

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

In Senate Chamber  
Wednesday  
March 14, 2012

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

Prayer by Pastor Susan Davenport of Grace United Methodist Church in Bangor.

**PASTOR DAVENPORT:** I bring you greetings from your sisters and brothers in Bangor and I bring you blessings from them as well. Will you be in prayer with me.

Holy and loving God, we have come together this morning as Your people, all of us, to do Your work for the people of our great state. Lord, lead and guide us. Be present in our conversation. Soften our hearts. Open our ears that we may hear Your voice in the midst. We ask all this in Your holy name. Amen.

Pledge of Allegiance led by Senator Justin L. Alford of Cumberland County.

Reading of the Journal of Tuesday, March 13, 2012.

Doctor of the day, Jonathan Gasper, MD of Mount Vernon.

The President requested the Sergeant-At-Arms escort the Senator from Hancock, Senator **ROSEN** 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 **RICHARD W. ROSEN** of Hancock County.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Change the Name of the Governor's Office of Energy Independence and Security"

H.P. 1386 L.D. 1872

Presented by Representative COTTA of China. (GOVERNOR'S BILL)

Cosponsored by Representatives: DUNPHY of Embden, MOULTON of York.

Bill "An Act To Provide Transparency in Electricity Pricing for Maine Ratepayers"

H.P. 1387 L.D. 1875

Presented by Representative FITTS of Pittsfield. (GOVERNOR'S BILL)

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

**REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed, in concurrence.

Resolve, Creating an Honorable Service Plaque To Honor Maine Veterans

H.P. 1385 L.D. 1871

Presented by Representative COTTA of China. (GOVERNOR'S BILL)

Cosponsored by Senator SAVIELLO of Franklin and Senators: McCORMICK of Kennebec, President RAYE of Washington, Representatives: AYOTTE of Caswell, BEAVERS of South Berwick, BOLAND of Sanford, BRIGGS of Mexico, BURNS of Whiting, CLARKE of Bath, CORNELL du HOUX of Brunswick, CURTIS of Madison, DAMON of Bangor, DUNPHY of Embden, ESPLING of New Gloucester, FITZPATRICK of Houlton, GIFFORD of Lincoln, GILLWAY of Searsport, GUERIN of Glenburn, HANLEY of Gardiner, HARMON of Palermo, HARVELL of Farmington, HAYES of Buckfield, JOHNSON of Eddington, JOHNSON of Greenville, KAENRATH of South Portland, KESCHL of Belgrade, KNAPP of Gorham, KNIGHT of Livermore Falls, LIBBY of Waterboro, LONG of Sherman, LONGSTAFF of Waterville, MAKER of Calais, MALABY of Hancock, MALONEY of Augusta, McCLELLAN of Raymond, McFADDEN of Dennysville, McKANE of Newcastle, MITCHELL of the Penobscot Nation, MONAGHAN-DERRIG of Cape Elizabeth, MORISSETTE of Winslow, MOULTON of York, NEWENDYKE of Litchfield, Speaker NUTTING of Oakland, O'CONNOR of Berwick, OLSEN of Phippsburg, PARKER of Veazie, PARRY of Arundel, PLUMMER of Windham, SANDERSON of Chelsea, SARTY of Denmark, SIROCKI of Scarborough, THERIAULT of Madawaska, TURNER of Burlington, WATERHOUSE of Bridgton.

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

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

**COMMUNICATIONS**

The Following Communication: S.C. 742

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

January 30, 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 Criminal Justice and Public Safety has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1633 An Act To Increase to a Class C Crime the Failure To Report a Missing Child within 24 Hours

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

Sincerely,

S/Sen. Garrett P. Mason  
Senate Chair

S/Rep. Gary E. Plummer  
House Chair

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

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The Following Communication: S.C. 743

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
COMMITTEE ON JUDICIARY**

March 9, 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 Judiciary has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1824 An Act To Provide Immunity for Prescribing and Dispensing Intranasal Naloxone Kits

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

Sincerely,

S/Sen. David R. Hastings, III  
Senate Chair

S/Rep. Joan M. Nass  
House Chair

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

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The Following Communication: H.C. 329

