

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

In Senate Chamber
Thursday
March 21, 2013

Doctor of the day, Lisa Ryan, DO of Naples.

Off Record Remarks

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

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. 396

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 26, 2013 at 10:00 in the morning.

READ and PASSED.

Sent down for concurrence.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Requiring the Labeling of Food Packaging That Contains Bisphenol A"

H.P. 743 L.D. 1050

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

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

On motion by Senator **JACKSON** of Aroostook, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed, in concurrence.

Bill "An Act Relating to Employee Leasing Company Registration"
H.P. 715 L.D. 1017

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

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

Prayer by Reverend Jane Macintyre, South Parish Congregational Church in Augusta.

REVEREND MCINTYRE: I stand here this morning in tribute to the Reverend Dr. Beth Clark who died on Friday, March 8th. Her age was 98 years. She was an ordained minister in the United Church of Christ; a member of my church, South Parish; and the mother of the Honorable Beverly Daggett. Besides pastoring many congregations, Reverend Clark traveled all over the world, studying in Switzerland, in Greece, in Crete, in Oxford, and in the Holy Lands, just for a start. She worked with the National Church Board and the World Council of Churches. Her passion was peace and helping others to a better life, and isn't that really the mission of this Body? On April 1, 2003, Reverend Clark stood here to open the session with a prayer. Her words hold as much meaning now as they did when she first offered them. She said, "I want you to know it's not easy to pray. How do you get in touch with that unseen spirit that all of us need to support us from day to day? But will you join me as I try to pray.

O God, our Creator, the God of our nation as well as the God of all nations, You have sustained us through all time and now we again seek Your guidance as the problems and issues of society overwhelm us. Strengthen our determination to outlaw war, recognizing that it is not the mighty, the leaders, who suffer the most, but children and families, innocence and humble soldiers. We should remember always that words are better than bullets. We acknowledge our humanity, that no one of us knows everything. Teach us that humility is better than hubris, that persuasion is better than coercion, that quiet assurance is better than arrogance, and that acceptance is better than judging. Sometimes, unintentionally, someone spills some milk. Help us be willing to say, "I'm sorry" and work to clean up the mess without blaming. Help us to be human beings together, for we are not gods. O Holy God, continue to bless this Senate with decisions for joy, for the people, as well as satisfactions for this Senate. We pray this in the memory of wonderful leaders and parents who have supported us all. Amen."

Pledge of Allegiance led by Senator Colleen M. Lachowicz of Kennebec County.

Reading of the Journal of Wednesday, March 20, 2013.

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

The Following Communication: H.P. 742

**CITY OF BANGOR
RESOLUTION
REGARDING THE GOVERNOR'S PROPOSED BUDGET
By the Bangor City Council on March 11, 2013**

COMMUNICATIONS

The Following Communication: H.P. 741

**TOWN OF JAY
340 MAIN STREET
JAY, MAINE 04239-1697**

We, the undersigned Officials in the Town of Jay, on March 4, 2013 sign the following resolution for our 2013/14 Budget Year.

WHEREAS, the Governor's unprecedented biennial budget places towns in an untenable fiscal position; and

WHEREAS, the proposal includes the elimination of \$283 million in municipal revenue sharing, falls \$200 million short of funding local schools at the 55% level passed in referendum; would cut the state's reimbursement for General Assistance by an estimated \$6.7 million; would eliminate the Homestead Exemption for anyone under the age of 65; would eliminate the "circuit breaker" property tax and rent revenue from towns; and would fail to reimburse towns for 50% of the cost for the Business Equipment Tax Exemption Program; and

WHEREAS, the Governor's proposal also contains cuts to health and human services, clean elections, the wage and benefits of public workers, and other initiatives necessary for strong communities and who's under-funding continues to shift costs to towns; be it

RESOLVED, The Officials of Jay call upon the Maine Legislature to reject these proposals, identify less harmful cost savings, and raise revenue in an equitable fashion in order to avoid a regressive tax shift to municipalities.

S/Stephen McCourt	S/Ruth Cushman, Town Manager
S/Justin Merrill	S/Ronda Palmer, Town Clerk
S/F. Timothy DeMillo	S/Lisa Bryant, Finance Director
S/Pearl Cook	S/Larry White, Police Chief
S/Thomas C. Goding	S/John Johnson, Public Works Director
Selectmen of Jay	S/Mark Holt, Waste Water Treatment Plant Supervisor

A True Copy Attest:
S/Ronda L. Palmer, Town Clerk

Comes from the House, **READ** and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

READ and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

Whereas, the City of Bangor stands to lose \$3.7 million in municipal revenue sharing in the upcoming fiscal year if the state budget as proposed by Governor Paul LePage is adopted; and

