

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

In Senate Chamber  
Wednesday  
March 23, 2011

Senate called to order by President Kevin L. Raye of Washington County.

Prayer by Reverend Seamus Griesbach, Parochial Vicar at St. Paul the Apostle Parish in Bangor.

**REVEREND GRIESBACH:** Let us pray. Heavenly Father, source of all life and goodness, send Your holy spirit to be with these, our lawmakers and staff, who have gathered here to serve the needs of our state. May their deliberations be thorough and lead to the truth. May their decisions be just and prudent in the use of the resources entrusted to us. May they have the strength and courage to seek the greatest good, regardless of the obstacles placed before them. May they always give special consideration to the needs of the downtrodden among us, those who are deprived of life, health, financial security, or opportunity. May Your blessing be upon these men and women as they work to serve the needs of the people of Maine. May it be upon their families and those they hold dear and upon all of those fortunate enough to call this beautiful state home. We ask this through Christ our Lord. Amen.

Pledge of Allegiance led by Senator Nancy B. Sullivan of York County.

Reading of the Journal of Tuesday, March 22, 2011.

Doctor of the day, Jeffrey Sedlack, MD of Belfast.

Off Record Remarks

The President requested the Sergeant-At-Arms escort the Senator from Knox, Senator **RECTOR** 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 **CHRISTOPHER R. RECTOR** of Knox County.

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Equalize the Premiums Imposed on the Sale of Motor Vehicle Oil"

H.P. 893 L.D. 1202

Presented by Representative HARVELL of Farmington.

Committee on **TAXATION** suggested and ordered printed.

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

**REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed, in concurrence.

Joint Resolution

The following Joint Resolution:

H.P. 934

**JOINT RESOLUTION RECOGNIZING THE 100TH ANNIVERSARY OF THE INCORPORATION OF THE TOWN OF EAGLE LAKE**

WHEREAS, within the beauty of Aroostook County, the largest county in Maine, lies the picturesque Town of Eagle Lake; and

WHEREAS, Eagle Lake is characterized by ruggedly sloping land dissected by brooks and streams as they flow into the pristine Fish River and the beautiful Eagle Lake, displaying a visually breathtaking area of Maine; and

WHEREAS, in 1839, when Major Hastings Strickland set out with soldiers for the northeastern border of Maine and encamped on the border of this lake where a large number of white-headed eagles were flying, they decided to name it Eagle Lake; and

WHEREAS, the first permanent settlements in this area were made in 1840 by Sefroi Nadeau, a Frenchman, and Richard Woods, an Irishman, and in 1856 Eagle Lake was organized as a plantation; and

WHEREAS, by 1870, the population had increased to 143 people and by 1890 to 233 inhabitants, with schools, mills and stores, and as business and the town prospered, Eagle Lake was incorporated as a town in 1911; and

WHEREAS, during World War II, Eagle Lake was proud that a quarter of its population was in uniform or working in some war effort; and

WHEREAS, Eagle Lake continues to flourish as a community in northern Maine, with a population estimated in 2000 at over 800, 49% of whom speak French, reflecting Maine's proud Franco-American heritage; and

WHEREAS, as it begins its second century this beautiful town exemplifies the spirit, pride and strength of the State of Maine; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature, now assembled in the First Regular Session, take this occasion to recognize the Centennial Anniversary of the Town of Eagle Lake and to extend best wishes to its citizens for continued success; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of this proud community in honor of the occasion.

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

**READ** and **ADOPTED**, in concurrence.

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**COMMUNICATIONS**

The Following Communication: S.C. 170

**STATE OF MAINE  
125TH LEGISLATURE  
SUPREME JUDICIAL COURT**

February 25, 2011

The Honorable Kevin L. Raye  
President of the Senate  
3 State House Station  
Augusta, Maine 04333-0003

The Honorable Robert W. Nutting  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333-0002

Dear President Raye and Speaker Nutting:

I am pleased to accept your invitation to address a Joint Session of the 125th Maine Legislature. I understand there has been an adjustment to the date, and I am looking forward to seeing you on Thursday, March 24, 2011, at 11:00 a.m. I appreciate the courtesy of the Legislative Branch of government in inviting me to address the cause of justice in Maine.

I look forward to seeing you on March 24, 2011.