**STATE OF MAINE  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

March 13, 2012

The Honorable Joseph G. Carleton, Jr.  
Secretary of the Senate  
125th Maine Legislature  
Augusta, Maine 04333

Dear Secretary Carleton:

The House voted today to insist on its previous action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Taxation on Bill "An Act To Create an Income Tax Return Checkoff To Fund Cancer Screening, Detection and Prevention" (H.P. 916) (L.D. 1225)

Sincerely,

S/Heather J.R. Priest  
Clerk of the House

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

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The Following Communication: H.P. 1380

**STATE OF MAINE  
OFFICE OF THE SECRETARY OF STATE**

March 6, 2012

The Honorable Heather J.R. Priest  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333

Dear Clerk Priest:

Enclosed please find my official certification to the 125th Legislature of the citizen initiative petition entitled "An Act To Allow Marriage Licenses for Same-sex Couples and Protect Religious Freedom."

Sincerely,

S/Charles E. Summers, Jr.  
Secretary of State

\_\_\_\_\_  
State of Maine  
Secretary of State

I, Charles E. Summers, Jr., Secretary of State, hereby certify that written petitions bearing signatures of 85,216 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on January 26, 2012, requesting that the Legislature consider an act entitled, "An Act To Allow Marriage Licenses for Same-sex Couples and Protect Religious Freedom."

I further certify that the number of signatures submitted is in excess of ten percent of the total votes cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 57,277.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the sixth day of March in the year two thousand and twelve.

S/Charles E. Summers, Jr.  
Secretary of State

Comes from the House, **READ** and **ORDERED PLACED ON FILE**.

**READ** and **ORDERED PLACED ON FILE**, in concurrence.

The Accompanying Bill:

"An Act To Allow Marriage Licenses for Same-sex Couples and Protect Religious Freedom"

I.B. 3 L.D. 1860

Transmitted to the Clerk of the 125th Maine Legislature by the Secretary of State on March 8, 2012 and ordered printed.

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

Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

\_\_\_\_\_  
Senate at Ease.

Senate called to order by President Pro Tem  
**RICHARD W. ROSEN** of Hancock County.

\_\_\_\_\_  
Off Record Remarks

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**SENATE PAPERS**

Bill "An Act To Clarify Authorized Associations of Veterinary Practice"

S.P. 656 L.D. 1877

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

On motion by Senator **RECTOR** of Knox, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** 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**

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Portions of Chapter 378: Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

H.P. 1320 L.D. 1794

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

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

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

**READ ONCE**.

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

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**Ought to Pass As Amended**

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Clarify the Court's Authority To Grant Credit Given for Jail Time toward Payment of Fines"  
H.P. 1204 L.D. 1598

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-760)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-760)**.

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

**READ ONCE.**

Committee Amendment "A" (H-760) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Require Carbon Monoxide Detectors in Additional Residential Facilities"

H.P. 1286 L.D. 1744

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-761)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-761)**.

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

**READ ONCE.**

Committee Amendment "A" (H-761) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Chapter 140: Public Charter Schools, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1308 L.D. 1783

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-759)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-759)**.

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

**READ ONCE.**

Committee Amendment "A" (H-759) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Repeal the Requirement That Canadian Big Game or Wild Turkey Hunters Be Accompanied by Guides Licensed in the State"

H.P. 1310 L.D. 1785

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-766)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-766)**.

Report **READ**.

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT**, in concurrence.

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The Committee on **TAXATION** on Bill "An Act To Amend the Law Governing Abatements of Property Taxes for Infirmity or Poverty"  
H.P. 1245 L.D. 1693

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-754)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-754)**.

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

**READ ONCE.**

Committee Amendment "A" (H-754) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **TAXATION** on Bill "An Act Concerning Technical Changes to the Tax Laws"  
H.P. 1293 L.D. 1752

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-767)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-767)**.

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

**READ ONCE.**

Committee Amendment "A" (H-767) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **TRANSPORTATION** on Bill "An Act To Amend the Motor Vehicle Laws"  
H.P. 1262 L.D. 1710

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-763)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-763)**.