Whereas, The Bangor School Department would pay an additional \$645,000 to fund teacher retirement under the Governor's budget proposal; and

Whereas, 3,615 non-elderly Bangor households would lose \$197 each, or \$712,155 total, in property tax relief in the upcoming fiscal year under the cuts to the Homestead Exemption program, if the Legislature adopts the Governor's proposed budget; and

Whereas, 1,810 non-elderly Bangor households that currently qualify for the Circuit Breaker program would lose an average of \$386 each, or \$698,660 total in the upcoming fiscal year, under that program, if the Legislature adopts the Governor's proposed budget; and

Whereas, in total many Bangor households would lose \$583 in tax offsets if they had previously qualified for both the Homestead Exemption and Circuit Breaker programs, if the Legislature adopts the Governor's proposed budget; and

Whereas, the City of Bangor stands to lose \$140,000 in tractor trailer excise tax revenues being transferred from the City of Bangor to the State of Maine, if the Legislature adopts the Governor's proposed budget; and

Whereas, the City of Bangor stands to lose \$821,000 in General Assistance reimbursement, an entitlement program mandated by the State, in which the State establishes the eligibility requirements, benefit levels and process to be employed; and

Whereas, our community will once again be forced either to eliminate classroom education and other programs in our schools or find local funds to compensate for the reduction in state financial support for public education; and

Whereas, this City Council will be faced with the unacceptable choice of either severely cutting essential municipal services or dramatically increasing the property tax burden on our fellow residents; and

Whereas, we, as the elected representatives of the residents and taxpayers of Bangor, have an obligation to maintain essential local services, ensure a quality education for our children and contain the property tax burden of our citizens;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT, we call upon the Governor and the members of 126th Legislature to fully fund municipal revenue sharing for the coming biennium, maintain the Circuit Breaker and Homestead Exemption property tax relief programs, and fulfill the state's K-12 education funding mandate under the School Finance Act of 2003 and confirmed by vote of the people of Maine in a June 2004 referendum.

S/Nelson E. Durgin, Mayor
S/Joe M. Baldacci, Councilor
S/Pauline B. Civiello, Councilor
S/James D. Gallant, Councilor
S/Susan M. Hawes, Councilor
S/Charles R. Longo, Councilor
S/David S. Neally, Councilor

Comes from the House, **READ** and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

READ and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

The Following Communication: H.P. 771

**TOWN OF FREEPORT
RESOLUTION**

A Resolution in opposition to multiple proposals to shift the burden of funding State Government to Municipalities through property taxes:

WHEREAS, the Freeport Town Council is concerned and wishes to express its opposition to multiple proposals to shift the burden of funding State government to municipalities through the property tax levy system and,

WHEREAS, the State administration has submitted a proposed budget for the upcoming biennium that will dramatically shift the burden of funding State government to the property tax by eliminating or significantly modifying property tax relief programs and,

WHEREAS, the proposal to suspend municipal revenue sharing would result in a loss of more than \$525,000 in revenues to the Town of Freeport, which represents approximately six percent of the Town's revenue budget and 38 cents on the property tax mil rate and,

WHEREAS, the changes in the BETR program would result in a loss to the Town of Freeport of at least \$244,000 in the first year of the biennium, which represents approximately three percent of the annual revenue budget and 17 cents on the property tax mil rate and,

WHEREAS, the total of these two largest cuts represents approximately 55 cents on the tax mil rate or a \$110 increase to the tax bill of a \$200,000 home in Freeport, therefore:

BE IT RESOLVED: That the Freeport Town Council requests that the Maine Legislature reconsider this large tax shift when creating its biennial FY2014 and FY2015 budget, and welcomes the opportunity for further discussion of this issue in hopes of assisting the State to create a more efficient system of government in order to avoid this shift in revenue from the municipalities to the State.

Dated this 5th day of March, 2013 at Freeport, Maine.

S/James Hendricks, Council Chair
S/Kristina Egan, Council Vice-Chair
S/Rich DeGrandpre, Councilor
S/D. Scott Gleeson, Councilor
S/Melanie Sachs, Councilor
S/Andrew Wellen, Councilor

ATTEST, A True Copy:
S/Tracey L. Stevens, Town Clerk

Comes from the House, **READ** and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

READ and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

The Following Communication: H.P. 772

**CITY OF ROCKLAND, MAINE
RESOLVE #15
(As Amended 03/11/13)
IN CITY COUNCIL**

March 11, 2013

RESOLVE: Preservation of Revenues Used to Offset the Property Tax Burden

WHEREAS, Governor LePage has proposed a State budget which would have a significant and negative impact on local municipal services and local property taxes; and