Sincerely,

S/Leigh I. Saufley  
Chief Justice

**READ** and **ORDERED PLACED ON FILE**.

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The Following Communication: S.C. 171

**STATE OF MAINE  
125TH LEGISLATURE  
OFFICE OF THE PRESIDENT**

March 22, 2011

Honorable Joseph G. Carleton  
Secretary of the Senate  
3 State House Station  
Augusta, ME 04333

Dear Secretary Carleton:

Pursuant to my authority under Title 10, MRSA, Chapter 1-A, Section 11, I am pleased to appoint Senator John L. Patrick of Oxford to the Citizen Trade Policy Commission. With this appointment the Senator from Oxford will be replacing the Senator from Cumberland, Senator Gerzofsky.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Kevin L. Raye  
President of the Senate

**READ** and **ORDERED PLACED ON FILE**.

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The Following Communication: S.C. 172

**STATE OF MAINE  
125TH LEGISLATURE  
OFFICE OF THE PRESIDENT**

March 22, 2011

Honorable Joseph G. Carleton  
Secretary of the Senate  
3 State House Station  
Augusta, ME 04333

Dear Secretary Carleton:

This is to inform you that Senator Lawrence Bliss of Cumberland will be resigning as State Senator for Senate District 7 at the end of the business day, Friday, April 15, 2011. Attached please find a copy of his resignation letter to Governor LePage.

Thank you very much for your attention to this matter.

Sincerely,

S/Kevin L. Raye  
President of the Senate

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

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Senate at Ease.

Senate called to order by President Pro Tem  
**CHRISTOPHER R. RECTOR** of Knox County.

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Off Record Remarks

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**SENATE PAPERS**

Bill "An Act To Amend the School Transportation Formula To Recognize One-way Bus Trips"

S.P. 388 L.D. 1267

Presented by Senator SAVIELLO of Franklin.

Bill "An Act To Require That the Taking of a Statewide Assessment Test for High School Seniors Be Voluntary"

S.P. 390 L.D. 1269

Presented by Senator SAVIELLO of Franklin.

Bill "An Act To Establish a 2-week Quiet Period for School Teams"

S.P. 394 L.D. 1273

Presented by Senator SAVIELLO of Franklin.  
Cosponsored by Senator: MASON of Androscoggin.

Bill "An Act To Restore Equity in Education Funding"

S.P. 395 L.D. 1274

Presented by President RAYE of Washington.  
Cosponsored by Representative MARTIN of Eagle Lake and Senators: LANGLEY of Hancock, MASON of Androscoggin, SAVIELLO of Franklin, SHERMAN of Aroostook, THOMAS of Somerset, Representatives: AYOTTE of Caswell, BRIGGS of Mexico, BURNS of Whiting, CRAY of Palmyra, EDGECOMB of Caribou, GIFFORD of Lincoln, JOHNSON of Greenville, LONG of Sherman, MAKER of Calais, McFADDEN of Dennysville, RICHARDSON of Carmel, TURNER of Burlington.

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

Sent down for concurrence.

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Bill "An Act To Amend the Laws Governing the Activity of Certain Nonprofit Corporations"

S.P. 396 L.D. 1275

Presented by Senator HOBBS of York.  
Cosponsored by Representative TUTTLE of Sanford and Senators: RECTOR of Knox, SAVIELLO of Franklin, Representatives: CORNELL du HOUX of Brunswick, CRAY of Palmyra, DION of Portland, DUNPHY of Embden, LIBBY of Waterboro, MARTIN of Eagle Lake.

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

Sent down for concurrence.

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Bill "An Act To Protect Municipalities That Host Wind Energy Developments"

S.P. 387 L.D. 1266

Presented by Senator SAVIELLO of Franklin.

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

On motion by Senator **THIBODEAU** of Waldo, **REFERRED** to the Committee on **TAXATION**.

Sent down for concurrence.

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Resolve, To Convene a Task Force To Study Staffing Ratios and Issues for Nursing Homes and Residential Care Facilities

S.P. 391 L.D. 1270

Presented by Senator McCORMICK of Kennebec.

Bill "An Act To Require Use of the Electronic Death Registration System"

S.P. 392 L.D. 1271

Presented by Senator McCORMICK of Kennebec.

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

Sent down for concurrence.