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

**READ ONCE.**

Committee Amendment "A" (H-763) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Establish Certain Crimes Relating to Missing or Deceased Children"  
H.P. 1224 L.D. 1634

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

Signed:

Senators:  
MASON of Androscoggin  
GERZOFKY of Cumberland  
WHITTEMORE of Somerset

Representatives:  
PLUMMER of Windham  
BURNS of Whiting  
CLARKE of Bath  
HANLEY of Gardiner  
HASKELL of Portland  
LAJOIE of Lewiston  
LONG of Sherman  
MORISSETTE of Winslow  
SANDERSON of Chelsea

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-762)**.

Signed:

Representative:  
BLODGETT of Augusta

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Portions of Chapter 305: Permit by Rule, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

H.P. 1323 L.D. 1797

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

Signed:

Senators:  
SAVIELLO of Franklin  
GOODALL of Sagadahoc  
SHERMAN of Aroostook

Representatives:  
HAMPER of Oxford  
AYOTTE of Caswell  
DUCHESNE of Hudson  
HARLOW of Portland  
INNES of Yarmouth  
KNAPP of Gorham  
NASS of Acton  
PARKER of Veazie  
WELSH of Rockport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-751).**

Signed:

Representative:  
LONG of Sherman

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

Reports **READ.**

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

**READ ONCE.**

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

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Amend the Law Regarding the Sale of Wood Pellets" (EMERGENCY)

H.P. 1219 L.D. 1610

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-727).**

Signed:

Senators:  
COURTNEY of York  
HASTINGS of Oxford  
WOODBURY of Cumberland

Representatives:  
KNIGHT of Livermore Falls  
BENNETT of Kennebunk  
BICKFORD of Auburn  
HARMON of Palermo  
PILON of Saco  
WATERHOUSE of Bridgton  
WEAVER of York

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-728).**

Signed:

Representatives:  
BERRY of Bowdoinham  
BRYANT of Windham  
FLEMINGS of Bar Harbor

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727) AS AMENDED BY HOUSE AMENDMENT "A" (H-755)** thereto.

Reports **READ.**

Senator **COURTNEY** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727)** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727)** Report, in concurrence.

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**Senate**

**Ought to Pass As Amended**

Senator SAVIELLO for the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Clarify the Site Location of Development Laws Regarding Exemptions for Previously Developed Sites"

S.P. 547 L.D. 1648

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-434).**

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

**READ ONCE.**

Committee Amendment "A" (S-434) **READ** and **ADOPTED.**

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

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Senator HASTINGS for the Committee on **JUDICIARY** on Bill "An Act To Repeal the Automatic Suspension of Child Support Obligations" (EMERGENCY)

S.P. 549 L.D. 1650

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-435).**

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

**READ ONCE.**

Committee Amendment "A" (S-435) **READ** and **ADOPTED.**

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

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Create Efficiencies in Cases Concerning Court-ordered Child Contact and Care by Providing for Parent Education"  
S.P. 621 L.D. 1801

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

Signed:

Senators:  
HASTINGS of Oxford  
DILL of Cumberland

Representatives:  
NASS of Acton  
BEAULIEU of Auburn  
FOSSEL of Alna  
SARTY of Denmark  
WATERHOUSE of Bridgton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-433)**.

Signed:

Senator:  
WOODBURY of Cumberland

Representatives:  
MALONEY of Augusta  
MONAGHAN-DERRIG of Cape Elizabeth  
MOULTON of York  
PRIEST of Brunswick  
ROCHELO of Biddeford

Reports **READ**.

On motion by Senator **HASTINGS** of Oxford, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Increase Penalties for Certain Violations of the Campaign Reports and Financing Laws"  
S.P. 383 L.D. 1262

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

Signed:

Senators:  
FARNHAM of Penobscot  
PLOWMAN of Penobscot

Representatives:  
BEAULIEU of Auburn  
CROCKETT of Bethel  
DAMON of Bangor  
JOHNSON of Eddington  
WILLETTE of Presque Isle

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-432)**.