WHEREAS, This State budget proposal calls for redirecting a portion of sales and income tax revenues, collected under the Revenue Sharing Program, away from municipalities and redirecting them to the State of Maine to balance the State budget; and

WHEREAS, This State budget proposal also calls for redirecting commercial vehicle excise tax revenues away from municipalities and redirecting them to the State of Maine to balance the State Budget; and

WHEREAS, This State budget proposal dramatically curtails the Homestead and Circuit Breaker programs, both programs designed to keep local residential property taxes low; and

WHEREAS, This State budget proposal calls for the elimination of the BETR program that reimburses municipalities for some lost personal property taxes; and

WHEREAS, This proposed State budget is now before the Legislature for consideration;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Rockland City Council strongly opposes each of these recommendations and encourages our local delegation to also oppose any of these measures either in full, or in part; and

THAT the Rockland City Council requests our local delegation to support the preservation and full restoration of each of these programs, and

THAT the City Manager, with the assistance of the City Attorney and City Clerk, is directed to convey Council's strong opposition to members of the Legislature's Appropriations and Financial Affairs Committee and to work with other municipal and community leaders to support the preservation and restoration of these programs.

Passed as amended by the Rockland City Council on 03/11/2013 by a 5-0 vote.

A True Copy. Attested:
S/Stuart H. Sylvester
City Clerk

Sponsor: City Council
Originator: City Manager

Comes from the House, **READ** and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

READ and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

The Following Communication: H.P. 773

**TOWN OF YARMOUTH
200 MAIN STREET
YARMOUTH, MAINE 04096**

March 12, 2013

Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Honorable Justin L. Alfond
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear Speaker Eves and President Alfond:

The Yarmouth Town Council recently adopted a resolution stating its unanimous opposition to Governor LePage's proposal to suspend revenue sharing, further erode the tax base by exempting business equipment, eliminating the Homestead Exemption for most homeowners, and eliminating or severely restricting the Circuit Breaker program for residents already

squeezed by taxes. A copy of the text of that resolution is set forth below.

The Yarmouth Town Council fully understands the need for fiscal restraint, and has exercised that restraint quite diligently for a long while. The proposed Town budget (non-education) for the Town of Yarmouth for 2013/14 is a reduction from the current year and represents TOTAL CUMULATIVE INCREASES from 2008 forward of less than one-half of one percent. Yes, that's a total increase in spending of 0.48% over six budget years. The Town also understands and embraces the value of shared and collaborative service delivery with other communities, and our current portfolio of "regionalized" and shared services or employees includes General Assistance Administration, Emergency Dispatch Operations, Solid Waste Recycling and Waste – to – Energy incineration, Paramedic level EMS services, Storm water management, regional transportation planning and resource allocation, joint purchasing, Code Enforcement, Assessing, police investigation and forensics, natural gas market development, vocational/technical education, shellfish conservation programs and enforcement, insurance and employee benefits purchases, fire training facility, library services, and household hazardous waste collection and disposal. Yarmouth, like most if not all communities, has cinched its belt tightly, and has found or invented ways to collaborate to reduce costs and/or deliver better services. But we cannot continue to absorb State policies that erode the tax base, reduce State Aid to Education, mandate services, and undercut the transfer of resources that were instituted to alleviate the burdens on the taxpayer. We regrettably accept that no life ring will be tossed to us by the State government that threw us out of the raft in the first place, but these latest proposal merely tie a cinder block to our feet. Augusta cannot continue to pass the buck and the bill on to the property taxpayer. We thank you for voting no on these proposals that shift the costs from State revenue base to the local property tax.

Sincerely,

S/Nathaniel J. Tupper
Yarmouth Town Manager

The following Resolution was adopted by the Yarmouth Town Council (7-0) on February 21, 2013.

Item No. 72: A resolution regarding the Governor's proposed budget initiatives

Resolve, Expressing the Opposition of the Town Council of the Town of Yarmouth to Proposals to Shift the Burden of Funding State Government to the Property Tax and Property Tax Payer.

Whereas, the State Administration has submitted a proposed budget for the coming biennium that will dramatically shift the burden of funding state government to the property tax by eliminating or significantly modifying long-standing property tax relief programs; and

Whereas, the proposal to suspend municipal revenue sharing would result in a \$775,000-revenue loss to the Town of Yarmouth, representing of the Town's general fund total budget and 2.93% on the property tax rate; and

Whereas, low and moderate income residents under the age of 65 who now qualify for the state property tax circuit breaker program will no longer qualify for it in the coming budget year; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF YARMOUTH THAT the Town Council hereby expresses its strong opposition to provisions included in the recently proposed state budget that would significantly shift the burden of funding state government to the property tax and property tax payer. These proposals will dramatically increase property taxes in Yarmouth, taxes which often are unrelated to the ability of property owners to pay, and will require spending reductions which will call into question our ability to protect the health and welfare of our community and provide our residents with basic government services.