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Bill "An Act To Create a Family Ombudsman in the Judicial Branch and the Department of Corrections"

S.P. 393 L.D. 1272

Presented by Senator HOBBS of York.  
Cosponsored by Senator: GERZOFKY of Cumberland,  
Representatives: DRISCOLL of Westbrook, FITTS of Pittsfield,  
McKANE of Newcastle.

On motion by Senator HASTINGS of Oxford, REFERRED to the Committee on JUDICIARY and ordered printed.

Sent down for concurrence.

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Bill "An Act To Allow the Repayment of Improperly Awarded Workers' Compensation Benefits"

S.P. 389 L.D. 1268

Presented by Senator SAVIELLO of Franklin.

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

Sent down for concurrence.

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Bill "An Act To Allow the Unclaimed Remains of a Veteran To Have Proper Burial"

S.P. 386 L.D. 1265

Presented by Senator FARNHAM of Penobscot.  
Cosponsored by Representative DAMON of Bangor and Senator: PLOWMAN of Penobscot, Representatives: LONGSTAFF of Waterville, PARKER of Veazie, VALENTINO of Saco, WINTLE of Garland.

On motion by Senator FARNHAM of Penobscot, REFERRED to the Committee on VETERANS AND LEGAL AFFAIRS and ordered printed.

Sent down for concurrence.

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

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## REPORTS OF COMMITTEES

### House

#### Ought to Pass As Amended

The Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act Regarding Repeated Animal Trespass" (EMERGENCY)

H.P. 75 L.D. 89

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-17).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-17).

Report READ and ACCEPTED, in concurrence.

READ ONCE.

Committee Amendment "A" (H-17) READ and ADOPTED, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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The Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Resolve, To Name the Summit Trail of Haystack Mountain the Dustin J. Libby Trail

H.P. 78 L.D. 92

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-18).

Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-18).

Report READ and ACCEPTED, in concurrence.

READ ONCE.

Committee Amendment "A" (H-18) READ and ADOPTED, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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The Committee on EDUCATION AND CULTURAL AFFAIRS on Bill "An Act To Allow Marriage and Family Therapists To Serve as Mental Health Professionals in Public Schools"

H.P. 38 L.D. 45

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-19).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-19).

Report READ and ACCEPTED, in concurrence.

READ ONCE.

Committee Amendment "A" (H-19) READ and ADOPTED, in concurrence.

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

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**Senate**

**Ought to Pass As Amended**

Senator THOMAS for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding Audits of State Agency Expenditures To Recover Overpayments and Lost Discounts" (EMERGENCY)

S.P. 46 L.D. 104

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-12)**.

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

**READ ONCE**.

Committee Amendment "A" (S-12) **READ** and **ADOPTED**.

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

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Senator TRAHAN for the Committee on **TAXATION** on Bill "An Act To Provide a Sales Tax Exemption for Bags Provided by Redemption Centers for Returnable Containers"

S.P. 21 L.D. 6

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-11)**.

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

**READ ONCE**.

Committee Amendment "A" (S-11) **READ** and **ADOPTED**.

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

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

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**SECOND READERS**

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

**House As Amended**

Bill "An Act To Allow Storage of Lobster Traps on Docks"

H.P. 42 L.D. 49

(C "A" H-10)

Bill "An Act To Allow Provisional Drivers To Transport Persons under Guardianship and Children of Active Military Personnel"

H.P. 43 L.D. 50

(C "A" H-14)

Bill "An Act To Change the Name of Township 3, Range 9, NWP, to Cedar Lake Township" (EMERGENCY)

H.P. 69 L.D. 81

(C "A" H-15)

Bill "An Act To Amend the Law Governing Employment, Discipline and Dismissal of Chief Deputy Sheriffs"

H.P. 151 L.D. 174

(C "A" H-16)

Bill "An Act Relating to Motor Vehicle Dealer Licensing Requirements"

H.P. 218 L.D. 265

(C "A" H-13)

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

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**Senate**

Bill "An Act To Permit the Display of the National Emergency Service Medal on Registration Plates of Recipients"

S.P. 203 L.D. 622

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

Sent down for concurrence.

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

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**ENACTORS**

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

**Emergency Measure**

An Act To Include Antique Motorcycles on the List of Vehicles That Are Exempt from Inspection

H.P. 188 L.D. 235

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

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**Emergency Resolve**

Resolve, Regarding Legislative Review of Chapter 2-C: Voluntary Municipal Farm Support Program, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources  
H.P. 167 L.D. 190

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

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**Emergency Measure**

An Act To Extend a Deadline under the Regional Economic Development Revolving Loan Program  
S.P. 167 L.D. 575

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 Pro Tem, was presented by the Secretary to the Governor for his approval.

