

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

In Senate Chamber
Thursday
February 23, 2012

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

Prayer by Senator Debra D. Plowman of Penobscot County.

SENATOR PLOWMAN: Thank you Mr. President. Men and women of the Senate, this morning I was asked to say the prayer and I went to my drawer and found a New Testament that was given to me by Representative McLeod. With Representative McLeod in mind, I'm going to read from the Psalms.

A psalm of David. I will sing of mercy and judgment. Unto Thee, O Lord, will I sing. I will behave myself wisely in a perfect way. Oh when will Thou come unto me? I will walk within my house with a perfect heart. I will set no wicked thing before mine eyes. I hate the work of them that turn aside. It shall not cleave to me. A froward heart shall depart from me. I will not know a wicked person. Whoso privily slandereth his neighbor, him I will cut off. Him that hath an high look and a proud heart will not I suffer and a proud heart I will not suffer. Mine eyes shall be upon the faithful of the land, that they may dwell with me. He that walketh in a perfect way, he shall serve me. He that worketh deceit shall not dwell within my house. He that telleth lies shall not tarry in my sight.

Lord, we ask You today to be with our loved ones, who are not here with us and yet their lives go on in ways that we only find out when the day ends. Each one of us has family that needs to be cared for and some of us family that needs more care than others. While we are not there with them, Lord, please bring Your grace upon them and bring them peace and health and security until we can get back to them and shelter them ourselves. In Your name we ask. Amen.

Pledge of Allegiance led by Senator Christopher K. Johnson of Lincoln County.

Reading of the Journal of Wednesday, February 22, 2012.

Doctor of the day, Emily Trask-Eaton, DO of Waldoboro.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **COURTNEY** of York, the following Joint Order:
S.P. 634

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 28, 2012, at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Establish the Department of Agriculture, Conservation and Forestry" (EMERGENCY)
H.P. 1350 L.D. 1830

Presented by Representative **TIMBERLAKE** of Turner.
(GOVERNOR'S BILL)

Cosponsored by Senator **THIBODEAU** of Waldo and Senators: **MASON** of Androscoggin, **ROSEN** of Hancock, **SHERMAN** of Aroostook, Representatives: **AYOTTE** of Caswell, **BEAVERS** of South Berwick, **BENNETT** of Kennebunk, **BLACK** of Wilton, **BURNS** of Whiting, **CEBRA** of Naples, **CLARK** of Millinocket, **COTTA** of China, **CRAY** of Palmyra, **CURTIS** of Madison, **DILL** of Old Town, **DUNPHY** of Embden, **EDGECOMB** of Caribou, **FITTS** of Pittsfield, **FOSTER** of Augusta, **GIFFORD** of Lincoln, **GILLWAY** of Searsport, **GRAHAM** of North Yarmouth, **GUERIN** of Glenburn, **HARLOW** of Portland, **HARMON** of Palermo, **HARVELL** of Farmington, **KENT** of Woolwich, **KESCHL** of Belgrade, **LIBBY** of Waterboro, **LONG** of Sherman, **MAKER** of Calais, **McCABE** of Skowhegan, **MORISSETTE** of Winslow, **NEWENDYKE** of Litchfield, **O'BRIEN** of Lincolnville, **O'CONNOR** of Berwick, **PARKER** of Veazie, **PICCHIOTTI** of Fairfield, **PRESCOTT** of Topsham, **RICHARDSON** of Carmel, **RICHARDSON** of Warren, **RIOUX** of Winterport, **SARTY** of Denmark, **TURNER** of Burlington, **WILLETTE** of Mapleton, **WILLETTE** of Presque Isle.

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

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 718

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

February 21, 2012

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1657 An Act To Amend the Laws Governing Health Insurance for Certain State Employees (EMERGENCY)

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Richard W. Rosen
Senate Chair

S/Rep. Patrick S. A. Flood
House Chair

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

The Following Communication: S.C. 719

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

February 16, 2012

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Energy, Utilities and Technology has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1676 An Act To Increase Energy Options

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Michael D. Thibodeau
Senate Chair

S/Rep. Stacey A. Fitts
House Chair

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

The Following Communication: S.C. 720

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

February 16, 2012

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1327 Resolve, To Study the Organization of the Fisheries Management Activities of the Department of Inland Fisheries and Wildlife and Make Recommendations To Improve Efficiency and Effectiveness

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Thomas H. Martin, Jr.
Senate Chair

S/Rep. Paul T. Davis, Sr.
House Chair

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

Senate at Ease.