Signed:

Senator:  
PATRICK of Oxford

Representatives:  
CAREY of Lewiston  
CHIPMAN of Portland  
LONGSTAFF of Waterville  
RUSSELL of Portland  
VALENTINO of Saco

Reports **READ**.

Senator **FARNHAM** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I'm going to speak about not accepting the Majority Ought Not to Pass Report. The Ought Not to Pass Report is the wrong way to go on this because the bill actually does some good. It's a disclosure bill that would bring some light to a lot of these attack ads that come forward in the heat of campaign. Many times they are PACs, millionaires, billionaires, people who don't want their name to be disclosed, but they want to be able to use their constitutional right to say whatever they want to say. Well, I think the citizens of the state of Maine deserve a right to know who they are. I don't care how much money they spend or what they say, but they should be highlighted as to who is saying it. Preventing this bill to go forward prevents the ability for us to have that disclosure on electronic media, television, digital, and all electronic media. I think it does a disservice to the citizens of the state of Maine and all citizens who actually want to know who are the ones putting out these nasty ads. I would urge you to reject the Majority Ought Not to Pass Report so we can get into the weeds of the bill. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Alfond.

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'll be brief, but I find it a little bit ironic

that yesterday we sat in this Chamber for a very long time talking about the Secretary of State and their duties to encourage more people to participate in voting and to ensure that our voting process is done fairly and accurately. Today, before us we have a bill to ensure that the voters actually know how money is being spent and then, when someone doesn't properly go and report how they spend things in a timely manner, to increase the fines. I find it just ironic that yesterday we spent a lot of time worrying about a study and today we're about to kill, potentially, a bill that ensures that the voters know who is putting negative advertising against us and then ensuring that when those people decide, these super PACs or leadership PACs or whoever, to run negative advertisement against all of the good Senators, potentially, in this room and others that want to be good Senators, that when you don't do it in a proper time you pay the fine. Everyone knows that you need to file it and we get all these disclosures and we get all these mailers and all these electronic pieces from the Ethics Commission. When you don't disclose it on time, you are upping the fines. I just find that very ironic that we can't have the consistency in this Body. Thank you, Mr. President.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just wanted to get up and ask: where is the transparency that we're all talking about? I've heard countless stories from members from both sides of the aisle about attack ads and how unfortunate it was and how it wasn't fair that you couldn't respond to the ads because you didn't even know where they came from. I think that now, since we've taken away any matching fund money that would come to help you try and find out who spent this money against you, it's even more appropriate that we should be able to at least know who's making these attacks. I find that many times whenever someone is being attacked, if you know who it is, it kind of makes sense to the voters. They understand why they are making these attacks and many times they just disregard them. I can't believe, in all this talk about transparency, that we're not going to make it so that people that are going to go out and say things about you that may or may not be true can't at least put who they are and what their name is so you can have some ability to respond. It amazes me that we can't allow that. I know that, in my time, I've tried very hard not to negatively attack anyone, but I won't say that I never was accused of not being negative. I will say that any time I did do anything that could have been thought of in that way, I put my name to it and let the chips fall where they were. This thinking that we should be able to allow people to spend money against us and then hide behind some bogus corporation or PAC or anything is kind of really disingenuous and hypocritical. If you're going to vote to kill this bill today, please don't talk about transparency any more this session.

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Off Record Remarks

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**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you Mr. President. Men and women of the Senate, if we could address L.D. 1262 I'd be glad to tell you what the bill was actually about. The bill adds nothing for more transparency. It changes nothing for more reporting. It doesn't demand any other action. All it does is increase the penalties for not providing the information that has been requested. It's not a transparency issue. It seems to be a revenue issue. If you'd like to read the bill, it is on-line. It's L.D. 1262 and it is the bill before us, that is being debated, not any other provisions. There is no lack of transparency. This was not brought to us by the commission to ask for more transparency. It was brought to us as a means of raising the fines and raising the fines in an incredibly stark manner. It has nothing to do, nothing to do, with lack of transparency. Please read the bill before you vote on it.

