

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

In Senate Chamber  
Monday  
April 2, 2012

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

Prayer by Pastor David Pouchot of Crossroads Community Baptist Church in Lincolnville.

**PASTOR POUCHOT:** Shall we pray together. Heavenly Father, thank You for these who are gathered here today. O Lord, Our Lord, how excellent is Your name in all the earth. We want to thank You for the wisdom that You give to the men and women of the Senate, leaders. We want to thank You for the wisdom that is pure and peaceful and gentle, willing to yield and full of mercy and goodness. We thank You for that. We thank You that You have given us access into all that pertains to life and godliness through Jesus Christ. We pray for this session, not only for this session but things that will take place here today. Ultimately, the things that are formed and framed into law will not only be pleasing in Your sight but, O Lord, will be productive in the lives of Mainers and bring some sort of profitability to the state of Maine. We thank You for these who serve others by their endeavors and thus serving You. Serving others to serve You. Lord, when that final session of life is over, we pray to hear those kind words of affirmation from our dear Savior who said, "Well done, Thou good and faithful servant." I pray in the name of Jesus Christ, Lord and Savior. Amen and Amen.

Pledge of Allegiance led by Senator Stanley J. Gerzofsky of Cumberland County.

Reading of the Journal of Friday, March 30, 2012.

Doctor of the day, Melanie Rand, DO of Brunswick.

**Off Record Remarks**

Senate at Ease.

Senate called to order by the President.

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

**COMMUNICATIONS**

The Following Communication: S.C. 806

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
COMMITTEE ON ENVIRONMENT AND NATURAL  
RESOURCES**

March 29, 2012

The Honorable Kevin L. Raye  
President of the Senate of Maine  
125th Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 125th Maine Legislature, the Joint Standing Committee on Environment & Natural Resources has had under consideration the nomination of Dr. Thomas E. Eastler of Farmington, for appointment to the Board of Environmental Protection.

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

YEAS	Senators	2	Saviello of Franklin, Goodall of Sagadahoc
	Representatives	9	Hamper of Oxford, Ayotte of Caswell, Duchesne of Hudson, Harlow of Portland, Innes of Yarmouth, Long of Sherman, Nass of Acton, Parker of Veazie, Welsh of Rockport

NAYS 0

ABSENT 2 Rep. Knapp of Gorham, Sen. Sherman of Aroostook

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Dr. Thomas E. Eastler of Farmington, for appointment to the Board of Environmental Protection be confirmed.

Signed,

S/Thomas B. Saviello  
Senate Chair

S/James M. Hamper  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 125<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 (#413)**

YEAS: Senators: None

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, GOODALL, HASTINGS, HILL, HOBBS, JACKSON, JOHNSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

EXCUSED: Senator: SULLIVAN

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Dr. Thomas E. Eastler** of Farmington for appointment to the Board of Environmental Protection was **CONFIRMED**.

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

The Following Communication: S.C. 804

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
COMMITTEE ON ENVIRONMENT AND NATURAL  
RESOURCES**

March 29, 2012

The Honorable Kevin L. Raye  
President of the Senate of Maine  
125th Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 125th Maine Legislature, the Joint Standing Committee on Environment & Natural Resources has had under consideration the nomination of Jack W. Witham of Arrowsic, for appointment to the Outdoor Heritage Fund Board.

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

YEAS	Senators	2	Saviello of Franklin, Goodall of Sagadahoc
	Representatives	9	Hamper of Oxford, Ayotte of Caswell, Duchesne of Hudson, Harlow of Portland, Innes of Yarmouth, Long of Sherman, Nass of Acton, Parker of Veazie, Welsh of Rockport
NAYS		0	
ABSENT		2	Rep. Knapp of Gorham, Sen. Sherman of Aroostook

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Jack W. Witham of Arrowsic, for appointment to the Outdoor Heritage Fund Board be confirmed.

