

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

In Senate Chamber  
Thursday  
March 28, 2013

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

Prayer by Dr. David Smith, United Church of Christ in Wilton.

**DR. SMITH:** Can we pray please. Faithful God, who watches over all of us and is with us in all of those decisions that are made here and in all places, may our prayer be that they are wise decisions and will not only go through this session but are the best decisions for Maine for years to come. May all here have the courage of their convictions to say and to do that which is not always easy, but will steer the state in the direction of financial, physical, and moral stability so that it may be, in the years to come, that others will be able to say that the folks here had the courage of their convictions. This is said and prayed in the spirit of You who reigns over all of us always. Amen.

Pledge of Allegiance led by Senator Edward J. Mazurek of Knox County.

Reading of the Journal of Wednesday, March 27, 2013.

Doctor of the day, Dr. Samuel Cady, MD of Yarmouth.

Off Record Remarks

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

Off Record Remarks

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

**ORDERS**

**Joint Order**

On motion by Senator **GOODALL** of Sagadahoc, the following Joint Order:

S.P. 439

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, April 2, 2013 at 10:00 in the morning.

**READ and PASSED.**

Sent down for concurrence.

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Protect Public Health by Regulating Excessive Wood Smoke as a Nuisance"

H.P. 860 L.D. 1215

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

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES.**

On motion by Senator **CRAVEN** of Androscoggin, **TABLED** until Later in Today's Session, pending **REFERENCE.**

Bill "An Act To Clarify the Appeal Process of Code Enforcement Officers and Boards of Appeal"

H.P. 848 L.D. 1204

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

Comes from the House, **REFERRED** to the Committee on **JUDICIARY.**

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

**Joint Resolutions**

The following Joint Resolution:

H.P. 872

**JOINT RESOLUTION RECOGNIZING THE 50TH  
ANNIVERSARY  
OF THE LOSS OF THE USS THRESHER**

WHEREAS, the nuclear fast attack submarine USS Thresher (SSN-593) was designed and built at Portsmouth Naval Shipyard in Kittery, launched in July 1960 and commissioned in August 1961; and

WHEREAS, the USS Thresher was the first of a brand-new class of submarine created to be a weapon of deterrence at the height of the Cold War and was considered the most advanced naval vessel of its day; and

WHEREAS, on April 10, 1963, the USS Thresher became the first nuclear submarine to be lost at sea, when it sank during a deep-diving test more than 200 miles off the New England coast, taking with it 129 brave United States Navy sailors and civilian workers; and

WHEREAS, thirteen of the men who died aboard the USS Thresher were employees of Portsmouth Naval Shipyard, 3 of the Navy officers lost were stationed at the shipyard and several of the Navy crewmen were residents of Maine, New Hampshire and Massachusetts and all left behind grieving families, friends, neighbors and colleagues; and

WHEREAS, the loss of the USS Thresher remains the worst submarine disaster the world has ever known and directly resulted in the Navy's creation of SUBSAFE, a safety program to ensure that no submarine ever suffers a similar fate, and no submarine that has passed through the program has been lost; and

WHEREAS, the Town of Kittery, birthplace and final home port of the USS Thresher, is dedicating a 129-foot flagpole in Memorial Circle on April 7, 2013 to commemorate the 50th anniversary of this terrible tragedy and to honor the 129 Cold War casualties lost that day, men of genius and adventure who represented the finest qualities of our Nation; and

WHEREAS, the State of Maine and its citizens, and the entire United States of America and its citizens, are greatly indebted to the sacrifice of these brave pioneers; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize the 50th anniversary of the loss of the nuclear fast attack submarine USS Thresher (SSN-593) and to honor the 129 men aboard who died in the service of their country.

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

**READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you Mr. President. This is a Joint Resolution recognizing the 50<sup>th</sup> Anniversary of the Loss of the USS Thresher. The reason I rise to speak on this occasion is to remember back, Mr. President, to 1963 when the Thresher went down and the Navy launched an investigation as to the cause of

the sinking of the Thresher. I was 14 years old at the time and was so proud that the person who was appointed to lead the investigation was my uncle. Saul Katz, who was my father's brother, was at that time the Chief Legal Officer for the Pacific Fleet for the Navy. I just remember how very proud I was of my uncle back then, that he was given this incredibly important task. I am still proud of him today. Thank you, Mr. President.

