom, and Your discernment as we effort to carry out the business of the State of Maine in a way that would please You. We ask these things in the name of our Lord, Jesus. Amen.

Pledge of Allegiance led by Senator Catherine Breen of  
Cumberland County.

Reading of the Journal of Tuesday, February 10, 2015.

Doctor of the day, Garreth Debiegun, MD of Yarmouth.

Off Record Remarks

The Chair noted the absence of the Senator from York, Senator **WOODSOME**, and the Senator from Franklin, Senator **SAVIELLO**, and further excused the same Senators from today's Roll Call votes.

Out of order and under suspension of the Rules, on motion by Senator **MASON** of Androscoggin, the following Joint Order:  
S.P. 156

Ordered, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, February 24, 2015 at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Allow the Sale of Unregulated Farm-produced Dairy Products at the Site of Production"  
H.P. 206 L.D. 312

Bill "An Act To Provide a Waiver of Short-term Camping Fees at State-owned Parks, Camping Areas and Beaches for Members of Federally Recognized Indian Tribes in the State"  
H.P. 210 L.D. 316

Bill "An Act To Recognize and Provide for the Right of Access for Members of the Houlton Band of Maliseet Indians To Certain Public Lands in Aroostook County for Traditional Uses"  
H.P. 211 L.D. 317

Bill "An Act To Prohibit the Sale of Dogs and Cats in Pet Shops"  
H.P. 229 L.D. 335

Come from the House, REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

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

Bill "An Act To Control Fireworks in Monhegan Island Plantation"  
H.P. 218 L.D. 324

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

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

Bill "An Act To Amend the Administration of the Transportation System in the Department of Education"  
H.P. 208 L.D. 314

Bill "An Act To Appropriate Funds to Kennebec Valley Community College for its Programs in Allied Health" (EMERGENCY)  
H.P. 212 L.D. 318

Bill "An Act To Reduce Remedial Course Requirements at Maine Community Colleges"  
H.P. 232 L.D. 338

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

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

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Bill "An Act To Transfer Ownership of the Monhegan Water Company"

H.P. 220 L.D. 326

Bill "An Act To Clarify That the Telephone Number 9-1-1 Is the Primary Number Advertised or Promoted for Emergency Response Services"

H.P. 233 L.D. 339

Bill "An Act To Repeal the Sunset of the Green Power Offer"

H.P. 234 L.D. 340

Bill "An Act To Reduce the E-9-1-1 Surcharge"

H.P. 236 L.D. 342

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

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

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Bill "An Act To Create a Sustainable Solution to the Handling, Management and Disposal of Solid Waste in the State"

H.P. 207 L.D. 313

Bill "An Act To Strengthen Recycling of Single-use Plastic Shopping Bags"

H.P. 219 L.D. 325

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

On motion by Senator **MASON** of Androscoggin, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed, in concurrence.

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Resolve, Regarding Metallic Mineral Mining Rules of the Department of Environmental Protection

H.P. 173 L.D. 241

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

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

On motion by Senator **MASON** of Androscoggin, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

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Bill "An Act To Strengthen the Economic Stability of Qualified Maine Citizens by Expanding Coverage of Reproductive Health Care and Family Services"

H.P. 213 L.D. 319

Bill "An Act To Require Prescribers of Controlled Substances To Use the Controlled Substances Prescription Monitoring Program Software"

H.P. 221 L.D. 327

Bill "An Act To Align the Federal Affordable Care Act's Health Care Coverage Opportunities and Hospital Charity Care"

H.P. 237 L.D. 343

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

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

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Bill "An Act Regarding Retrieving Wounded Bear"

H.P. 214 L.D. 320

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

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

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Bill "An Act To Allow Equipment Rental Companies To Sell Equipment Insurance"

H.P. 223 L.D. 329

Bill "An Act To Combine Outstanding Student Loan Debt with a Home Mortgage"

H.P. 230 L.D. 336

Bill "An Act To Require Lienholders To Remove Liens Once Satisfied"

H.P. 231 L.D. 337

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

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

Bill "An Act To Protect Consumers against Residential Real Estate Title Defects"