Signed,

S/Thomas B. Saviello  
Senate Chair

S/James M. Hamper  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 125<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 (#414)**

YEAS: Senators: None

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, GOODALL, HASTINGS, HILL, HOBBS, JACKSON, JOHNSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

EXCUSED: Senator: SULLIVAN

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Jack W. Witham** of Arrowsic for appointment to the Outdoor Heritage Fund Board was **CONFIRMED**.

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

The Following Communication: S.C. 805

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
COMMITTEE ON ENVIRONMENT AND NATURAL  
RESOURCES**

March 29, 2012

The Honorable Kevin L. Raye  
President of the Senate of Maine  
125th Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 125th Maine Legislature, the Joint Standing Committee on Environment & Natural Resources has had under consideration the nomination of Thomas A. Urquhart of Falmouth, for reappointment to the Outdoor Heritage Fund Board.

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

YEAS Senators 2 Saviello of Franklin, Goodall of Sagadahoc

Representatives 9 Hamper of Oxford, Ayotte of Caswell, Duchesne of Hudson, Harlow of Portland, Innes of Yarmouth, Long of Sherman, Nass of Acton, Parker of Veazie, Welsh of Rockport

NAYS 0

ABSENT 2 Rep. Knapp of Gorham, Sen. Sherman of Aroostook

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Thomas A. Urquhart of Falmouth, for reappointment to the Outdoor Heritage Fund Board be confirmed.

Signed,

S/Thomas B. Saviello  
Senate Chair

S/James M. Hamper  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 125<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 (#415)**

YEAS: Senators: None

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, GOODALL, HASTINGS, HILL, HOBBS, JACKSON, JOHNSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

EXCUSED: Senator: SULLIVAN

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Thomas A. Urquhart** of Falmouth for reappointment to the Outdoor Heritage Fund Board was **CONFIRMED**.

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

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Senate at Ease.

Senate called to order by the President.

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**ORDERS**

**Joint Resolution**

On motion by Senator **COURTNEY** of York under unanimous consent on behalf of President RAYE of Washington (Cosponsored by Representative CAIN of Orono and Senators: ALFOND of Cumberland, COURTNEY of York, GOODALL of Sagadahoc, HOBBS of York, MARTIN of Kennebec, PLOWMAN of Penobscot, SAVIELLO of Franklin, Representatives: CUSHING of Hampden, DUCHESNE of Hudson, HAMPER of Oxford, Speaker NUTTING of Oakland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.), the following Joint Resolution:  
S.P. 679

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO REFORM THE FEDERAL TOXIC SUBSTANCES CONTROL ACT OF 1976**

WE, your Memorialists, the Members of the One Hundred and Twenty-fifth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States and the members of the United States Congress as follows:

WHEREAS, a child and a developing fetus are uniquely vulnerable to the health threats of toxic chemicals; and

WHEREAS, a growing body of peer-reviewed scientific evidence links exposure to toxic chemicals with many diseases and health problems, including prostate cancer, breast cancer, learning and developmental disabilities, infertility and obesity; and

WHEREAS, the effects of toxic chemicals place an undue burden on states, including increasing health care costs, environmental damage and demands for state regulation; and

WHEREAS, businesses that lack information on the effects of chemicals in their supply chain are at a disadvantage; and

WHEREAS, the governing federal law, the Toxic Substances Control Act of 1976, was intended to protect public health from toxic chemicals; and

WHEREAS, at the time when the federal Toxic Substances Control Act of 1976 was passed, there were about 62,000 chemicals in commerce that were grandfathered without the testing currently required for potential health and safety hazards or any restrictions on known chemical hazards; and

WHEREAS, in the 35 years since the federal Toxic Substances Control Act of 1976 was passed, the United States Environmental Protection Agency has required testing to be conducted on only about 200 of those chemicals for health hazards and has restricted the use of only 5 chemicals; and

WHEREAS, the federal Toxic Substances Control Act of 1976 has been widely recognized as ineffective and obsolete due to procedural hurdles that prevent the United States Environmental Protection Agency from taking quick and effective action to protect the public against well-known chemical threats; and