Be it Further Resolved, that The Town Clerk is directed to provide copies of this resolve to the members of the legislature representing the Town of Yarmouth, members of the Appropriations Committee, and the Governor.

Approved 7-0

Comes from the House, **READ** and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

READ and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

The Following Communication: H.P. 774

**TOWN OF STARKS
57 ANSON ROAD
STARKS, MAINE 04911**

RESOLUTION

Be it Resolved by the Town of Starks Board of Selectmen:

Whereas, the Town of Starks Board of Selectmen is deeply concerned and wishes to express its opposition to multiple proposals to Shift the Burden of Funding State Government to Municipalities through the Property Tax and to the Property Tax Payer;

Whereas, the State Administration has submitted a proposed budget for the coming biennium that will dramatically shift the burden of funding state government to the property tax by eliminating or significantly modifying multiple property tax relief programs;

Whereas, the proposal to suspend municipal revenue sharing would result in a loss of over \$92,504 in revenues, which represents 11.0% of the Town's Revenue Budget;

Whereas, the proposal to redirect the commercial excise tax would result in a loss of approximately \$6,000 or 1% of the Town's Revenue Budget;

Whereas, RSU #9 would be required to pay additional monies to fund Teacher Retirement under the Governor's budget proposal which would affect the school budget and ultimately be reflected in approximately \$7,560 or 1% in new Town assessment;

Whereas, eliminating the homestead exemption in FY 15 for those under 65 will increase taxes for those residents by \$221.00 in that year if the Town's tax remains the same;

Whereas, low and moderate income residents under the age of 65 who now qualify for the state property tax circuit breaker program will no longer qualify for it in the coming budget year;

Whereas, if enacted, these changes reflect at least \$106,064 or 13% of the Municipality's revenue sources;

Whereas, these proposals would dramatically increase property taxes in Starks and all communities and also require large spending reductions that will challenge the Town's ability to protect the health, safety and welfare of the community through providing basic services;

Now, therefore, be it Resolved by the Starks Board of Selectmen to express its opposition to the proposed state budget which significantly shifts the burden of funding state government to the property tax and property tax payer. Further, the Starks Board of Selectmen call upon the members of the Legislature to fully fund municipal revenue sharing for the coming biennium, fulfill the State's K-12 Education Funding Mandate under the School Finance act of 2003, allow the towns to keep the commercial excise tax it collects, and maintain the Circuit Breaker and Homestead Exemption property tax relief programs for our citizens.

Signed March 11, 2013 by Starks Board of Selectmen

S/Paul Frederic
S/Joseph Miller
S/Sterling Doiron

Comes from the House, **READ** and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

READ and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

The Following Communication: H.P. 781

**TOWN OF WINSLOW, MAINE
114 BENTON AVENUE
WINSLOW, MAINE 04901**

Date: March 11, 2013

To: State of Maine Legislature

Subject: Biennial State Budget Concerns

From: Winslow Town Council

The Winslow Town Council would like to offer the following for your consideration in crafting the State Biennial Budget for FY 2014-15.

Winslow is a relatively small town in Kennebec County with a population of approximately 7,800 residents. Over the last 20 years our population has actually decreased. Since 1980, our median age has increased from 31 to 42 as our population has aged. Our taxable valuation base has grown at a rate of about 1% per year. Winslow's 2010 Full Value Tax rate was 4th highest in Kennebec County. Winslow has been able to control expenditures so that the mil rate has been stable since 2008.

We understand that there are state budget proposals before the Legislature that would terminate municipal revenue sharing for two years, alter commercial excise tax distribution, and shift teacher retirement costs to the local level. While we understand the significant challenges state government faces in balancing the next budget, we believe that removing these historic revenue sources from local finances as well as shifting additional costs to local responsibility will have very serious consequences to the people of Winslow and the state as a whole.

Our review indicates that these state budget proposals will remove at least \$700,000 annually from state revenue sharing and commercial excise tax revenue as well as shift \$200,000 to local expenditures for teacher retirement. The combined impact is equivalent to a 1.6 mil rate impact. While there is always opportunity to reduce local expenditures to offset the loss in revenue and mitigate the impact on property taxes, our options are limited.

The municipal portion of our local expenditures have been actually decreasing the last few years as we work to control costs and implement efficiencies. Our proposed municipal budget for 2013-14 is approximately 6% less than in 2009-10. If we were to totally absorb the \$700,000 in lost state revenue sharing and excise tax diversion, we would need to reduce municipal expenditures by nearly 11%. This amount is equivalent to our total allocations for our Police Dept. Of course we could simply stop whole department activities such as trash collection and shift this to a resident private pay responsibility. While this would allow us to "balance" our budget by cost-shifting, the net effect is that Winslow taxpayers would be paying more for less and their financial burden is increased without a choice.