**ADOPTED**, in concurrence.

The following Joint Resolution:

H.P. 894

#### **JOINT RESOLUTION IN HONOR OF THE MAINE FARMER AND MAINE AGRICULTURE**

WHEREAS, recent statistics show that Maine has about 8,000 farms, the bulk of which are small, family-owned operations, that provide full-time and part-time employment to more than 90,000 workers, approximately 13% of the State's workforce; and

WHEREAS, Maine's agricultural enterprises provide more than \$684,000,000 through the sale of farm products and contribute more than \$2,000,000,000 annually to the State's economy; and

WHEREAS, an overwhelming majority of Maine people believe that buying local Maine agricultural products helps the State; and

WHEREAS, Maine farmers are the stewards of 1,360,000 acres of land, a vital resource in maintaining the food security of Maine people; and

WHEREAS, Maine is first in New England in the production of food, first in New England in the value of aquaculture sales, first in the world in the production of wild blueberries, the world leader in the production of brown eggs, third in the Nation in the production of maple syrup, eighth in the Nation in the production of fall potatoes, second in New England in milk and livestock production and the only state anywhere involved in the commercial production of fiddleheads; and

WHEREAS, apple orchards across the State produce a crop of significant economic benefit as well as contributing to the State's tourism and recreation industries; and

WHEREAS, agriculture shaped Maine's past, maintains much of Maine's scenic open space, provides recreational opportunities, makes a significant contribution to the nature and character of Maine's many rural communities and provides for a strong future; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, pause in our deliberations to honor Maine farmers and innovators who have contributed so much to the betterment of our State, to pledge our support and encouragement and to urge the youth of Maine to pursue the growing opportunities for careers in

today's technologically advanced agriculture industry; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Agriculture, Conservation and Forestry as a token of the esteem in which those in this vital industry are held.

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

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

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

The Honorable Willis Lord, of Waterboro, a longtime public servant and former member of the Maine State Legislature. Mr. Lord was born December 25, 1918, and grew up in Saugus, Massachusetts. He moved to Maine in the late 1930s, when he purchased a farm in Waterboro. Mr. Lord was dedicated to his community and to the State, serving in the Maine House of Representatives for 10 years and in the Maine Senate for 2 years. He was also active locally, serving as a selectman for the Town of Waterboro for several terms, as well as a road commissioner, a school board member, a finance committee member, the town meeting moderator, a volunteer firefighter and a charter commissioner. Mr. Lord was known as a man with strong convictions who fought for what he believed in. He will be greatly missed by his family, friends and the community that he served faithfully;

HLS 96

**READ.**

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

Senator **TUTTLE:** Thank you Mr. President. Men and women of the Senate, it is with deep regret that we have a sentiment in honor of my good friend Willis Lord of Waterboro. I knew Willis for about 40 years. Even though we were of different parties, we worked together on many important issues. I can still hear Willis' voice today. He served 10 years in the House and 2 years in the Maine Senate. He was a Selectman for many years, like I was during the 1980's. He was a wonderful man and I am very sorry to of his passing. He did a long and productive life. He lived to the age of 94. Rest in peace my friend.

**ADOPTED**, in concurrence.

**COMMUNICATIONS**

The Following Communication: S.C. 173

**STATE OF MAINE  
ONE HUNDRED AND TWENTY SIXTH LEGISLATURE**

**COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 26, 2013

Honorable Justin L. Alfond, Senate President  
Honorable Mark W. Eves, Speaker of the House  
126th Maine State Legislature  
State House  
Augusta, Maine 04333

Dear President Alfond and Speaker Eves,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Rep. Carey of Lewiston, to report the following bill Leave to Withdraw:

L.D. 1002 An Act Regarding the Required Local Contribution in the School Funding Formula

Sincerely,

S/Sen. Rebecca J. Millett  
Senate Chair

S/Rep. W. Bruce MacDonald  
House Chair

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

The Following Communication: S.C. 174

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON HEALTH AND HUMAN SERVICES**

March 25, 2013

Honorable Justin L. Alfond, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Legislature  
State House  
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 650 Resolve, To Require the Department of Health and Human Services To Seek a Federal Waiver of Certain Requirements Regarding Contracting for Transportation Services under MaineCare