H.P. 215 L.D. 321

Bill "An Act To Protect Rights and Privileges Granted under the United States Constitution and the Constitution of Maine"

H.P. 224 L.D. 330

Bill "An Act To Reinstate as a Nonprofit Corporation the Orchard Hills Umbrella Association" (EMERGENCY)

H.P. 238 L.D. 351

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

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

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Bill "An Act To Ensure Maine's Elver Fishermen Can Fully Access Maine's Elver Resource" (EMERGENCY)

H.P. 240 L.D. 353

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

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

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Bill "An Act To Quantitatively Evaluate State Contracts"

H.P. 225 L.D. 331

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

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

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Bill "An Act To Provide a Refund of Fuel Taxes to Maine Ambulance Companies"

H.P. 209 L.D. 315

Bill "An Act To Enhance the Creative Economy by Providing a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations"

H.P. 216 L.D. 322

Bill "An Act To Exempt from Sales Tax Sales to Certain Nonprofit Corporations That Provide Home Rehabilitation and Modification Services to Low-income Individuals"

H.P. 226 L.D. 332

Bill "An Act To Prevent Tax Haven Abuse"

H.P. 235 L.D. 341

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

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

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Bill "An Act To Provide Funding to the Department of Transportation To Complete the Assessment for the Completion of the State-owned St. Lawrence and Atlantic Railroad Line"

H.P. 217 L.D. 323

Bill "An Act To Help Veterans To Receive Benefits"

H.P. 227 L.D. 333

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

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

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Bill "An Act To Improve the Maine Clean Election Act"

H.P. 228 L.D. 334

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

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

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**Pursuant to Statute  
Department of Environmental Protection**

The **Department of Environmental Protection**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 119: Motor Vehicle Fuel Volatility Limit, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

H.P. 239 L.D. 352

Be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Comes from the House, Report **READ** and **ACCEPTED**, and the Resolve **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **BRAKEY** of Androscoggin, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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The President requested the Sergeant-At-Arms escort the Senator from Androscoggin, Senator **MASON** to the rostrum where he assumed the duties as President Pro Tem.

The President took a seat on the Floor.

The Senate called to order by President Pro Tem **GARRETT P. MASON** of Androscoggin County.

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

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#### ORDERS OF THE DAY

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later Assigned (1/29/15) matter:

JOINT RESOLUTION - Memorializing Loraine Hamilton of Searsport

SLS 64

Tabled - January 29, 2015, by Senator **THIBODEAU** of Waldo

Pending - motion by same Senator to **ADOPT**

(In Senate, January 29, 2015, **READ**.)

At the request of Senator **THIBODEAU** of Waldo, Joint Resolution **READ**.

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

Senator **THIBODEAU**: Thank you, Mr. President. Ladies and gentlemen of the Senate, it's with a heavy heart that we often rise to recognize special people from our communities that have passed. Loraine Hamilton is certainly one of those individuals. She lived in Waldo County her entire life and had a tremendous impact both on Waldo County, the Town of Searsport, and much further than that. Her and her husband built a small business that became something much larger than a small business. Many of you are familiar with Hamilton Marine. They are a provider of marine supplies up and down the Maine coast. I want to suggest to you that Loraine and her husband worked incredibly hard together and built that business together over a period of decades and I think that Wayne would be the first one to tell you that he would not have seen the success had he not had a lifelong partner in Loraine to come alongside him and be part of that. When we lose somebody like Loraine in our communities it's a great sense of loss. I would suggest to you that it isn't just a loss

for Searsport or Waldo County, it's a loss for entire state because people like Loraine are truly treasures for our state. You know, for those of us of faith, we recognize that the separation is only temporary, but we are truly saddened by that separation. Thank you, Mr. President.

On motion by Senator **THIBODEAU** of Waldo, **ADOPTED**.

Sent down for concurrence.

**THE PRESIDENT PRO TEM:** The Chair is pleased to recognize in the rear of the Chamber the family of Loraine Hamilton: Wayne Hamilton, Loraine's spouse; Alex Hooper, Loraine's great-nephew; Jessica Hall, Loraine's niece; Denis Hall, Loraine's brother; Duane Hall, Loraine's brother; and Jackie Knowles, Loraine's sister. Will they please rise and greet the Senate.