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**Act**

An Act To Authorize the Sale of Surplus Property to Nonprofit Animal Shelters  
H.P. 295 L.D. 369

**PASSED TO BE ENACTED** and having been signed by the President Pro Tem was presented by the Secretary to the Governor for his approval.

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**Emergency Resolve**

Resolve, Regarding Legislative Review of Portions of Chapter 131: The Maine Federal, State and Local Accountability Standards, a Major Substantive Rule of the Department of Education  
H.P. 4 L.D. 12

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

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**Resolve**

Resolve, To Name the Maine Fire Training and Education Program at Southern Maine Community College the Maine Fire Service Institute  
S.P. 134 L.D. 430

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

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**Emergency Resolve**

Resolve, Regarding Legislative Review of Portions of Chapter 316: Long-Term Contracting and Resource Adequacy, a Major Substantive Rule of the Public Utilities Commission  
H.P. 5 L.D. 13  
(C "A" H-6)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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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 (3/10/11) Assigned matter:

Bill "An Act To Protect Public Safety in the Operation of the Oxford County Casino"  
H.P. 473 L.D. 643

Tabled - March 10, 2011, by Senator **COURTNEY** of York

Pending - **FURTHER CONSIDERATION**

(In House, February 17, 2011, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.)

(In Senate, February 17, 2011, on motion by Senator **FARNHAM** of Penobscot, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in **NON-CONCURRENCE**.)

(In House, March 8, 2011, that Body **ADHERED**.)

On motion by Senator **COURTNEY** of York, the Senate **RECEDED** and **CONCURRED**.

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The Chair laid before the Senate the following Tabled and Later (3/16/11) Assigned matter:

Bill "An Act To Enhance Public Participation in Decisions Relating to the Large-scale Extraction and Transportation of Water"  
H.P. 812 L.D. 1077

Tabled - March 16, 2011, by Senator **SAVIELLO** of Franklin

Pending - **REFERENCE**

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

(In House, March 15, 2011, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**.)

On motion by Senator **SAVIELLO** of Franklin, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (3/22/11) Assigned matter:

Bill "An Act To Encourage Affordable Housing in Municipal Zoning"

H.P. 738 L.D. 1002

Tabled - March 22, 2011, by Senator **COURTNEY** of York

Pending - **REFERENCE**

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

(In House, March 17, 2011, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.)

On motion by Senator **COURTNEY** of York, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (3/22/11) Assigned matter:

Bill "An Act To Improve the Energy Efficiency of Public Buildings and Create Jobs"

S.P. 385 L.D. 1264

Tabled - March 22, 2011, by Senator **COURTNEY** of York

Pending - **REFERENCE**

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

On motion by Senator **COURTNEY** of York, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (3/22/11) Assigned matter:

Bill "An Act To Reduce Regulations for Residential Rental Property Owners"

H.P. 889 L.D. 1198

Tabled - March 22, 2011, by Senator **ALFOND** of Cumberland

Pending - **REFERENCE**

(In House, March 22, 2011, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.)

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

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (3/22/11) Assigned matter:

Bill "An Act To Expedite the Eviction Process in Certain Types of Cases"

H.P. 890 L.D. 1199

Tabled - March 22, 2011, by Senator **ALFOND** of Cumberland

Pending - **REFERENCE**

(In House, March 22, 2011, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.)

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

Sent down for concurrence.

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Senate at Ease.

Senate called to order by President Pro Tem  
**CHRISTOPHER R. RECTOR** of Knox County.

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

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Senator **RAYE** of Washington was granted unanimous consent to address the Senate on the Record.

Senator **RAYE**: Thank you very much Mr. President. I simply rise before adjournment to congratulate you on a stellar job wheedling the gavel and I do appreciate you finding occasion to utter those famous words, "The Chair is in error." Thank you very much for that. Great job.

**THE PRESIDENT PRO TEM**: I would like to say thank you to the President for the privilege of standing on the rostrum here. It is indeed a privilege and an honor to be here.

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On motion by Senator **COURTNEY** of York, **ADJOURNED** to Thursday, March 24, 2011, at 10:00 in the morning.