WHEREAS, in 2008 the Maine Legislature enacted, and in 2011 amended, the Kid Safe Products Act with broad bipartisan support as a comprehensive safer chemical policy reform; and

WHEREAS, state policy leadership cannot substitute for congressional action to modernize the federal Toxic Substances Control Act of 1976, a reform all parties agree is urgently needed; and

WHEREAS, federal legislation to reform the federal Toxic Substances Control Act of 1976, the Safe Chemicals Act of 2011, is under consideration in the 112th Congress; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States and the United States Congress modernize the federal Toxic Substances Control Act of 1976 in a manner that ensures the safety of chemicals in everyday products and that uses the best scientific data to protect the health of vulnerable groups, such as children, while promoting business innovation and making timely decisions on chemicals of highest concern; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate and to the Speaker of the United States House of Representatives, and to each Member of the Maine Congressional Delegation.

**READ and ADOPTED.**

Sent down for concurrence.

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Remove the \$100 Reporting Fee for Fertilizer and Agricultural Liming Materials Sold"  
H.P. 1211 L.D. 1602

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-854)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854)**.

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

**READ ONCE.**

Committee Amendment "A" (H-854) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend Statutory Post-conviction Review"  
H.P. 1378 L.D. 1861

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-857)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-857)**.

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

**READ ONCE.**

Committee Amendment "A" (H-857) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Support Members of the Law Enforcement Community as a Result of Medical Need or Unusual Hardship" (EMERGENCY)  
H.P. 1402 L.D. 1900

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-858)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-858)**.

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

**READ ONCE.**

Committee Amendment "A" (H-858) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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The Committee on **VETERANS AND LEGAL AFFAIRS** on Resolve, Creating an Honorable Service Plaque To Honor Maine Veterans  
H.P. 1385 L.D. 1871

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-853)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-853)**.

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

**READ ONCE.**

Committee Amendment "A" (H-853) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Change the Statutes of Limitations on Prosecution for Crimes of Sexual Abuse and for Civil Actions for Sexual Abuse When the Actor Is a Person in a Position of Authority"  
H.P. 1346 L.D. 1825

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  
LONG of Sherman  
MORISSETTE of Winslow

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-856)**.

Signed:

Representatives:

- BLODGETT of Augusta
- HASKELL of Portland
- Lajoie of Lewiston
- SANDERSON of Chelsea

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 **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Correct Inconsistencies and Ambiguities in the Maine Guaranteed Access Reinsurance Association Act"

H.P. 1254 L.D. 1702

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-847)**.

Signed:

Senators:

- WHITTEMORE of Somerset
- SNOWE-MELLO of Androscoggin

Representatives:

- RICHARDSON of Warren
- FITZPATRICK of Houlton
- McKANE of Newcastle
- MORISSETTE of Winslow
- PICCHIOTTI of Fairfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-848)**.

Signed:

Senator:

- BRANNIGAN of Cumberland

Representatives:

- BEAUDOIN of Biddeford
- BECK of Waterville
- GOODE of Bangor
- MORRISON of South Portland
- TREAT of Hallowell

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-847)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-847)**.

Reports **READ**.

On motion by Senator **WHITTEMORE** of Somerset, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Prevent Unnecessary Expulsion of Landowners from the Maine Tree Growth Tax Law Program"

H.P. 844 L.D. 1138

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-859)**.

Signed:

Senators:

- COURTNEY of York
- WOODBURY of Cumberland

Representatives:

- KNIGHT of Livermore Falls
- BENNETT of Kennebunk
- BERRY of Bowdoinham
- BICKFORD of Auburn
- BRYANT of Windham
- FLEMINGS of Bar Harbor
- HARMON of Palermo
- PILON of Saco
- WEAVER of York

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

Signed:

Senator:

- HASTINGS of Oxford

Representative:

- WATERHOUSE of Bridgton

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-859)**.

Reports **READ**.