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

Senator **BARTLETT:** Thank you Mr. President. I have read the bill and I can assure you it has everything to do with transparency. I'll explain why. In the last election cycle we saw money flowing into the state from out-of-state by an entity that flagrantly violated our rules. They did so and simply paid a fine as part of the cost of doing business. They didn't disclose their spending on time, the way they are supposed to. They deliberately waited so that there was less chance for folks to respond. The idea of ramping up the penalties is to make sure there are real teeth so that people who come in and want to be involved in Maine's elections play by the rules and follow the law. If they are not going to follow the law, there should be a sufficient penalty to force them to do so in the future. This has everything to do with transparency. The current fines are so ridiculously low that you can simply factor them in as part of the cost of doing business. You can say, "We're going to run an ad. I know I'm supposed to disclose it, but I'm going to wait a week. I'll wait right up until Election Day, maybe even after Election Day, to report what I've done." Without that reporting there is no transparency. I don't think it's too much to ask the people who come into the state of Maine and influence elections to follow Maine's law. If they are not going to do it, let's make sure there is a real penalty for them. If you don't like the bill, there is an excellent Minority Report that we can go on to discuss which does far less. If what you are concerned about is the penalties, then fine. Let's defeat the current motion, go on to the Minority Report, and you'll find a good solution that makes sure that people understand how their money is being spent. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.



**ROLL CALL (#374)**

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RAYE, RECTOR, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, THE PRESIDENT PRO TEM - RICHARD W. ROSEN

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFKY, GOODALL, HILL, HOBBS, JACKSON, JOHNSON, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **FARNHAM** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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 As Amended**

Bill "An Act To Strengthen Maine's Election Laws by Requiring Photograph Identification for the Purpose of Voting"  
H.P. 176 L.D. 199  
(C "B" H-733)

Bill "An Act To Amend the Law Relating to Concealed Firearms Locked in Vehicles"  
H.P. 1212 L.D. 1603  
(C "A" H-739)

Bill "An Act To Provide Funding To Operate the Dolby Landfill in the Town of East Millinocket"  
H.P. 1235 L.D. 1683  
(C "A" H-750)

Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education (EMERGENCY)  
H.P. 1273 L.D. 1724  
(C "A" H-749)

Bill "An Act To Make Minor Adjustments to Laws Administered by the Department of Environmental Protection"  
H.P. 1283 L.D. 1738  
(C "A" H-752)

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

Bill "An Act To Protect Homeowners Subject to Foreclosure by Requiring the Foreclosing Entity To Provide the Court with Original Documents"

H.P. 128 L.D. 145  
(S "A" S-426 to C "B" H-721)

Resolve, To Create a License Plate To Recognize the 2014 World Acadian Congress

H.P. 1220 L.D. 1611  
(S "A" S-437 to C "A" H-742)

Resolve, Regarding Legislative Review of Portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education and the Maine Municipal Bond Bank (EMERGENCY)

H.P. 1313 L.D. 1788  
(S "A" S-436 to C "A" H-741)

**READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

**Senate**

Bill "An Act To Direct the Commissioner of Education To Adopt a Model Policy Regarding Management of Head Injuries in School Activities and Athletics" (EMERGENCY)  
S.P. 654 L.D. 1873

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

Sent down for concurrence.

**Senate As Amended**

Bill "An Act To Address Research and Teaching in Maine's Institutions of Higher Education by Amending the Laws Governing the Purchase of Goods and Services by the State Involving Institutions of Higher Education"

S.P. 541 L.D. 1631  
(C "A" S-428)

Bill "An Act To Provide Funding to the Department of Transportation for a Feasibility Study of an East-west Highway" (EMERGENCY)

S.P. 570 L.D. 1671  
(C "A" S-398)

Bill "An Act To Update the Powers and Duties of the Bureau of Maine Veterans' Services"

S.P. 584 L.D. 1719  
(C "A" S-430)

Bill "An Act To Protect Public Safety in the Operation of Casinos" (EMERGENCY)

S.P. 632 L.D. 1828  
(C "A" S-431)

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

Sent down 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 Address the Documented Educational and Rehabilitation Needs of Persons Who Are Blind or Visually Impaired

H.P. 572 L.D. 765  
(C "B" H-737)

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

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**Emergency Measure**

An Act To Prohibit Municipalities from Imposing Fees on Ice Fishing Shacks

H.P. 1288 L.D. 1747  
(C "A" H-734)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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.