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The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Waldo, Senator **THIBODEAU** to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Androscoggin, Senator **MASON** to his seat on the floor.

Senate called to order by the President.

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#### COMMUNICATIONS

The Following Communication: S.C. 73

#### STATE OF MAINE ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

February 11, 2015

The Honorable Michael D. Thibodeau  
President of the Senate of Maine  
127th Maine State Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Criminal Justice and Public Safety has had under consideration the nomination of Dr. Joseph R. Fitzpatrick of North Yarmouth, for appointment as the Commissioner of the Department of Corrections.

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

LEGISLATIVE RECORD - SENATE, THURSDAY, FEBRUARY 12, 2015

YEAS	Senators	2	Rosen of Hancock, Gerzofsky of Cumberland
	Representatives	10	Fowle of Vassalboro, Chenette of Saco, Davitt of Hampden, Gerrish of Lebanon, Lajoie of Lewiston, Long of Sherman, Nadeau of Winslow, Theriault of China, Timmons of Cumberland, Warren of Hallowell

NAYS	0
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ABSENT	1	Sen. Burns of Washington
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Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Dr. Joseph R. Fitzpatrick of North Yarmouth, for appointment as the Commissioner of the Department of Corrections be confirmed.

Signed,

S/Kimberley C. Rosen  
Senate Chair

S/Lori A. Fowle  
House Chair

READ and ORDERED PLACED ON FILE.

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

Senator **BURNS:** Thank you, Mr. President. Thank you very much for the opportunity to get up and speak about this nomination, ladies and gentlemen of the Senate. I had the opportunity to sit through most of the hearing yesterday on Dr. Fitzpatrick. He's a longtime employee of the Department of Corrections, somebody we've all been very proud of. It was a great opportunity to hear his presentation and the support that he has for this nomination. I was very impressed with some of the points that he made, and one in particular is his intention to continue to work on reducing the recidivism in our state, in the Department of Corrections, which is very important to the people that we house there and more so to the State of Maine. It's with this that I'm very pleased to support this nomination. You'll notice that on the report that I was absent and that's only because I had another appointment that I had to go to. Otherwise I'd have been there to vote. Thank you, Mr. President.

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

Senator **DIAMOND**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I, too, rise in support of Dr. Fitzpatrick for this nomination, this confirmation. It is true, he has served 21 years in the Department and served in many capacities within the Department. I think we all recognize his background and his credentials. They certainly go much further than maybe we've been able to appreciate in the past. He's been a very supportive person with the Department for the public and for those who work in the Department. He stresses, and this is critical, that his job is to get a balance between safety, in other words making sure

people are not out in society that shouldn't be, and at the same time treatment. There is so much to be done from the Maine Correctional Center in Windham to the Pre-Release in Charleston to the prisons. I think that balance is very, very important. I'm pleased to say that I think he's bringing a level of enthusiasm, dare I say excitement, to the position and I wholeheartedly support that and encourage you to. Thank you, Mr. President.

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

Senator GERZOFSKY: Thank you, Mr. President. Ladies and gentlemen of the Senate, I also rise in total support of this nomination. I've had the good opportunity to work with this gentleman over the years. Dr. Fitzpatrick has been a leader in moving forward that thought of we don't warehouse people. We try to take some people that might be very broken and put them back in shape and send them back into the communities much, much better than they were when we got them. I want to say that he's been a pleasure to work with over the years. He's been very collaborative on working, especially on some of problems dealing with people with mental challenges and taking care of not only the safety of our clients in these prisons, or inmates, but taking care of the safety of his staff and all the people that work there; all our guards and hardworking State employees. I just couldn't say enough good things about this nominee. I've had the good fortune of working with the last four Commissioners. I'll tell you, we're getting them better and better and better. This is the top of the line. I hope that everybody will now support this nomination.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 127<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#6)

YEAS:           Senators: None

**NAYS:** Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGECOMB, GERZOFISKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, VALENTINO, VOLK, WHITTEMORE, WILLETTE, THE PRESIDENT - MICHAEL D. THIBODEAU

EXCUSED: Senators: SAVIELLO, WOODSOME

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Dr. Joseph R. Fitzpatrick** of North Yarmouth for appointment as the Commissioner of the Department of Corrections was **CONFIRMED**.