L.D. 710 Resolve, Requiring the Department of Health and Human Services To Adopt an Alternative MaineCare Nonemergency Transportation System to the Current Risk-based Prepaid Ambulatory Health Plan (EMERGENCY)

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

March 26, 2013

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Honorable Justin L. Alfond, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Legislature  
State House  
Augusta, Maine 04333

Sincerely,

S/Sen. Margaret M. Craven  
Senate Chair

Dear President Alfond and Speaker Eves:

S/Rep. Richard R. Farnsworth  
House Chair

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":

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

L.D. 86 Resolve, Directing the Department of Inland Fisheries and Wildlife To Amend Its Process of Gathering Public Opinion on Rulemaking and Other Projects

The Following Communication: S.C. 175

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

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

March 11, 2013

Sincerely,

Honorable Justin L. Alfond, Senate President  
Honorable Mark W. Eves, Speaker of the House  
126th Maine State Legislature  
State House  
Augusta, Maine 04333

S/Sen. David E. Dutremble  
Senate Chair

S/Rep. Michael A. Shaw  
House Chair

Dear President Alfond and Speaker Eves,

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

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Rep. Briggs of Mexico, to report the following bill Leave to Withdraw:

The Following Communication: S.C. 177

L.D. 543 An Act To Create Reciprocity of All-terrain Vehicle Registration with the State of New Hampshire

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON LABOR, COMMERCE, RESEARCH AND  
ECONOMIC DEVELOPMENT**

Sincerely,

March 25, 2013

S/Sen. David E. Dutremble  
Senate Chair

Honorable Justin L. Alfond, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Legislature  
State House  
Augusta, Maine 04333

S/Rep. Michael A. Shaw  
House Chair

Dear President Alfond and Speaker Eves:

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

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor, Commerce, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

The Following Communication: S.C. 176

- L.D. 36 An Act To Amend the Laws Governing Record Keeping for Pawn Transactions
- L.D. 116 An Act To Amend the Laws Governing Pine Tree Development Zones To Require Payment of a Livable Wage
- L.D. 554 Resolve, Requiring the Department of Economic and Community Development To Market the Positive Attributes of the State of Maine
- L.D. 732 An Act To Impose a Holding Period during Which a Dealer in Secondhand Precious Metals Must Retain Property

Sincerely,  
 S/Sen. Anne M. Haskell  
 Senate Chair  
 S/Rep. Adam A. Goode  
 House Chair

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

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,  
 S/Sen. John L. Patrick  
 Senate Chair  
 S/Rep. Erin D. Herbig  
 House Chair

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

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**SENATE PAPERS**

Bill "An Act To Sustain Emergency Medical Services throughout the State"  
 S.P. 435 L.D. 1274

Presented by Senator TUTTLE of York.  
 Cosponsored by Representative FARNSWORTH of Portland and Senators: President ALFOND of Cumberland, CAIN of Penobscot, HILL of York, Representatives: BERRY of Bowdoinham, McCABE of Skowhegan, ROCHELO of Biddeford, STUCKEY of Portland.

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

Sent down for concurrence.

The Following Communication: S.C. 178

**STATE OF MAINE  
 ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
 COMMITTEE ON TAXATION**

March 25, 2013

Honorable Justin L. Alfond, President of the Senate  
 Honorable Mark W. Eves, Speaker of the House  
 126th Legislature  
 State House  
 Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

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

- L.D. 400 An Act To Amend the Maine Tree Growth Tax Law

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

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Bill "An Act To Implement the Recommendations of the Maine Economic Growth Council Regarding Prosperity"  
 S.P. 436 L.D. 1275

Presented by Senator WOODBURY of Cumberland.

Bill "An Act To Provide Stable Funding for Research and Development in Maine"  
 S.P. 437 L.D. 1276

Presented by Senator CUSHING of Penobscot.  
 Cosponsored by Representative FREDETTE of Newport and Senators: CAIN of Penobscot, HAMPER of Oxford, LANGLEY of Hancock, MASON of Androscoggin, Representatives: CHASE of Wells, POULIOT of Augusta, TIPPING-SPITZ of Orono, WILLETTE of Mapleton.

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

Sent down for concurrence.