Senate called to order by the President.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **MARINE RESOURCES** on Bill "An Act To Amend the Limited-entry Program for Taking Lobsters in the Monhegan Lobster Conservation Area"

H.P. 1261 L.D. 1709

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Support Maine Farms and Alleviate Hunger"

H.P. 862 L.D. 1164

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-710)**.

Signed:

Senators:

COURTNEY of York
HASTINGS of Oxford

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BERRY of Bowdoinham
BICKFORD of Auburn
BURNS of Alfred
FLEMINGS of Bar Harbor
HARMON of Palermo
PILON of Saco

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

Signed:

Representative:

WATERHOUSE of Bridgton

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-710)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-710) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass

Senator McCORMICK for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Organization of the Quality Assurance Review Committee"

S.P. 535 L.D. 1625

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator McCORMICK for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Application Process for the Progressive Treatment Program"

S.P. 285 L.D. 897

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-389)**.

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

READ ONCE.

Committee Amendment "A" (S-389) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator RECTOR for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Provide for the 2012 and 2013 Allocations of the State Ceiling on Private Activity Bonds"

S.P. 593 L.D. 1733

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-388)**.

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

READ ONCE.

Committee Amendment "A" (S-388) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SECOND READERS

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

House

Resolve, Regarding Legislative Review of Chapter 122: Grant Application and Award Procedure: Fund for the Efficient Delivery of Educational Services, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1272 L.D. 1723

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

House As Amended

Bill "An Act To Expand the Capacity of York County Community College"

H.P. 457 L.D. 627
(C "A" H-699)

Bill "An Act To Promote POW/MIA Recognition Day"

H.P. 1230 L.D. 1640
(C "A" H-705)

Bill "An Act To Amend the Laws Governing the Pull Events Commission"

H.P. 1294 L.D. 1759
(C "A" H-701)

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

Senate

Bill "An Act To Correct an Inconsistency in the Employment Security Law"

S.P. 614 L.D. 1777

READ A SECOND TIME.

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**.

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

ENACTORS

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

Emergency Measure

An Act To Authorize the Commissioner of Transportation To Allow Certain Vehicles To Operate on the Interstate System

S.P. 527 L.D. 1617
(C "A" S-376)

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 Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 41: Special Restrictions on Pesticide Use, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control

H.P. 1281 L.D. 1734

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.

Acts

An Act To Enhance a Community's Ability To Establish or Update Its Veterans Honor Roll

H.P. 1233 L.D. 1643
(C "A" H-697)

An Act To Clarify the Minimum Wage Law as It Relates to People with Disabilities

H.P. 1279 L.D. 1729

An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2013

S.P. 595 L.D. 1736

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

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 (2/21/12) Assigned matter:

Bill "An Act To Change the Statutes of Limitations on Prosecution for Crimes of Sexual Abuse and for Civil Actions for Sexual Abuse When the Actor Is a Person in a Position of Authority"

H.P. 1346 L.D. 1825

Tabled - February 21, 2012, by Senator **PLOWMAN** of Penobscot

Pending - **REFERENCE**, in concurrence

(In House, February 16, 2012, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.)

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

The Chair laid before the Senate the following Tabled and Later (2/22/12) Assigned matter:

Bill "An Act To Promote Jobs in the Motor Coach Industry by Providing a Sales Tax Exemption for Certain Buses"

S.P. 594 L.D. 1735

Tabled - February 22, 2012, by Senator **ALFOND** of Cumberland

Pending - **PASSAGE TO BE ENGROSSED**

(In Senate, February 21, 2012, **READ A SECOND TIME.**)

PASSED TO BE ENGROSSED.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (2/22/12) Assigned matter:

Bill "An Act To Create a Sales Tax Exemption for the Sale and Delivery of Off-peak Electricity for Electric Thermal Storage Devices" (EMERGENCY)

S.P. 554 L.D. 1655
(C "A" S-383)

Tabled - February 22, 2012, by Senator **ALFOND** of Cumberland

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-383)**

(In Senate, February 22, 2012, **READ A SECOND TIME.**)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-383).

Ordered sent down forthwith for concurrence.

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

Senator **LANGLEY** of Hancock was granted unanimous consent to address the Senate off the Record.