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

**READ ONCE.**

Committee Amendment "A" (H-859) **READ** and **ADOPTED**, in concurrence.

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

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**Divided Report**

The Majority of the Committee on **TAXATION** on 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-855)**.

Signed:

Senators:

COURTNEY of York  
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls  
BENNETT of Kennebunk  
BERRY of Bowdoinham  
BICKFORD of Auburn  
BRYANT of Windham  
FLEMINGS of Bar Harbor  
HARMON of Palermo  
PILON of Saco  
WEAVER of York

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

Signed:

Senator:

HASTINGS of Oxford

Representative:

WATERHOUSE of Bridgton

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-855)**.

Reports **READ**.

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

**READ ONCE.**

Committee Amendment "A" (H-855) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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**Senate**

**Ought to Pass As Amended**

Senator THIBODEAU for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Improve Efficiency Maine Trust Programs To Reduce Heating Costs and Provide Energy Efficient Heating Options for Maine's Consumers"

S.P. 649 L.D. 1864

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-508)**.

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

**READ ONCE.**

Committee Amendment "A" (S-508) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Ordered sent down forthwith for concurrence.

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Senator RECTOR for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve the Process by Which Logging Contractors Hire Legal Foreign Workers"

S.P. 428 L.D. 1383

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-509)**.

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

**READ ONCE.**

Committee Amendment "A" (S-509) **READ**.

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

Senator **RECTOR**: Thank you Mr. President. Men and women of the Senate, I just want to give credit where it is due. I want to give that credit to the good Senator from Aroostook, Senator Jackson, and the good Senator from Franklin, Senator Saviello, who worked tirelessly to get us to a unanimous committee report on this bill related to logging in Maine, actually related to foreign loggers, and our ability to have a robust logging workforce in the future. I am grateful for their work. We all should be grateful for their work and I urge my colleagues to vote and support this unanimous committee report. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is Adoption of Committee Amendment "A" (S-509). 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 (#416)**

**YEAS:** Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, GOODALL, HASTINGS, HILL, HOBBS, JACKSON, JOHNSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

**NAYS:** Senators: None

**EXCUSED:** Senator: SULLIVAN

34 Senators having voted in the affirmative and No Senator having voted in the negative, with 1 Senator being excused, Committee Amendment "A" (S-509) **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Ordered sent down forthwith for concurrence.

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Senator FARNHAM for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Enhance Opportunities for the Sale of Lottery Tickets" (EMERGENCY)  
S.P. 657 L.D. 1880

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-507)**.

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

**READ ONCE**.

Committee Amendment "A" (S-507) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Ordered sent down forthwith for concurrence.

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**Divided Report**

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Streamline the Process for Minors To Obtain a Work Permit" S.P. 668 L.D. 1890

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

Signed:

Senator:  
JACKSON of Aroostook

Representatives:  
PRESCOTT of Topsham  
DOW of Waldoboro  
DRISCOLL of Westbrook  
GILBERT of Jay  
HERBIG of Belfast  
HUNT of Buxton  
NEWENDYKE of Litchfield  
TUTTLE of Sanford  
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" (S-505)**.

Signed:

Senators:  
RECTOR of Knox  
MARTIN of Kennebec

Representative:  
VOLK of Scarborough

Reports **READ**.

Senator **RECTOR** of Knox moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-505)** Report.

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Rector.

Senator **RECTOR:** Thank you Mr. President. Men and women of the Senate, let me tell you just a bit about what this bill does. We had a late session submission from the Department of Labor on behalf of the Chief Executive to try and streamline the process by which young people apply for work permits. I want to tell you that I speak about this issue from firsthand experience. For those of you who don't know, I operate a seasonal ice cream stand in Camden. For 23 years this coming Summer, I've had the pleasure of giving many young people their first work opportunity where they actually receive a paycheck. It's a wonderful learning experience for them and it's, frankly, a wonderful experience for their employer to get to know a number of exceptional young people that we have growing up in our community. What this Minority Report proposes to do, we determined as a committee, that we weren't ready to make the changes that the Chief Executive's Office has proposed, but we believed that there was an opportunity here to streamline the process by which work