Bill "An Act To Streamline the Charitable Solicitations Act"  
S.P. 438 L.D. 1277

Presented by Senator CUSHING of Penobscot.  
Cosponsored by Representative CAMPBELL of Newfield and  
Representatives: HAMANN of South Portland, WILLETTE of  
Mapleton, WINCHENBACH of Waldoboro.  
Submitted by the Department of Professional and Financial  
Regulation pursuant to Joint Rule 204.

Committee on **LABOR, COMMERCE, RESEARCH AND  
ECONOMIC DEVELOPMENT** suggested and ordered printed.

On motion by Senator **PATRICK** of Oxford, **TABLED** until Later in  
Today's Session, pending **REFERENCE**.

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Bill "An Act Pertaining to the Closing of Municipal Roads for  
Community Use"

S.P. 434 L.D. 1273

Presented by Senator GRATWICK of Penobscot.  
Cosponsored by Representative BROOKS of Winterport and  
Senators: BOYLE of Cumberland, DUTREMBLE of York,  
LACHOWICZ of Kennebec, LANGLEY of Hancock,  
Representatives: FREY of Bangor, MORRISON of South  
Portland, TREAT of Hallowell.

On motion by Senator **LACHOWICZ** of Kennebec, **REFERRED** to  
the Committee on **STATE AND LOCAL GOVERNMENT** 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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**ORDERS**

**Joint Order**

An Expression of Legislative Sentiment recognizing:

Old Village Inn, of Ogunquit, on its receiving the Community Spirit  
Award from Make-A-Wish Maine for its significant contributions to  
the organization. Since 2009, Old Village Inn has held an annual  
Christmas ball and has donated the proceeds to Make-A-Wish  
Maine. To date, Old Village Inn has raised \$15,000 for Make-A-  
Wish Maine, which covers the cost of more than 2 wishes. We  
send our appreciation to Old Village Inn on its contributions and  
we send our congratulations on its receiving this honor;  
SLS 140

Sponsored by Senator HILL of York.  
Cosponsored by Representative: McGOWAN of York.

**READ.**

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

Senator **HILL:** Thank you Mr. President. Ladies and gentlemen  
of the Senate, I am pleased to have sponsored this sentiment for  
the Old Village Inn in Ogunquit. I wish to say a few words about it  
and then ask the Secretary to read the sentiment. I just want to  
share with you that the Old Village Inn in Ogunquit is a very  
popular restaurant and lodging facility. It has been so since the  
early 1800's. It was never used as a residence. It's right on Main  
Street in Ogunquit and plays an important role in the history of  
Ogunquit. Today what really intrigues me, and, like I said, what  
brought me forward to submit this, is the work that the Old Village  
Inn is doing. The sentiment will speak to the Make-A-Wish fund  
that they have worked with, but I would also like to share with you  
a quote from Tom Peaco, Executive Director of Make-A-Wish  
Maine. He wrote, "Make-A-Wish is honored that the Old Village  
Inn continuously dedicates the proceeds from its Christmas Ball  
to granting the wishes of children." What better thing to do for  
Christmas than grant the wishes of children. I consider them a  
role model for both business and the community alike. I  
appreciate you taking the time to listen to me. Thank you, Mr.  
President.

At the request of Senator **HILL** of York, Joint Order **READ**.

On motion by Senator **HILL** of York, the Joint Order was  
**PASSED**.

Sent down for concurrence.

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**Joint Resolution**

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the  
death of:

Michael W. Milburn, of Calais, a longtime law enforcement officer  
and police chief in Washington County. Mr. Milburn attended  
Woodland High School in Baileyville. After working one year at  
Georgia Pacific, he started M and M Contractors. He began his  
law enforcement career in Baileyville as a patrol officer for one  
year and then moved to Calais, where he spent 36 years as a  
police officer and chief of police. Mr. Milburn was active with  
Rotary Club, the Calais Lions Club, the Maine Chiefs of Police  
Association and Blue Knights International Law Enforcement  
Motorcycle Club, Inc. He also served on the Calais City Council  
for 2 years. He was a dedicated husband, father and grandfather  
and he will be greatly missed and long remembered by his family  
and friends;

SLS 139

Sponsored by Senator BURNS of Washington.  
Cosponsored by Representative: MAKER of Calais.