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

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the Chamber **Dr. Joseph R. Fitzpatrick**. Would he please rise and accept the greetings of the Senate.

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The Following Communication: S.C. 74

**STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE**

February 6, 2015

Chief Justice Leigh I. Saufley  
Maine Supreme Judicial Court  
205 Newberry Street  
Room 139  
Portland, ME 04101

Dear Chief Justice Saufley:

We are pleased to invite you to address a Joint Session of the 127<sup>th</sup> Maine Legislature on Tuesday, February 24, 2015 at 11:00 a.m. concerning the State of the Judiciary and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Michael D. Thibodeau  
President of the Senate

S/Mark W. Eves  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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

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Senate at Ease.

Senate called to order by the President.

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**SENATE PAPERS**

Bill "An Act To Authorize a General Fund Bond Issue for Improvements to Facilities at the University of Maine System Campuses"

S.P. 153 L.D. 385

Presented by Senator DILL of Penobscot.  
Cosponsored by Representative TIPPING-SPITZ of Orono and Senators: ALFOND of Cumberland, CUSHING of Penobscot, GRATWICK of Penobscot, MILLETT of Cumberland, PATRICK of Oxford, Representatives: KORNFIELD of Bangor, MAKER of Calais.

Bill "An Act To Authorize a General Fund Bond Issue To Fund Farmland Restoration"

S.P. 154 L.D. 386

Presented by Senator JOHNSON of Lincoln.  
Cosponsored by Representative HICKMAN of Winthrop and Senators: DILL of Penobscot, MIRAMANT of Knox, Representatives: BEAVERS of South Berwick, MAREAN of Hollis.

Bill "An Act To Authorize a General Fund Bond Issue To Support Agricultural Enterprises and Encourage the Use of Local Farm Products in Public Schools"

S.P. 155 L.D. 387

Presented by Senator JOHNSON of Lincoln.  
Cosponsored by Representative HICKMAN of Winthrop and Senators: DILL of Penobscot, MIRAMANT of Knox, Representatives: BEAVERS of South Berwick, MAREAN of Hollis.

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

Sent down for concurrence.

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Bill "An Act To Create a Blue Alert Program in Maine"  
S.P. 143 L.D. 375

Presented by Senator CYRWAY of Kennebec.  
Cosponsored by Representative LUCHINI of Ellsworth and Senators: BURNS of Washington, COLLINS of York, DAVIS of Piscataquis, McCORMICK of Kennebec, ROSEN of Hancock, Representatives: GOLDEN of Lewiston, HANINGTON of Lincoln, HILLIARD of Belgrade.



Bill "An Act To Provide a Source of Funding for Drug Abuse Resistance Education"

S.P. 144 L.D. 376

Presented by Senator CYRWAY of Kennebec.  
Cosponsored by Representative LUCHINI of Ellsworth and Senators: BURNS of Washington, COLLINS of York, DAVIS of Piscataquis, McCORMICK of Kennebec, ROSEN of Hancock, Representatives: GOLDEN of Lewiston, HANINGTON of Lincoln, HILLIARD of Belgrade.

Bill "An Act To Create the Sex Offender Management and Risk Assessment Advisory Commission"

S.P. 147 L.D. 379

Presented by Senator DIAMOND of Cumberland.  
Cosponsored by Representative FOWLE of Vassalboro and Senators: BURNS of Washington, DILL of Penobscot, DUTREMBLE of York, GERZOFKY of Cumberland, ROSEN of Hancock, VALENTINO of York.

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

Sent down for concurrence.

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Bill "An Act To Require School Administrators To Complete 50 Hours of Direct Student Instruction To Be Recertified"

S.P. 142 L.D. 374

Presented by Senator BAKER of Sagadahoc.  
Cosponsored by Senators: COLLINS of York, CUSHING of Penobscot, CYRWAY of Kennebec, EDGECOMB of Aroostook, MASON of Androscoggin, ROSEN of Hancock, VOLK of Cumberland, Representative: MAKER of Calais.