Ordered sent down forthwith.

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**Emergency Measure**

An Act To Implement the Recommendations of the Department of Health and Human Services and the Maine Developmental Disabilities Council Regarding Respectful Language

S.P. 640 L.D. 1845

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **McCORMICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, today is an exciting day. You all received the People First Language brochure and pin on your desk today. People First Language promotes understanding, respect, dignity, and a positive view of people with disabilities. About 49 million Americans, one out of every five individuals, have some type of disability. About 25,000 Mainer have developmental disabilities. While the term "mental retardation" was at one time simply a medical diagnosis, the words "retard" and "retarded" are used increasingly in today's society in demeaning ways that perpetuate the stigma and negative stereotypes that face people with intellectual disabilities. Too many people do not recognize the hurtful, dehumanizing, and discriminatory effects of the words retard or retarded. When any of us use the words "retard" or "retarded" in a casual way to refer to an action as less than ideal, we make anyone with an intellectual disability who hears us feel less than human, whether we mean it that way or not. Think about the last time you heard someone referred to as "retarded". It has become commonly used to make fun of people and label behavior as clumsy, worthless, laughable, or even hopeless. Unfortunately, and whether intentionally or not, the "R" word also conjures up a painful stereotype of people with intellectual and other developmental disabilities. That stereotype is not in keeping with what persons with intellectual disabilities and their families and their advocates know to be true and are asking everyone to recognize. People with intellectual and other developmental disabilities have unique gifts and talents to contribute to their communities and deserve to be treated with dignity and respect.

L.D. 1845 is the culmination of five years of work that started with the first group who, in 2006, participated in the Disability Leadership Institute, a program offered by the Maine Developmental Disabilities Council. Representative Webster, of the other Body, introduced the bill in the next legislative session to begin the process of replacing outdated and inappropriate language regarding persons with disabilities in Maine's statutes and rules. The result was Resolve Chapter 62 passed in 2007, which created a respectful language work group to make recommendations for changes in terminology to be used in public documents. Subsequent legislation in 2008 and 2009 changed the name of the program providing services for persons with intellectual disabilities and autism to Adult Developmental Services and eliminated the terms "common drunkard", "lunatic", "mentally deranged", and "afflicted" from Maine statutes. The Revisor's Office also adopted the recommendations of the Respectful Language work group and incorporated them in the Maine Legislative Drafting manual. The significant change requested by individuals with disabilities, by self-advocates, the Maine Developmental Disabilities Council, Speaking Up for Us, and other advocacy organizations remained untouched until legislation sponsored by Senator Brannigan and passed in the last session directed the Department of Health and Human Services to work with the Maine Developmental Disabilities Council and the Revisor's Office to draft legislation ready for this session with the necessary changes to eliminate the "R" word from the approximately 400 places it appears in our statutes. That legislation is what is before us today and what self-advocates and families and others who advocate with them and on their behalf have been pushing for for more than five years.

By passing this bill we will remove the terms "mental retardation" and "mentally retarded" from all Maine statutes, with the exception of a few necessary references to current federal language in the Social Security Act and Medicaid.

In simple terms, "mental retardation" becomes "intellectual disability". A "mentally retarded person" becomes "a person with an intellectual disability". The "M.R. Waiver" becomes "the I.D. Waiver". The bill does not change any eligibility requirements for services or benefits or results in an expansion of services or benefits. This bill is one we can all be proud to cast a vote for and I hope you will join me in voting yes and wear your "Ban the R Word" pin with pride. We are doing the right thing with this legislation and taking an important step towards insuring that State laws reflect the respect and dignity due to every Mainer without regard to disability status. Mr. President, here with us, in the rear of the Chamber, are members from across the state; including self-advocates, parents of persons with developmental disabilities, representatives of non-profit organizations and state agencies who serve on the council with the self-advocates and parents and the Developmental Disabilities Council staff. Thank you, Mr. President.