**READ.**

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, it is truly an honor for me today to say a few words about Chief Michael Milburn. It was mid-Winter of 1973 when I transferred from Troop F in Aroostook County to Troop E in Washington County. Calais would now be in the center of my patrol and the Calais Police Department would become my home away from home on those long days, shifts, and evenings. One of the first non-State Police Officers that I met was Officer Michael Milburn. He wasn't a very tall man, but he was as solid as a rock and a formidable force when someone needed to be arrested or taken out of the bar. Mike and I became very good friends very quickly. He would often jump into my cruiser at the end of his shift and ride with me. During those early years we would work together, duck hunt together, play a little poker at the Chief's house, and eat a lot of spaghetti feeds either at the fire hall or at Mike's house. Mike's young wife, Lynn, was a great host and they were just starting their beautiful young family. Through the years I watch Mike become a fine police officer and work his way up through his department to become Chief of Police in Calais. He followed in the shadows of some very impressive police chiefs and, in my opinion, is up there with all of them. Mike was a people's chief in that he always had the best interests of the citizens of Calais as his first priority. He was greatly respected by his community, the criminal justice system, and his fellow officers. He always had something good to say about everybody and yet he was all business when it came to enforcing the law. After 38 years in law enforcement, Mike retired in 2008, but he didn't retire because he wanted to, only because his heart had become so weak that he needed to. Mike was a great public servant and he contributed so much to his community and the people that he served. I know Mike thought his greatest accomplishments in his life was to be married to Lynn for 41 years and to raise his two great children; Melissa, or Missy, and Little Mike, or Mike, who are here today with us. It was a privilege to know and work with him and to be counted as of Mike's good friends. I had great respect for him on many levels and will always miss this great guy. Mr. President, I would ask that when the Senate adjourns today that they do so in honor and memory of Chief Michael Milburn. Thank you.

On motion by Senator **BURNS** of Washington, the Joint Resolution was **ADOPTED**.

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber the family and friends of Chief Michael Milburn in the Senate Chamber today. Lynn Milburn of Calais, wife of Michael Milburn; Michael Milburn, son of Michael Milburn, and his wife, Aleisha Milburn, of Calais; Missy Campbell, daughter of Michael Milburn, of Baileyville; Pamela Towns, sister of Michael Milburn, of Baileyville; Theresa Brown, family friend, of Alexander; and Marianne Moore, Mayor of Calais. Would they please rise and accept the warm greeting of the Maine State Senate.

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Provide for the Continuity of a Veterinary Practice Subsequent to the Death or Incapacitation of the Owner"

H.P. 298 L.D. 426

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.**

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**Divided Report**

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Laws That Govern the Activities of Insurance Adjusters"

H.P. 165 L.D. 204

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

Signed:

Senators:

GRATWICK of Penobscot  
WHITTEMORE of Somerset

Representatives:

TREAT of Hallowell  
BEAUDOIN of Biddeford  
BECK of Waterville  
COOPER of Yarmouth  
DOAK of Columbia Falls  
FITZPATRICK of Houlton  
McCLELLAN of Raymond  
MORRISON of South Portland  
WALLACE of Dexter

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-12)**.

Signed:

Senator:

WOODBURY of Cumberland

Representative:

PRINGLE of Windham

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

Reports **READ**.

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

Signed:

Senators:

**CRAVEN** of Androscoggin  
**LACHOWICZ** of Kennebec  
**HAMPER** of Oxford

Representatives:

**FARNSWORTH** of Portland  
**CASSIDY** of Lubec  
**DORNEY** of Norridgewock  
**GATTINE** of Westbrook  
**MALABY** of Hancock  
**McELWEE** of Caribou  
**SANDERSON** of Chelsea  
**SIROCKI** of Scarborough

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representative:

**STUCKEY** of Portland

(Representative **BEAR** of the Houlton Band of Maliseet Indians - of the House - supports the Minority **Ought To Pass** Report.)

Reports **READ**.

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

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:

**Senate**

Bill "An Act To Amend the Laws Regulating Suppliers of Agricultural, Construction, Industrial and Forestry Equipment"  
S.P. 144 L.D. 364

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

Sent down for concurrence.

**Senate As Amended**

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**Senate**

**Ought to Pass As Amended**

Senator **JACKSON** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Electronically Issue Permits for Burning"  
S.P. 118 L.D. 285

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-14)**.