Resolve, To Establish a Working Group To Aid with the End of Student Hunger (EMERGENCY)

S.P. 148 L.D. 380

Presented by Senator ALFOND of Cumberland.  
Cosponsored by Representative McCLELLAN of Raymond and Senators: GRATWICK of Penobscot, JOHNSON of Lincoln, LANGLEY of Hancock, LIBBY of Androscoggin, MILLETT of Cumberland, MIRAMANT of Knox.

On motion by Senator LANGLEY of Hancock, REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

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Off Record Remarks

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Bill "An Act To Integrate the State's General Assistance and Temporary Assistance for Needy Families Programs"

S.P. 136 L.D. 368

Presented by Senator BRAKEY of Androscoggin.  
Cosponsored by Senator: MASON of Androscoggin, Representatives: BLACK of Wilton, CRAFTS of Lisbon, GUERIN of Glenburn, VACHON of Scarborough.

Bill "An Act To Align Municipal General Assistance Programs with the Immigration Status Policies of the Department of Health and Human Services"

S.P. 137 L.D. 369

Presented by Senator BRAKEY of Androscoggin.  
Cosponsored by Senators: DAVIS of Piscataquis, MASON of Androscoggin, Representatives: BLACK of Wilton, CRAFTS of Lisbon, GUERIN of Glenburn.

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

Sent down for concurrence.

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Bill "An Act To Allow a Moose Permit To Be Transferred to a Family Member"

S.P. 141 L.D. 373

Presented by Senator MIRAMANT of Knox.  
Cosponsored by Representative EVANGELOS of Friendship and Senators: DAVIS of Piscataquis, VALENTINO of York, Representatives: CRAFTS of Lisbon, GRANT of Gardiner, JORGENSEN of Portland, PIERCE of Dresden.

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

Sent down for concurrence.

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Bill "An Act To Amend the Allowable Security Freeze Fees Charged by a Consumer Reporting Agency"

S.P. 150 L.D. 382

Presented by Senator WHITEMORE of Somerset.  
Cosponsored by Representative BECK of Waterville and Senators: BAKER of Sagadahoc, GRATWICK of Penobscot, Representatives: PICCHIOTTI of Fairfield, WALLACE of Dexter.

Resolve, To Study the Design and Implementation of Options for a Universal Health Care Plan in the State That Is in Compliance with the Federal Patient Protection and Affordable Care Act  
S.P. 152 L.D. 384

Presented by Senator GRATWICK of Penobscot.  
Cosponsored by Representative TUCKER of Brunswick and Senator: BREEN of Cumberland, Representatives: DUCHESNE of Hudson, HYMANSON of York, STANLEY of Medway, TEPLER of Topsham, TIPPING-SPITZ of Orono, VEROW of Brewer.

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

Sent down for concurrence.

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Bill "An Act To Enhance the Promotion of Hunting and Fishing Opportunities in Maine by the Office of Tourism"  
S.P. 140 L.D. 372

Presented by Senator DAVIS of Piscataquis.  
Cosponsored by Representative BLACK of Wilton and Senators: BRAKEY of Androscoggin, BURNS of Washington, DUTREMBLE of York, HASKELL of Cumberland, SAVIELLO of Franklin, Representatives: CRAFTS of Lisbon, GUERIN of Glenburn, SHORT of Pittsfield.

Bill "An Act To Continue the Visual and Digital Media Loan Program and the Visual and Digital Media Loan Fund"  
S.P. 145 L.D. 377

Presented by Senator VALENTINO of York.  
Cosponsored by Representative HERBIG of Belfast and Senators: CUSHING of Penobscot, MILLETT of Cumberland, PATRICK of Oxford, VOLK of Cumberland, Representatives: CHENETTE of Saco, MASTRACCIO of Sanford, PICCHIOTTI of Fairfield.

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

Sent down for concurrence.