permits, which are required of young people between the ages of 14 and 16, are issued. They must get a work permit in order to be able to be employed and that work permit is issued by the Superintendent of Schools and approved by the Department of Labor. We believe there is an opportunity here to streamline that process and make it run more smoothly. Currently, a work permit is applied for after you have been offered a job. You apply for the work permit. It goes to the Superintendent's Office and goes to the office of the Department of Labor. Then the permit is approved and the employer receives a copy of that permit and has to keep it on-hand. What this proposes to do is do something, I would say, akin to having a preapproved mortgage or a preapproved car loan. That is to say the Department of Labor will maintain a list of approved employers for young people and the Superintendent of School's Office will be able to preapprove a work permit for those young people so that it eliminates the lag time. That's important because often young people apply for the job at the end of the school year and, frankly, employers need to have those kids come to work right away. This would shorten up the time and give them the opportunity to go to work the day after they are hired or the day they are hired. I would urge your support of this Resolve, which simply directs the department to come back with a proposal to the 126<sup>th</sup> Legislature and give us an opportunity to see what that proposal is and weigh in on it. Thank you, Mr. President.

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Off Record Remarks

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, my reasons for not supporting this, while I think it's important to give children that are responsible the ability to work if they want to, is that I think there is also something having them be able to plan out these types of jobs. While maybe the current permit system we have is a little bit cumbersome, I think the fact that someone that's age appropriate to go to work should know that there is a process and they have to stick to it if they want to get that work permit. While it might take a little bit of time for a child to get this work permit, I think that's part of what it is to becoming an adult. You have to plan certain things out to get to the goal. While I certainly can get behind an effort to make it somewhat easier, I'm very concerned with what the department brought to us initially that said that the Superintendent would just sign off and then the child would go out and get the job. I wasn't sure at all what types of jobs we would be talking about here. I would think the Superintendent would be in a very strange position to say, "I'm going to sign off on this not knowing exactly what type of job that you're going to go out and get." In the end, as the whole committee felt, I wasn't comfortable with it. I just thought that the department could go ahead and do this type of thing and bring it back to the committee, regardless of the Resolve. That's why I didn't support it.

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.

At the request of Senator **PATRICK** of Oxford, Reports **READ**.

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

Senator **ALFOND:** Thank you Mr. President. May I pose a question through the Chair?

**THE PRESIDENT:** The Senator may pose his question.

Senator **ALFOND:** Thank you Mr. President. Could the Department of Labor do this study without a Resolve?

**THE PRESIDENT:** The Senator from Cumberland, Senator Alfond poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Bartlett.

Senator **BARTLETT:** Thank you Mr. President. I think the fact that this is the result of a department bill proves the point that of course they can. It seems to me that they have brought forward a piece of legislation that was not acceptable. We told them to go back. They now return with a Resolve to bring it back to us. It seems to me, especially given what happened during the last year in respect to Child Labor Laws, I think we've done enough damage and should leave this alone. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Knox, Senator Rector to Accept the Minority Ought to Pass as Amended 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 (#417)**

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

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

**EXCUSED:** Senator: SULLIVAN

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **RECTOR** of Knox to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-505)** Report, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (S-505) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED.**

Ordered sent down forthwith 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 As Amended**

Bill "An Act To Amend the Laws Governing the Deference Afforded to Agency Decisions"

S.P. 493 L.D. 1546  
(C "A" S-394)

**READ A SECOND TIME.**

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#418)**

YEAS: Senators: COLLINS, COURTNEY, DIAMOND, FARNHAM, HASTINGS, HILL, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, THIBODEAU, THOMAS, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DILL, GERZOFKY, GOODALL, HOBBS, JACKSON, JOHNSON, PATRICK, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, WOODBURY