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

**READ ONCE**.

Committee Amendment "A" (S-14) **READ** and **ADOPTED**.

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

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Senator **MAZUREK** for the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Definition of 'Public Way' To Include Streets and Highways Owned by Quasi-municipal Corporations or Districts"  
S.P. 48 L.D. 127

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-15)**.

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

**READ ONCE**.

Committee Amendment "A" (S-15) **READ** and **ADOPTED**.

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

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Department of Health and Human Services To Amend Its Rules To Improve the Oral Health Education of Children  
S.P. 197 L.D. 507

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

Bill "An Act To Provide Tax Treatment Consistency for Limited Liability Companies and S Corporations"

S.P. 70 L.D. 234  
(C "A" S-11)

Bill "An Act To Amend the Laws Regarding Who May Appeal a Reconsideration Decision to the Maine Board of Tax Appeals"

S.P. 161 L.D. 430  
(C "A" S-13)

Bill "An Act To Raise the Maximum 529 Plan Contribution Tax Deduction"

S.P. 168 L.D. 436  
(C "A" S-10)

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

Sent down for concurrence.

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 Resolve**

Resolve, Directing the Department of Transportation To Name a Bridge between Kennebunk and Kennebunkport the Mathew J. Lanigan Bridge

H.P. 18 L.D. 14  
(C "A" H-3)

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.

Ordered sent down forthwith.

**Resolve**

Resolve, To Name Bridge Number 2975 in Kenduskeag the Kenduskeag Veterans Bridge

H.P. 387 L.D. 568

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

Ordered sent down forthwith.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

**ORDERS OF THE DAY**

**Unfinished Business**

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

The Chair laid before the Senate the following Tabled and Later Assigned (3/21/13) matter:

NOMINATION - of Duane R. Lander of Harford's Point for appointment to the Land Use Planning Commission

Tabled - March 21, 2013, by Senator **JACKSON** of Aroostook

Pending - **CONSIDERATION**

(In Senate, March 21, 2013, Communication (S.C. 169) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY, READ and ORDERED PLACED ON FILE.**)

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Thomas.

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I've known Duane Lander since I was in my 20's. That was a long time ago. At that time he was running the ski area on what's known now as Big Moose Mountain. He employed over 100 people. No one before Duane or since Duane has been as successful with that ski area as he was. It was an important addition to our economy and it has been shut down for a couple of years now and the area really misses it. Duane ran that ski area for 10 years. He's been a leader in our area and even served in the Maine House of Representatives for a time. He's well qualified and will make a great addition to the Commission. That's why I'll be voting for this honest and dependable man. Thank you.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you Mr. President. Point of order, I believe. I believe the vote of the committee was to not confirm the appointment.

**THE PRESIDENT:** The Senator will be reminded that when I read this I said the Land Use Planning Commission be denied.

Senator **KATZ:** I was listening and looking at the screen, which I think is incorrect.

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Senate at Ease.

Senate called to order by the President.

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In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#21)**

YEAS: Senators: BURNS, COLLINS, FLOOD, HAMPER, JACKSON, KATZ, LANGLEY, MASON, PLUMMER, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, YOUNGBLOOD

NAYS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFISKY, GOODALL, GRATWICK, HASKELL, HILL, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, SAVIELLO, TUTTLE, VALENTINO, THE PRESIDENT - JUSTIN L. ALFOND

EXCUSED: Senator: CUSHING

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being excused, and 15 being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Duane R. Lander** of Harford's Point for appointment to the Land Use Planning Commission was **DENIED**.

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

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The Chair laid before the Senate the following Tabled and Later Assigned (3/21/13) matter:

Bill "An Act Related to Appeals of Disciplinary Proceedings Affecting County Employees"

H.P. 803 L.D. 1138

Tabled - March 21, 2013, by Senator **LACHOWICZ** of Kennebec

Pending - **REFERENCE**, in concurrence

(In House, March 21, 2013, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.)