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Bill "An Act To Protect the Income of Service Workers"  
S.P. 135 L.D. 367

Presented by Senator BRAKEY of Androscoggin.  
Cosponsored by Senator: DAVIS of Piscataquis, Representatives: CRAFTS of Lisbon, GUERIN of Glenburn, HICKMAN of Winthrop, SANDERSON of Chelsea, VACHON of Scarborough.

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

Sent down for concurrence.

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Bill "An Act To Enhance Safety for Highway Maintenance Vehicles"

S.P. 139 L.D. 371

Presented by Senator COLLINS of York.  
Cosponsored by Representative O'CONNOR of Berwick and Senators: BAKER of Sagadahoc, BURNS of Washington, CYRWAY of Kennebec, DAVIS of Piscataquis, GERZOFKY of Cumberland, HAMPER of Oxford, VOLK of Cumberland, Representative: GERRISH of Lebanon.

Bill "An Act To Change the Motor Vehicle Inspection Requirements To Extend the Time between Inspections"  
S.P. 149 L.D. 381

Presented by Senator MIRAMANT of Knox.  
Cosponsored by Representative COOPER of Yarmouth and Senators: BREEN of Cumberland, DIAMOND of Cumberland, DUTREMBLE of York, Representatives: CRAFTS of Lisbon, DION of Portland, EVANGELOS of Friendship, JORGENSEN of Portland, PIERCE of Dresden.

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

Sent down for concurrence.

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Bill "An Act To Facilitate the Issuance of a Gravestone for a Deceased Veteran with No Next of Kin"  
S.P. 146 L.D. 378

Presented by Senator ALFOND of Cumberland.  
Cosponsored by Representative LUCHINI of Ellsworth and Senators: CUSHING of Penobscot, DILL of Penobscot, MASON of Androscoggin, PATRICK of Oxford, VALENTINO of York, Representatives: LONGSTAFF of Waterville, TURNER of Burlington.

Bill "An Act Requiring Corporations To Have Approval from a Majority of Their Shareholders before Making Political Contributions Valued at Greater Than \$5,000"  
S.P. 151 L.D. 383

Presented by Senator GRATWICK of Penobscot.  
Cosponsored by Representative TIPPING-SPITZ of Orono and Senators: BREEN of Cumberland, MIRAMANT of Knox, Representatives: CHAPMAN of Brooksville, KUMIEGA of Deer Isle, RYKERSON of Kittery, STANLEY of Medway, STUCKEY of Portland.

On motion by Senator **CYRWAY** of Kennebec, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

Sent down for concurrence.

**Pursuant to Statutes**

**Commission on Governmental Ethics and Election Practices**

Senator CYRWAY for the **Commission on Governmental Ethics and Election Practices**, pursuant to the Maine Revised Statutes, Title 1, section 1009 asked leave to report that the accompanying Bill "An Act To Amend the Lobbyist Disclosure Procedures Law"

S.P. 138 L.D. 370

Be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator CYRWAY of Kennebec, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

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

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**ORDERS OF THE DAY**

**Unfinished Business**

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

The Chair laid before the Senate the following Tabled and Later Assigned (2/5/15) matter:

Bill "An Act To Adjust Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of the Department of Education, the Maine Arts Commission and the Maine State Museum and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2015" (EMERGENCY)

H.P. 167 L.D. 235

Tabled - February 5, 2015, by Senator **HAMPER** of Oxford

Pending - **REFERENCE**

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

(In House, February 3, 2015, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.)

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

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The Chair laid before the Senate the following Tabled and Later Assigned (2/10/15) matter:

Bill "An Act To Provide a Minor with a Defense to Prosecution in a Situation That Involves Risk of Alcohol Overdose"

H.P. 181 L.D. 263

Tabled - February 10, 2015, by Senator **BURNS** of Washington

Pending - **REFERENCE**

(In House, February 5, 2015, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.)

On motion by Senator **ROSEN** of Hancock, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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**Off Record Remarks**

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**RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Update References to the United States Internal Revenue Code of 1986 Contained in the Maine Revised Statutes, Decouple Federal Bonus Depreciation Deductions and Create a Maine Capital Investment Credit" (EMERGENCY)

H.P. 96 L.D. 138

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-1).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-1).