**THE PRESIDENT PRO TEM:** The Chair would ask that guests identified please rise and accept the greetings of the Chamber. The Chair recognizes the Senator from Androscoggin, Senator Craven.

Senator  **CRAVEN:** Thank you Mr. President. Men and women of the Senate, it is my honor to stand today as well in support of this bill. If you find little buttons on your desk with an "R", "Do Not R", it does not refer to a political party, although I thought it was in the beginning. I was going to wear it while I was campaigning. I will do that.

I'm going to read a few statements from the Disabilities Rights webpage. The first statement that is on their webpage says, "The difference between the right word and almost right word is the difference between lightning and a lightning bug, Mark Twain." The disabilities rights movement advocates for positive change in society. These changes include equal rights under the law and equal access to housing and employment. It could also mean improving how people with disabilities are talked about in places like the media or in everyday conversations. The use of language and words describing people with disabilities has changed over time. Imagine living your whole life always having to explain why the words that people use are hurtful or offensive to you. Teachers, co-workers, friends, and family. People need to know how the words and phrases they use make you feel. Many of us are brought up in homes in which we are the only person who has a disability. Maybe we haven't learned to think of ourselves or other people with disabilities, but many of us will actually develop a disability sometime in our lives or have a relative with a disability at some time in our lives.

Following Senator McCormick's suggestion of language not to use, I will outline that and then use language that we should use because we have to replace the language that we use with something else. Don't use the terms: handicapped, differently-abled, crippled, cripple, victim, retarded, stricken, poor, unfortunate, or special needs. Just because one has a disability it doesn't mean that he or she is courageous, brave, special, or a superhuman. People with disabilities are the same as everyone else. It's not unusual for someone with a disability to have talents, skills, and abilities. It is okay to use words and phrases

such as: disabled, disability, or people with disabilities when talking about disability issues. Ask the people you are with which term they prefer if they have a disability. When talking about people without disabilities it is okay to say: people without disabilities. Do not refer to them as normal or healthy. These terms can make people with disabilities feel as though there is something the matter with them. Certainly we know that everybody is unique and special and offers all kinds of contributions to our community. I ask you all to celebrate the people that are here today who have worked through these issues to finally have a wonderful bill. Thank you, Mr. President.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator  **BRANNIGAN:** Thank you Mr. President. Men and women of the Senate, the issue is difficult to inculcate into our language. As someone who's worked with the, I can't even make the mistake anymore. I worked for many years with the mentally ill. Fortunately, I got trained to the point where I have a hard time not saying "people with mental illness". I think it takes a long time to incorporate this. People who have disabilities can teach us something through this language, something more. Think about how often you may abbreviate what could be hurtful. For example, my wife is a nurse, trained years ago. She said that on the floor in the hospital they often would say the gallbladder in 222. The person is not a gallbladder. That person is a person who has had a gallbladder operation. Maybe Mrs. So-and-So. You should think about how often we do that. If you do make a mistake and talk about the disability, just keep at it because you could get to a point where you can't say it with that person. Thank you, Mr. President.

**THE PRESIDENT PRO TEM:** The Chair wants to interrupt debate for just a moment to recognize a special guest of the Senator from Penobscot, Senator Plowman. Would Eric McVey in the back of the Chamber please stand and accept the greetings of the Maine Senate.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator  **BRANNIGAN:** Thank you Mr. President. As you can see, Eric is a special advocate and if you've ever been on Health and Human Services or in Appropriations, you get to know that. Eric is always prepared, always has his testimony written. It's always short, to the point, and he may call you up from time to time just to make sure you're thinking about the right things. Eric is from Bangor. He's still a good guy. He didn't come from Portland, but he's a good guy and we should be grateful having advocates like Eric.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Washington, Senator Raye.