On motion by Senator **LACHOWICZ** of Kennebec, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (3/26/13) matter:

NOMINATION - of Lloyd K. Trafton of West Forks for appointment to the Land Use Planning Commission

Tabled - March 26, 2013, by Senator **JACKSON** of Aroostook

Pending - **CONSIDERATION**

(In Senate, March 26, 2013, Communication (S.C. 170) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY, READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#22)**

YEAS: Senators: JACKSON, THIBODEAU, THOMAS, WHITTEMORE

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

EXCUSED: Senator: CUSHING

4 Senators having voted in the affirmative and 30 Senators having voted in the negative, with 1 Senator being excused, and 4 being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Lloyd K. Trafton** of West Forks for appointment to the Land Use Planning Commission was **DENIED**.

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

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The Chair laid before the Senate the following Tabled and Later Assigned (3/27/13) matter:

House Communication - Communication from the Town of Arrowsic Regarding Concern Over Direction of the State Budget (Resolution)

H.P. 825

Tabled - March 27, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **REFERENCE**

(In House, March 26, 2013, **READ** and House Paper **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.)

(In Senate, March 27, 2013, on motion by Senator **HILL** of York, **READ** and **ORDERED PLACED ON FILE**.)

On motion by Senator **HILL** of York, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (3/27/13) matter:

Bill "An Act Regarding Cyberbullying"  
S.P. 427 L.D. 1233

Tabled - March 27, 2013, by Senator **MILLETT** of Cumberland

Pending - **REFERENCE**

(Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.)

On motion by Senator **MILLETT** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (3/27/13) matter:

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations"

S.P. 47 L.D. 126

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-12)** (5 members)

Tabled - March 27, 2013, by Senator **HASKELL** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report

(In Senate, March 27, 2013, Reports **READ**.)

On motion by Senator **HASKELL** of Cumberland, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

**READ ONCE**.

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

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

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

#### **PAPERS FROM THE HOUSE**

##### **House Papers**

Bill "An Act To Allow Ignition Interlock Devices on Vehicles Operated by First-time Offenders of Operating Under the Influence"

H.P. 899 L.D. 1260

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

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

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Bill "An Act To Improve Access for Maine Students to Postsecondary Education"

H.P. 900 L.D. 1261

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

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

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Bill "An Act To Reduce Energy Costs"

H.P. 901 L.D. 1262

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

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

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Bill "An Act Allowing the Harvesting of Yellow Perch with Seines" (EMERGENCY)

H.P. 903 L.D. 1264

Bill "An Act To Strengthen Maine's Assent Language for Participation in the Federal Aid in Wildlife Restoration Act"  
H.P. 904 L.D. 1265

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

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

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Bill "An Act To Increase Funding for the Snowmobile Trail Fund and Adjust the Sales Tax Relating to Snowmobiles and Trail-grooming Equipment"

H.P. 902 L.D. 1263

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

Senator **DUTREMBLE** of York moved to **REFER** to the Committee on **INLAND FISHERIES AND WILDLIFE**, in concurrence.

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending the motion by Senator **DUTREMBLE** of York to **REFER** to the Committee on **INLAND FISHERIES AND WILDLIFE**, in concurrence.

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

#### PAPERS FROM THE HOUSE

##### House Papers

Bill "An Act To Provide the Securities Administrator with the Power To Investigate Potential Violations Involving the Sale of Business Opportunities"

H.P. 905 L.D. 1266

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

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

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Bill "An Act To Recodify the Land Surveyor Licensing Laws"  
H.P. 906 L.D. 1267

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

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

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Bill "An Act To Update Driver Education Requirements"  
H.P. 907 L.D. 1268

Bill "An Act To Require an Independent Analysis of the Impact of and a Review Process for an East-west Highway prior to Development"

H.P. 908 L.D. 1269

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

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

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Bill "An Act To Provide That Innkeepers and Certain Campground Operators Are Not Considered Landlords" (EMERGENCY)  
H.P. 909 L.D. 1270

Bill "An Act To Increase Transparency in Reporting of Party Committees, Political Action Committees and Ballot Question Committees"

H.P. 910 L.D. 1271

Bill "An Act To Amend the Process of Tenant Eviction"  
H.P. 911 L.D. 1272

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

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

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

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

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

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

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

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Senator **HASKELL** of Cumberland 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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All matters thus acted upon were ordered sent down forthwith for concurrence.

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On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED**, until Tuesday, April 2, 2013, at 10:00 in the morning, in memory of and lasting tribute to Michael W. Milburn of Calais.