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

**READ ONCE.**

Committee Amendment "A" (H-1) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME.**

Senator **HILL** of York requested a Roll Call.

Same Senator requested and received leave of the Senate to withdraw her request for a Roll Call.

**PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Ordered sent forthwith to the Engrossing Division.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act Regarding Timber Harvesting on Land Managed by the Bureau of Parks and Lands"

H.P. 254 L.D. 388

Bill "An Act Relating to the Sale of Hypodermic Apparatuses"

H.P. 255 L.D. 389

Bill "An Act To Remove Certain Exemptions to the Laws Concerning Tree Specialists"

H.P. 281 L.D. 414

Come from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

On motion by Senator **MASON** of Androscoggin, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

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Bill "An Act To Authorize a General Fund Bond Issue To Enhance Public Transportation in the Bangor Area"

H.P. 241 L.D. 354

Bill "An Act To Authorize a General Fund Bond Issue To Address Sea Level Rise"

H.P. 293 L.D. 426

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

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

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Bill "An Act To Extend the Statute of Limitations for the Prosecution of the Crime of Robbery"

H.P. 242 L.D. 355

Bill "An Act To Promote the Safe Use and Sale of Firearms"

H.P. 282 L.D. 415

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

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

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Bill "An Act To Permit the New England School of Dental Technology To Grant the Degree of Bachelor of Science"

H.P. 243 L.D. 356

Resolve, To Create a State-run Virtual Academy Providing Maine Students with Access to Online Learning through Their Existing School Districts (EMERGENCY)

H.P. 257 L.D. 391

Bill "An Act To Eliminate the Maine School Performance Grading System"

H.P. 258 L.D. 392

Bill "An Act To Create a Unified Board of Higher Education"

H.P. 259 L.D. 393

Bill "An Act Regarding Measures To Ensure Students Can Demonstrate Proficiency in Financial Literacy"

H.P. 284 L.D. 417

Resolve, To Study the Use of Social Impact Bonds as a Funding Mechanism for Public Education Programs in Maine

H.P. 285 L.D. 418

Bill "An Act To Promote Academic Opportunities for Maine Youth during Summer Months"

H.P. 286 L.D. 419

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

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

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Resolve, To Study Options for a State Demand Response Program

H.P. 244 L.D. 357

Bill "An Act To Allow Consumers of Cable Television To Purchase Channels Individually"

H.P. 264 L.D. 398

Bill "An Act To Amend the Law Regarding Filing Fees for Proposed Transmission Line Projects"

H.P. 287 L.D. 420

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

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

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Resolve, To Lower the Department of Environmental Protection's 5-point Odor Intensity Referencing Scale for Odor Control at Solid Waste Processing Facilities

H.P. 260 L.D. 394

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

H.P. 261 L.D. 395

Bill "An Act To Encourage the Use of Alternatives to Single-use Plastic Disposable Bags"

H.P. 262 L.D. 396

Bill "An Act Regarding the Packaging and Labeling of Disposable Cleaning and Personal Hygiene Products"

H.P. 263 L.D. 397

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

On motion by Senator **SAVIELLO** of Franklin, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed, in concurrence.

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Bill "An Act To Provide Additional Oversight over the Management of the Department of Health and Human Services"

H.P. 245 L.D. 358

Bill "An Act To Improve Program Integrity Activities within the Department of Health and Human Services"

H.P. 288 L.D. 421

Bill "An Act To Require Child-resistant Packaging for Products Containing Liquid Nicotine"

H.P. 290 L.D. 423

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

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

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Bill "An Act To Designate a Youth Bear Hunting Day"

H.P. 265 L.D. 399

Bill "An Act To Continue To Permit Persons 70 Years of Age and Older To Hunt with a Crossbow" (EMERGENCY)

H.P. 266 L.D. 400

Bill "An Act To Allow the Use of Suppressors for Hunting Nuisance Wildlife"

H.P. 291 L.D. 424

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

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

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Bill "An Act To Assist Persons with Breast Cancer"