Another important factor is the Education cost impact. Winslow's proposed 2013-14 budget is more than \$1 million less than in 2009-10. Shifting another \$200,000 in teacher retirement costs to local sources will simply force a greater property tax burden and/or reduced education opportunities. As you may know, Winslow has combined with Waterville and Vassalboro for school administration consolidation per the past Legislature's direction. While it is hoped that school administration savings have been realized, requiring local property taxpayers to absorb another significant cost or choose to reduce classroom resources is an unrealistic challenge at this time.

While often not visible, the County tax requirement has increased significantly in the last ten years. The forecasted 2013-14 County Tax burden for Winslow property taxpayers is \$591,000 as

compared to a \$411,000 costs in 2003-04. In ten years, Winslow's county tax burden has increased by 44%. While it was hoped "Jail Consolidation" was going to at least slow County expenditure increases, results to date do not indicate any appreciable cost containment or easing of the local County Tax burden.

Another important matter is timing. Winslow is just beginning the 2013-14 budget review with a schedule that calls for the first reading of the Budget by April 8 and finalization by May 13. The current uncertainty of revenue sharing, excise tax redistribution, and shifting of teacher retirement expenses to the local level with a possible impact of \$900,000 to local taxpayers places the Council in a "Sophie's Choice" position....do we speculatively raise property taxes and make significant local spending cuts without knowing the Legislature's decision on these unprecedented funding and expense proposals.

As we are sure you realize, property taxes are the only revenue source that local government has control over to meet the expenditure needs. We would ask the Legislature to fully consider the implications if they decide to eliminate revenue sharing, re-allocate excise tax, and shift teacher retirement to local taxpayers. The impact of the Legislature's decision will be immediate and significant. We would ask that you recognize that revenue redistribution and cost-shifting has never proven to be a successful and sustainable means to balance budgets either at the state or local levels.

Thank you for your consideration.

Winslow Town Council

S/Gerald Saint Amand, Chair
S/Kenneth Fletcher
S/Steve C. Russell
S/Ray Caron
S/Jerry Quirion
S/Catherine M. Nadeau
S/Benjamin Twitchell

Attest. A true copy of original.
S/Pamela Smiley

Comes from the House, **READ** and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

READ and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

The Following Communication: S.C. 169

**STATE OF MAINE
ONE HUNDRED AND TWENTY SIXTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

March 20, 2013

The Honorable Justin L. Alford
President of the Senate of Maine
126th Maine State Legislature
State House
Augusta, Maine 04333-0003

March 18, 2013

Honorable Darek M. Grant
Secretary of the Senate
3 State House Station
Augusta, ME 04333-0003

Dear Mr. President:

Dear Secretary Grant:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Duane R. Lander of Harford's Point, for appointment to the Land Use Planning Commission. 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:

Pursuant to my authority under Title 7, Chapter 5, §125 of the Maine Revised Statutes, I have appointed Representative James Dill of Old Town to the Board of Agriculture.

If you have any questions regarding this appointment, please do not hesitate to contact me.

Sincerely,

S/Mark W. Eves
Speaker of the House

READ and ORDERED PLACED ON FILE.

YEAS	Senators	2	Jackson of Aroostook, Sherman of Aroostook
	Representatives	4	Black of Wilton, Cray of Palmyra, Marean of Hollis, Timberlake of Turner
NAYS	Senators	1	Boyle of Cumberland
	Representatives	6	Dill of Old Town, Hickman of Winthrop, Jones of Freedom, Kent of Woolwich, Noon of Sanford, Saucier of Presque Isle

The Following Communication: S.C. 164

**STATE OF MAINE
ONE HUNDRED AND TWENTY SIXTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

March 18, 2013

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

Dear President Alford and Speaker Eves:

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

ABSENT 0

Six members of the Committee having voted in the affirmative and seven in the negative, it was the vote of the Committee that the nomination of Duane R. Lander of Harford's Point, for appointment to the Land Use Planning Commission be denied.

Signed,

S/Troy D. Jackson
Senate Chair

S/James F. Dill
House Chair

READ and ORDERED PLACED ON FILE.