EXCUSED: Senator: SULLIVAN

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being excused, **PASSAGE TO BE ENGROSSED AS AMENDED, FAILED.**

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 Measure**

An Act To Clarify Authorized Associations of Veterinary Practice  
S.P. 656 L.D. 1877  
(C "A" S-487)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

**Emergency Resolve**

Resolve, Directing the Department of Environmental Protection To Adopt Rules Pertaining to Petroleum Storage and Gravel Pits  
S.P. 641 L.D. 1846  
(C "A" S-485)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

**Acts**

An Act To Promote Agricultural Activity in Maine by Limiting the Liability for Agritourism Activities  
H.P. 1214 L.D. 1605  
(C "A" H-839)

An Act To Resolve Conflicts in the Implementation of the Maine Uniform Building and Energy Code  
S.P. 529 L.D. 1619  
(C "A" S-486)

An Act To Amend Maine's Gambling Laws  
S.P. 610 L.D. 1771  
(C "A" S-491)

An Act To Ensure Funding for the Victims' Compensation Fund  
H.P. 1362 L.D. 1841  
(C "A" H-834)

An Act To Expand the Notification Requirements of the Maine Certificate of Need Act of 2002

S.P. 642 L.D. 1848  
(C "A" S-493)

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

An Act To Protect Landlocked Salmon Fisheries in Schoodic and Sebobeis Lakes from Invasive Fish Species

S.P. 643 L.D. 1849  
(C "A" S-496)

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

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

An Act To Assist Maine's Current and Former Members of the United States Armed Forces

S.P. 645 L.D. 1850  
(C "A" S-492)

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

An Act To Provide a Temporary Registration Permit to Certain Members of the Armed Forces

S.P. 672 L.D. 1896  
(C "A" S-498)

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

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

\_\_\_\_\_  
Senate called to order by the President.

Ordered sent down forthwith.

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

An Act To Restructure the National Board Certification Program for Teachers

S.P. 618 L.D. 1781  
(C "A" S-488)

\_\_\_\_\_  
Senator **ALFOND** of Cumberland was granted unanimous consent to address the Senate off the Record.

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

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

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

\_\_\_\_\_  
Senator **SAVIELLO** of Franklin was granted unanimous consent to address the Senate off the Record.

**PAPERS FROM THE HOUSE**

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

**Pursuant to Statute**

**Commission on Governmental Ethics and Election Practices**

Representative BEAULIEU submitted the Report of the **Commission on Governmental Ethics and Election Practices**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

H.P. 1410 L.D. 1906

\_\_\_\_\_  
**RECESSED** until 5:00 in the afternoon.

After Recess

\_\_\_\_\_  
Senate called to order by the President.

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

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

\_\_\_\_\_  
Senate called to order by the President.

**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

Bill "An Act To Prevent Unnecessary Expulsion of Landowners from the Maine Tree Growth Tax Law Program"  
H.P. 844 L.D. 1138

Tabled - April 2, 2012, by Senator **ALFOND** of Cumberland

Pending - **FURTHER CONSIDERATION**

(In House, March 30, 2012, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-859)**.)

(In Senate, April 2, 2012, Reports **READ**. On motion by Senator **COURTNEY** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-859) **READ** and **ADOPTED**, in concurrence.)