Senator  **RAYE:** Thank you Mr. President. I rise very briefly to add my voice in support of this measure. We can all be very proud of the progress that is represented by the passage of this measure today. Back in the 123<sup>rd</sup> Legislature, I had the privilege of serving on the Health and Human Services Committee. This was already something that we were working towards to achieve the day when we would eliminate from statute terminology and

names of programs that we now understand to be less than respectful. I think it's a measure of our progress as a society and it is a tribute to the tremendous work and advocacy of folks who have been introduced and represented here today and others who are not here today but have worked very hard to bring this to fruition. I congratulate the committee on their excellent work in seeing this through and I congratulate all those who have worked so hard to bring us to this day and their hard work to fruition. We are honored by their presence here and it is wonderful to see all Mainers afforded the dignity and respect which they deserve as fellow citizens.

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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.

Ordered sent down forthwith.

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**Emergency Resolve**

Resolve, Regarding Legislative Review of Portions of Chapter 815: Consumer Protection Standards for Electric and Gas Transmission and Distribution Utilities, a Major Substantive Rule of the Public Utilities Commission

H.P. 1316 L.D. 1791

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

Ordered sent down forthwith.

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**Emergency Resolve**

Resolve, To Establish a Response Team To Facilitate the Redevelopment of Unoccupied Mills and Other Unoccupied Buildings

S.P. 574 L.D. 1675  
(C "A" S-412)

Comes From the House, **FAILED FINAL PASSAGE.**

On motion by Senator **RECTOR** of Knox, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in **NON-CONCURRENCE.**

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**Acts**

An Act Regarding the Filing of Birth, Death and Marriage Data  
S.P. 537 L.D. 1627  
(C "A" S-419)

An Act To Provide Tort Claims Immunity for Out-of-state Regional Transit Organizations That Provide Regular Service in Maine  
S.P. 559 L.D. 1660  
(C "A" S-423)

An Act To Establish "The Dirigo March" as the Official March of the State  
S.P. 627 L.D. 1815  
(C "A" S-418)

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

Ordered sent down forthwith.

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An Act To Prohibit Bullying and Cyberbullying in Schools  
H.P. 928 L.D. 1237  
(C "B" H-745)

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

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An Act Regarding Subrogation of Medical Payments Coverage  
H.P. 1303 L.D. 1769

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

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Senate at Ease.

Senate called to order by President Pro Tem **RICHARD W. ROSEN** of Hancock County.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Resolve, Establishing Surface Use Restrictions on Great Meadow Stream and the Northern Portion of North Bay on Great Pond (EMERGENCY)

H.P. 1388 L.D. 1876

Presented by Representative KESCHL of Belgrade. Cosponsored by Senator SAVIELLO of Franklin and Representative: DUCHESNE of Hudson.

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

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

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

Resolve and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

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Bill "An Act To Allow Reimbursement and Abatement of Property Taxes Paid or Owed on a Primary Residence Destroyed by Fire"  
H.P. 1389 L.D. 1878

Presented by Representative GRAHAM of North Yarmouth. Cosponsored by Senator DIAMOND of Cumberland and Senator THOMAS of Somerset, Representatives: BERRY of Bowdoinham, CASAVANT of Biddeford, KENT of Woolwich, SHAW of Standish, STRANG BURGESS of Cumberland, TURNER of Burlington. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

**REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

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Bill "An Act To Treat Party Formation Committees the Same as Ballot Question Committees for Purposes of the Campaign Finance Laws"  
H.P. 1391 L.D. 1879

Presented by Representative FOSSEL of Alna. Cosponsored by Senator KATZ of Kennebec and Representatives: BURNS of Whiting, FITZPATRICK of Houlton, HAYES of Buckfield, McKANE of Newcastle, Speaker NUTTING of Oakland, O'CONNOR of Berwick, OLSEN of Phippsburg, SIROCKI of Scarborough. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

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

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Senator **RECTOR** of Knox was granted unanimous consent to address the Senate off the Record.

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

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

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

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

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Senator **SHERMAN** of Aroostook was granted unanimous consent to address the Senate off the Record.

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

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

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Senator **DIAMOND** of Cumberland was granted unanimous consent to address the Senate off the Record.

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

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On motion by Senator **COURTNEY** of York, **ADJOURNED** to Thursday, March 15, 2012, at 10:00 in the morning.