H.P. 246 L.D. 359

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

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

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Bill "An Act To Clarify That the Information Gathered during Investigations of Attorneys by the Maine Commission on Indigent Legal Services Is Confidential"

H.P. 247 L.D. 360

Bill "An Act To Create Transparency in the Mortgage Foreclosure Process"

H.P. 267 L.D. 401

Bill "An Act To Provide for Direct Appeals under the Maine Juvenile Code to the Supreme Judicial Court"

H.P. 283 L.D. 416

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

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

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Bill "An Act To Allow Licensed Dental Professionals To Own Dental Practices"

H.P. 248 L.D. 361

Bill "An Act To Require Dentists To Disclose the Cost and Origin of Off-site Laboratory Services"

H.P. 249 L.D. 362

Resolve, To Amend Rules Regarding Proof of Ownership of Logging Equipment and Recruitment by Employers Employing Foreign Laborers To Operate Logging Equipment  
H.P. 268 L.D. 402

Bill "An Act To Eliminate the Exception from Minimum Wage Laws for Workers Who Receive Tips"  
H.P. 269 L.D. 403

Bill "An Act To Prohibit Public Employers from Acting as Collection Agents for Labor Unions"  
H.P. 270 L.D. 404

Bill "An Act To Improve Access to Treatments for Lyme Disease"  
H.P. 289 L.D. 422

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

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

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Bill "An Act To Support Expanded Capacity for Breeding Wild Atlantic Salmon in Downeast Rivers"  
H.P. 271 L.D. 405

Bill "An Act To Prohibit False Labeling of Marine Organisms"  
H.P. 292 L.D. 425

Bill "An Act To Address and Mitigate the Effects of Marine Debris"  
H.P. 294 L.D. 427

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

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

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Bill "An Act To Increase the Salaries of the Governor and Legislators"  
H.P. 272 L.D. 406

Bill "An Act To Buy American-made Products"  
H.P. 273 L.D. 407

Bill "An Act To Help Municipalities Prepare for Changes in Sea Level"  
H.P. 274 L.D. 408

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

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

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Bill "An Act To Provide a Tax Reduction for Modifications To Make a Home More Accessible for a Person with a Disability"  
H.P. 252 L.D. 365

Bill "An Act To Lower the Individual Income Tax Incrementally to Zero"  
H.P. 275 L.D. 409

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

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

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Bill "An Act Regarding Learner's Permits for Driver's Licenses"  
H.P. 250 L.D. 363

Bill "An Act To Enforce Restrictions in Parking Spaces and Access Designated for Persons with a Walking Disability"  
H.P. 256 L.D. 390

Resolve, To Direct the Department of Transportation To Require the Word 'Danger' on All Road Signs That Warn of Moose  
H.P. 276 L.D. 410

Resolve, Regarding Engineering for Route 161  
H.P. 277 L.D. 411

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

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

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Bill "An Act To Allow a Sales Representative To Serve Spirits or Wine at a Tasting Event"  
H.P. 251 L.D. 364

Bill "An Act Regarding the Sale and Taxation of Hard Cider"  
H.P. 253 L.D. 366

Bill "An Act Regarding Telephonic Political Communications and Push Polling"  
H.P. 278 L.D. 412

Bill "An Act To Expand Access to Absentee Ballots"  
H.P. 279 L.D. 413

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

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

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Off Record Remarks

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**RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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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 Update References to the United States Internal Revenue Code of 1986 Contained in the Maine Revised Statutes, Decouple Federal Bonus Depreciation Deductions and Create a Maine Capital Investment Credit

H.P. 96 L.D. 138  
(C "A" H-1)

On motion by Senator **HILL** of York, 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 (#7)**

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, EDGEComb, GERZOFsky, GRATWICK, HAMPER, HASKELL, HILL, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, MILLETT, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WILLETTE, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: DUTREMBLE, JOHNSON, MIRAMANT, PATRICK

EXCUSED: Senator: WOODSOME

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with 4 Senators having voted in the negative, and 30 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.

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Off Record Remarks

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On motion by Senator **MASON** of Androscoggin, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, February 24, 2015, at 10:00 in the morning, in memory of and lasting tribute to Loraine Hamilton of Searsport.