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

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **HASTINGS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I wish to explain very briefly why you see in the divided that I'm sort of off by myself on this bill. This is a bill that was worked hard by the Taxation Committee. Negotiated at great length by the stakeholders. I sorely wish I could support this bill but I have minor point that I must make the Senate aware of. As you know, we have both a statute dealing with Freedom of Information, the Right to Know Law, and a Joint Rule that requires any committee that wishes to or that feels that they are going to pass a law or wants to vote out a bill that will create a new exception to the public's right to know, must first bring that exception only to the Judiciary Committee for a recommendation as to whether or not that exception to the public's right to know is appropriate under the statutory guidelines. In this particular case, the issue brought to the Judiciary Committee was whether or not the commercial harvesting plan or Tree Growth plan is to be filed under a new category of open space called Managed Forest Open Space should be left confidential as those forest Tree Growth plans are under the existing Tree Growth law. It was the unanimous opinion of the Judiciary Committee that, in this particular case, the confidentiality of the Tree Growth plan was not appropriate. The reason was that under the existing Tree Growth law that they appropriate may contain proprietary information, and under our existing Tree Growth law your primary purpose has to be a commercial purpose for the harvesting of trees. The new category of Managed Forest Open Space does not require any commercial purpose and, accordingly, it was the recommendation of the Judiciary Committee that there should be no proprietary reason to keep those particular Tree Growth plans confidential. For that reason only, I voted against this bill in committee. I simply would like the Senate to be aware that the Taxation Committee, in this report, did choose not to follow the

recommendation of the Judiciary Committee. The bill, otherwise, is a very solid bill. Thank you very much.

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

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

**PAPERS FROM THE HOUSE**

**Joint Resolution**

The following Joint Resolution:

H.P. 1411

**JOINT RESOLUTION RECOGNIZING MAY AS NATIONAL FOSTER CARE MONTH**

WHEREAS, the foster care system in the United States provides for on average nearly 424,000 children each day who are unable to live safely with their biological parents, and in Maine, as of March 2012, there were 1,521 children from birth to 21 years of age in foster care; and

WHEREAS, foster parents are the most important caregivers for children who cannot safely remain with their biological parents and provide physical care, emotional support and education advocacy and families with foster parents are the most prevalent form of families providing permanent homes for children leaving foster care, through adoption or permanency guardianship; and

WHEREAS, most children who are removed from the care of their parents live with nonrelated foster parents; however, the number of children placed in relative foster care is growing and, in March 2012, one in 3 of all Maine children living in foster care were living in the homes of relatives; and

WHEREAS, children in foster care who are placed with relatives, compared to children placed with nonrelatives, have more stable placements, have more positive perceptions of their placements, are more likely to be placed with their siblings and demonstrate fewer behavioral problems; and

WHEREAS, as of March 2012, there are 1,252 licensed homes in Maine providing reunification support, foster care, kinship care and preadoptive care; over 800 children entered the Maine foster care system during 2011; and 446 Maine children are waiting to be adopted or placed in permanency guardianship; and

WHEREAS, in fiscal year 2009, almost 57,000 children nationwide were adopted out of foster care, but the number of children "aging out" of foster care without finding a permanent family increased to nearly 29,500; and

WHEREAS, children aging out of foster care need and deserve a support system as they work to secure affordable housing, obtain health insurance, pursue higher education and acquire adequate employment; and

WHEREAS, nationally, close to 30,000 youth leave foster care annually with no permanent family, but in Maine only 127 youth left foster care in 2011 with no identified permanent family; and

WHEREAS, youth in foster care are much more likely to face educational instability, with 65% of former foster children experiencing at least 7 school changes while in foster care and an increased emphasis on prevention and reunification services would reduce the number of children in foster care; and

WHEREAS, federal legislation over the past 3 decades, including the Adoption Assistance and Child Welfare Act of 1980, the Adoption and Safe Families Act of 1997 and the Fostering Connections to Success and Increasing Adoptions Act of 2008, provided new investments and services to improve the outcomes for children in foster care; and

WHEREAS, state and local governments and child-serving agencies have also invested in child welfare services improvements in order to provide stable, permanent homes for children; and

WHEREAS, more work and investments are needed to provide the necessary services to these children, since foster children, like all children, deserve no less than a safe, loving and permanent home; and

WHEREAS, in 2011, 266 Maine children were adopted by relatives or foster parents and 61 children were placed in permanency guardianship, for a total of 327 children who found permanent homes; and

WHEREAS, it is important to provide an opportunity to acknowledge the accomplishments of the child welfare workforce, foster parents, advocacy community and mentors and the positive effects they have on children's lives; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize May 2012 as National Foster Care Month, and to acknowledge that we support the goals and ideals of National Foster Care Month; and be it further