On motion by Senator **JACKSON** of Aroostook, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION.**

L.D. 291 An Act To Transfer Responsibility for the Returnable Beverage Container Laws from the Department of Agriculture, Conservation and Forestry to the Department of Environmental Protection

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

The Following Communication: S.C. 163

**STATE OF MAINE
126TH LEGISLATURE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

Sincerely,

S/Sen. Troy D. Jackson
Senate Chair

S/Rep. James F. Dill
House Chair

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

The Following Communication: S.C. 165

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

March 18, 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 Criminal Justice and Public Safety has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 190 An Act To Provide a Ten Percent Discount to Persons Charged with a Traffic Infraction Who Pay Fines by Waiver

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

Sincerely,

S/Sen. Stanley J. Gerzofsky
Senate Chair

S/Rep. Mark N. Dion
House Chair

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

The Following Communication: S.C. 166

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

March 18, 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. 256 An Act To Amend the Laws Governing Recipients of Temporary Assistance for Needy Families
L.D. 330 An Act To Require All Lodging Places To Be Licensed by the State
L.D. 496 Resolve, To Ensure That Standards for Performance-based Contracts for Individuals with Intellectual Disabilities Include All Employment Options

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

Sincerely,

S/Sen. Margaret M. Craven
Senate Chair

S/Rep. Richard R. Farnsworth
House Chair

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

The Following Communication: S.C. 167

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

March 12, 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 Inland Fisheries and Wildlife has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 97 An Act To Improve the Integrity of the State's
Snowmobile Trail System

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

Sincerely,

S/Sen. David E. Dutremble
Senate Chair

S/Rep. Michael A. Shaw
House Chair

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

The Following Communication: S.C. 168

**STATE OF MAINE
ONE HUNDRED AND TWENTY SIXTH LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

March 18, 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 Veterans and Legal Affairs has
voted unanimously to report the following bills out "Ought Not to
Pass":

L.D. 408 An Act To Require a Copy of Communications
To Be Filed with Independent Expenditure
Reports

L.D. 428 An Act To License Betting on Football Score
Pools

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

Sincerely,

S/Sen. John L. Tuttle
Senate Chair

S/Rep. Louis J. Luchini
House Chair

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

SENATE PAPERS

Bill "An Act To Provide for Greater Public Input and Local Control
in the Chartering of Public Schools"

S.P. 389 L.D. 1128

Presented by President ALFOND of Cumberland.
Cosponsored by Representative McCABE of Skowhegan and
Senators: BOYLE of Cumberland, JOHNSON of Lincoln,
LACHOWICZ of Kennebec, MILLETT of Cumberland,
Representatives: DAUGHTRY of Brunswick, MacDONALD of
Boothbay.

Bill "An Act To Promote Innovation in Public Schools"

S.P. 390 L.D. 1129

Presented by President ALFOND of Cumberland.
Cosponsored by Representative MAKER of Calais and Senators:
JOHNSON of Lincoln, LANGLEY of Hancock, MILLETT of
Cumberland, Representatives: DAUGHTRY of Brunswick,
MacDONALD of Boothbay, McCABE of Skowhegan, NELSON of
Falmouth.

Bill "An Act To Create a Virtual School Managed by the State"

S.P. 391 L.D. 1130

Presented by Senator CAIN of Penobscot.
Cosponsored by Representative MacDONALD of Boothbay and
Senators: President ALFOND of Cumberland, JOHNSON of
Lincoln, MILLETT of Cumberland, Representative: NELSON of
Falmouth.

Bill "An Act To Improve Professional Development Opportunities
for Teachers and Other Public School Employees"

S.P. 392 L.D. 1131

Presented by Senator CAIN of Penobscot.
Cosponsored by Representative NELSON of Falmouth and
Senators: President ALFOND of Cumberland, JOHNSON of
Lincoln, MILLETT of Cumberland, Representatives: DAUGHTRY
of Brunswick, KORNFIELD of Bangor, MacDONALD of Boothbay,
MAKER of Calais, POULIOT of Augusta.

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

Sent down for concurrence.

Bill "An Act To Allow Collaborative Practice Agreements between
Authorized Practitioners and Pharmacists"

S.P. 395 L.D. 1134

Presented by Senator CUSHING of Penobscot.
Cosponsored by Representative MALABY of Hancock and
Senators: COLLINS of York, HAMPER of Oxford, KATZ of
Kennebec, THIBODEAU of Waldo, Representatives: HARVELL of
Farmington, NUTTING of Oakland, PARRY of Arundel, SIROCKI
of Scarborough.

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 Achieve Economic Growth by Enhancing Science, Technology, Engineering and Mathematics Education and To Meet Workforce Needs"

S.P. 393 L.D. 1132

Presented by Senator CAIN of Penobscot.
Cosponsored by Representative NELSON of Falmouth and Senators: President ALFOND of Cumberland, JOHNSON of Lincoln, MILLETT of Cumberland, Representatives: DAUGHTRY of Brunswick, MacDONALD of Boothbay, MAKER of Calais, POULIOT of Augusta.