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (2/16/12) Assigned matter:

Emergency

An Act To Implement the Recommendations of the Streamline and Prioritize Core Government Services Task Force for the Fiscal Years Ending June 30, 2012 and June 30, 2013 and To Make Certain Other Allocations and Appropriations and Changes to the Law Necessary to the Operation of State Government

H.P. 1339 L.D. 1816
(H "D" H-707)

Tabled - February 16, 2012, by Senator **COURTNEY** of York

Pending - **ENACTMENT**, in concurrence

(In House, February 16, 2012, **PASSED TO BE ENACTED.**)

(In Senate, February 16, 2012, **FAILED ENACTMENT**, in **NON-CONCURRENCE**. On motion by Senator **COURTNEY** of York, **RECONSIDERED.**)

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you Mr. President. Men and women of the Senate, I encourage your support of the budget bill that lays before us. It is the product of considerable effort and work from two different sources. A streamline task force met last Summer and Fall to produce the document that is the foundation of the bill that we have before us. An excellent piece of work benefiting from a breadth of people inside and outside of State government and across the state of Maine. Attached to the task force report is a portion of the Department of the Health and Human Services supplemental budget, primarily designed to address the critical issues that we face in the current fiscal year. Both are consensus documents. Both are products, particularly in the case of the budget, after having held public hearings with nearly 350 people testifying at the public hearing. Input from all members of the Appropriations Committee. Valuable input from members of the Policy Committee, the Health and Human Services Committee, members of leadership in all four corners of both Chambers, and the Executive Branch. Like any consensus document, it has its imperfections, but it is a product of good faith and it is a product produced by the Appropriations Committee, taking very seriously our charge to be problem solvers, to do our best work possible to address the difficult issues that we are confronting. This clearly is one of the more difficult, but to present, hopefully, solutions oriented documents and proposals for your consideration and ultimately your final approval. I thank you for your consideration and ask for your support.

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

Senator **HOBBINS:** Thank you Mr. President. Men and women of the Senate, last Thursday Democrats expressed their feelings, strong feelings, that the budget did not go far enough and did not reflect the values of what are the principles and core values of our party. Last Thursday our caucus decided to slow the process down in an attempt to help others that might have been affected that weren't taken care of with the language of the budget. Since then my colleagues and others have been working to find solutions that would soften the landing. We were not looking to move mountains here. Democrats wanted to create a softer landing for the people of Maine transitioning off MaineCare. One of our proposals helps give veterans, during this transition, a softer landing and reflects many of Maine's core values. Mainers helping Mainers. Neighbors helping neighbors. We believe the urgency of taking care of our veterans can wait no longer. We cannot allow even one veteran, not even one veteran, to slip through the cracks. We had expected to get language as part of the budget to address these concerns, but now what's most important is not where or how veterans get protected, what matters is that it gets done now. I want to thank the members of the Appropriations Committee: especially the gentleman from Hancock for his tireless efforts in handling the budget; the

Senator from Kennebec who worked hard. He is a person who really was put in a difficult position through the whole process; the Senator from York and all the members of the Appropriations Committee. With that, I want to say that I hope that efforts that will be made through cooperative efforts regarding our veterans will help them with a softer landing as a result of certain aspects of this budget. Thank you.

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

Senator **COURTNEY:** Thank you Mr. President. Men and women of the Senate, I, too, want to thank the appropriators, Senator Rosen, Senator Katz, and Senator Hill. Your leadership, especially during the last week, has really been a tribute to this institution. I also want to thank our colleagues on the other side of the aisle. Senator Alfond and Senator Hobbins, I think we have worked very hard to get to this point in the last week and appreciate your efforts and all the goodwill that has come along with it. I, too, want to just comment briefly on the additional proposal that came forward, I think it was Monday, on the veterans and to try to create a softer landing for those who may not qualify for continued services. This has been something that has been worked on for a long time in the Veterans and Legal Affairs Committee. I want to compliment you folks for bringing this to the forefront. I also want to compliment the Chief Executive, who I understand there was a meeting this morning and I think we are all working together in good faith to try to make sure the veterans get the benefits that they deserve and that they are entitled to. With that, today with that issue there are no Republicans and there are no Democrats in here, there are people who are fighting for all veterans in Maine. I want to thank you all.

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with 8 Senators having voted in the negative, and 27 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.

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

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

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

Off Record Remarks

On motion by Senator **COURTNEY** of York, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, February 28, 2012, at 10:00 in the morning.