RESOLVED: That we honor the tireless efforts of those who work to improve outcomes for children in the child welfare system, we acknowledge the exceptional alumni of the foster care system who serve as advocates and role models for youth who remain in care and we recognize the significant improvements to federal, state and local child welfare policy; and be it further

RESOLVED: That we reaffirm the need to work with existing federal programs to support vulnerable families, invest in prevention and reunification services, promote adoption in cases where reunification is not in a child's best interest, adequately serve those children brought into the foster care system and facilitate the successful transition into adulthood for children who age out of the foster care system.

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

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

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## REPORTS OF COMMITTEES

### House

#### Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Create the Maine Board of Tax Appeals" (EMERGENCY)  
H.P. 1291 L.D. 1750

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-860)**.

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-861)**.

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-860)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-860)**.

Reports **READ**.

On motion by Senator **COURTNEY** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-860)** Report **ACCEPTED**, in concurrence.

**READ ONCE**.

Committee Amendment "A" (H-860) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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**Senate**

**Ought to Pass As Amended**

Senator RECTOR for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Rename the Maine Jobs Council as the State Workforce Investment Board and Make Changes to Its Structure"  
S.P. 655 L.D. 1874

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-511)**.

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

**READ ONCE**.

Committee Amendment "A" (S-511) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Ordered sent down forthwith for concurrence.

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**ENACTORS**

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

**Emergency Measure**

An Act To Prohibit the Sexual Solicitation of a Child by any Means  
S.P. 572 L.D. 1673  
(C "A" S-504)

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

Ordered sent down forthwith.

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**Emergency Measure**

An Act To Protect Firearm Ownership during Times of Emergency  
H.P. 1377 L.D. 1859

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with 6 Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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**Emergency Resolve**

Resolve, Regarding Legislative Review of Chapter 26: Producer Margins, a Major Substantive Rule of the Maine Milk Commission  
H.P. 1341 L.D. 1819  
(C "A" H-841)

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

Ordered sent down forthwith.

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**Emergency Resolve**

Resolve, Regarding Legislative Review of Portions of Chapter 850: Health Plan Accountability, a Major Substantive Rule of the Department of Professional and Financial Regulation  
H.P. 1396 L.D. 1893  
(C "A" H-849)

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

Ordered sent down forthwith.

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**Mandate**

An Act To Authorize the Registration of Farmland  
S.P. 548 L.D. 1649  
(C "A" S-500)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, 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, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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**Acts**

An Act Regarding the Collection of Fees for Prepaid Wireless Service

H.P. 1326 L.D. 1799  
(C "A" H-846)

An Act To Implement Recommendations To Provide Additional Flexibility for Funding Infrastructure Improvements for Water Utilities

H.P. 1342 L.D. 1820  
(C "A" H-852)

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

Ordered sent down forthwith.

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An Act To Define Cost Responsibility for Deaf and Hard-of-hearing Students Receiving Services from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf

S.P. 637 L.D. 1839  
(C "A" S-497)

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

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**Resolves**

Resolve, To Amend the Pilot Project for Independent Practice Dental Hygienists To Process Radiographs in Underserved Areas of the State

S.P. 669 L.D. 1891  
(C "A" S-489)

Resolve, Authorizing the Lease of the Guy P. Gannett House in Augusta to a Nonprofit Organization for Use as a Museum

S.P. 674 L.D. 1898  
(C "A" S-499)

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

Ordered sent down forthwith.

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator SHERMAN for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Establish the Dairy Improvement Fund" (EMERGENCY)

S.P. 653 L.D. 1869

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-512)**.

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

**READ ONCE**.

Committee Amendment "A" (S-512) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Ordered sent down forthwith for concurrence.

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

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

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Senator **ALFOND** of Cumberland 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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On motion by Senator **COURTNEY** of York, **ADJOURNED** to Tuesday, April 3, 2012, at 4:30 in the afternoon.