Joint Select Committee on **MAINE'S WORKFORCE AND ECONOMIC FUTURE** suggested and ordered printed.

On motion by Senator **GOODALL** of Sagadahoc, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent down for concurrence.

Bill "An Act Concerning the Removal of Municipal Employees"
S.P. 394 L.D. 1133

Presented by Senator CLEVELAND of Androscoggin.

On motion by Senator **LACHOWICZ** of Kennebec, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent down for concurrence.

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

The York High School Boys Indoor Track Team, on its winning the 2013 Class B State Championship. We extend our congratulations and best wishes to the members of the team on their achievement;

SLS 117

Sponsored by Senator HILL of York.
Cosponsored by Representatives: McGOWAN of York, WEAVER of York.

READ.

On motion by Senator **HILL** of York, **TABLED** until Later in Today's Session, pending the motion by same Senator to **PASS**.

The Honorable Mary Cathcart, of Orono, former Member of the Maine State Legislature and current Senior Policy Associate with the Margaret Chase Smith Policy Center at the University of Maine, on her induction into the Maine Women's Hall of Fame for her contributions to the lives of women in Maine. She began to advance the cause of women's rights with volunteer work at Spruce Run in Bangor, the 3rd-oldest domestic violence shelter in the country. Ms. Cathcart served in the House of Representatives for 3 terms and for 4 terms in the Senate. She has been a stalwart supporter of women's issues throughout her life and she was a leader in promoting legislation that improved the status of women and protected the family. Ms. Cathcart has served on the Maine Commission of Women and was a founder of the Eastern Regional Commission for Women, and has served on the boards for several other coalitions and centers that promote the health and welfare of women. We extend our congratulations and best wishes to her on her induction into the Maine Women's Hall of Fame;

SLS 118

Sponsored by Senator CAIN of Penobscot.
Cosponsored by Representatives: FREY of Bangor, TIPPING-SPITZ of Orono.

READ.

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending the motion by Senator **CAIN** of Penobscot to **PASS**.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Concerning Brucellosis Vaccines for Cattle"

H.P. 197 L.D. 288

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.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Repeal Provisions of the Law That Apply or Refer to State Facilities for Persons with Intellectual Disabilities"
H.P. 235 L.D. 325

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.

The Committee on **JUDICIARY** on Resolve, Directing the Probate and Trust Law Advisory Commission To Review Maine's Probate Code and the Uniform Probate Code
H.P. 230 L.D. 321

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Permit Temporary Operation of a Motor Vehicle with an Expired Operator's License Solely for the Purpose of Traveling Home or Renewing the License"
H.P. 148 L.D. 187

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.

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Raise the School Construction Bond Cap"
H.P. 73 L.D. 91

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-5)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-5)**.

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

READ ONCE.

Committee Amendment "A" (H-5) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Resolve, Regarding Legislative Review of Chapter 675: Infrastructure Surcharge and Capital Reserve Accounts, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)
H.P. 6 L.D. 4

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-7)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-7)**.

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

READ ONCE.

Committee Amendment "A" (H-7) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **MARINE RESOURCES** on Bill "An Act Regarding Commercial Elver Fishing Licenses Issued by the Penobscot Nation" (EMERGENCY)
H.P. 423 L.D. 604

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-9)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-9)**.

Report **READ**.

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

The Committee on **TRANSPORTATION** on Bill "An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013" (EMERGENCY)

H.P. 234 L.D. 324

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-6)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-6)**.

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

READ ONCE.

Committee Amendment "A" (H-6) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Increase Municipal Agent Fees for Licensing and Registration of Motor Vehicles"

H.P. 280 L.D. 405

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

Signed:

Senators:

MAZUREK of Knox
VALENTINO of York

Representatives:

THERIAULT of Madawaska
GILLWAY of Searsport
McLEAN of Gorham
PEOPLES of Westbrook
POWERS of Naples
VEROW of Brewer
WERTS of Auburn

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

Signed:

Senator:

COLLINS of York

Representatives:

NUTTING of Oakland
PARRY of Arundel
TURNER of Burlington

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

Reports **READ**.

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

Senate

Ought to Pass As Amended

Senator MILLETT for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Direct the Department of Education To Amend Its Rules Regarding Restraint of Students (EMERGENCY)

S.P. 79 L.D. 243

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-6)**.

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

READ ONCE.

Committee Amendment "A" (S-6) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

ORDERS OF THE DAY

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

JOINT ORDER - Expression of Legislative Sentiment recognizing the York High School Boys Indoor Track Team winning the 2013 Class B State Championship

SLS 117

Tabled - March 21, 2013, by Senator **HILL** of York

Pending - motion by same Senator to **PASS**

(In Senate, March 21, 2013, **READ**.)

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

Senator **HILL:** Thank you Mr. President. Just so you understand why I asked it to be tabled before, after the sentiment had been read, the team was up in the gallery but I really wanted them to come down to the first floor, as I had told them would happen, so we could all see them closer up.

The York High School Indoor Boys Track Team has won the Class B State Championship and I am truly proud of them. Winning is sweet, yet what is most important is what lead to the win; talent, hard work, team spirit, and a "can do" attitude amongst both the team and their coaches. With that I applaud the following: Nick Eaton, Joe Vogel, Kyle Morrison, Thomas Reid, Alec Jordan, Dan Galante, Brandon LeBlanc, and the coaches, Ted Hutch and, listen to this name, Roger Clements. Thank you very much. I appreciate you hearing this.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/20/13) matter:

JOINT ORDER - Expression of Legislative Sentiment
Recognizing the Hampden Academy Boys Basketball Team of
Hampden

SLS 115

Tabled - March 20, 2013, by Senator **JACKSON** of Aroostook

Pending - motion by Senator **CUSHING** of Penobscot to **PASS**

(In Senate, March 20, 2013, **READ**.)

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Cushing.

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, today I ask your indulgence as we take a moment to celebrate the success of a group of talented young men who have recently completed a significant milestone and an amazing record. I'm speaking of the Hampden Academy Boys Basketball Team, this year's Class A State Champions, who completed an undefeated season marked by disciplined play and a strong sense of unity and team spirit. This was personified in their theme of "One Team, One Dream" and was for many of these young men, who were part of last year's squad who won the Eastern Maine Class A title, a burning desire to complete this unmet goal. The State Championship, as with many things in life, when you set a goal and stay focused and disciplined, you find that many good things come together. Nothing exhibits this more than the final seconds of the Eastern Maine final this year against the strong team from Lawrence. The Bulldogs gained the lead and held it for most of the game. As it entered the final 30 seconds, it was neck and neck. After Nick Gilpin was fouled, he

went to the line and tied the score. It appeared the game might head for overtime to be decided. However, a quick effort by Lawrence's Xavier Lewis, with a baseline jumper, added two points capped by a trip to the foul line that put the Bulldogs back on top and to many it looked like what would be an upset of the undefeated Bronco's season. With 4.2 seconds left, Nick Gilpin rebounded the missed free throw, dribbled twice, and, as the Lawrence players converged on him, he passed the ball to his brother, Zach, just beyond the mid-court line. With time running out, Gilpin turned and launched the shot which glanced off the backboard and found its mark as time expired. Hampden took the next step towards the championship. To me, this demonstrated the result of a no-quit attitude and laser focus on their goal. They harnessed the energy that comes from this type of determination and brings to bear the countless hours of preparation and practice so that when the opportunity presents itself the pupil is ready. These are the desired results that all coaches strive for and on which true success is built. Ladies and gentlemen, please join me in our recognition of the accomplishments of these fine young men. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today to also recognize this incredible team. I think I'm the only Hampden Academy alumni in the Senate Chamber today. I guess I wanted to give one last cheer for the purple and white. This year the Hampden Broncos became the Class A State Champions. These young men have made our community incredibly proud. We had a season that can only be described as magical. Senator Cushing described some of the highlights, including an undefeated season and a last minute shot that was just magical. If you are interested in seeing it, I think if you check on ESPN you can probably still find it. It was one of the top 10 in our nation. We are incredibly proud of these young men. It was a true team effort for the entire season. Each of these young men have worked incredibly hard and refused to accept defeat. This work ethic that they have learned, this unwillingness to accept defeat, will result in only the first of many great accomplishments in their lives. If they apply these same work ethics and that refusal to accept defeat, they are going to have many, many future successes. I'm incredibly proud of these young men and want to congratulate them first hand. Now, for those of you who are wondering which young men are from Winterport, which is in my Senate District, versus Senator Cushing's, the handsome ones live in Winterport. Thank you, Mr. President.

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

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, you might wonder why I rise. I live in Ellsworth and support Hancock County teams, but I just have to tell you a quick story. After that exciting last minute win, the very next day my wife and I were up watching the MDI Trojans play in Bangor. At the end of that game we walked out in the middle of this team, walked out with them. We spoke with the brother who made the pass. He commented to us that the first 31 minutes and 20 seconds really stunk and the last 30 seconds were really great. Thank you for a job well done.

On motion by Senator **CUSHING** of Penobscot, the Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is proud to recognize the Boys Class A Champions from Hampden High School. Would you please continue rising and accept the greetings of the Maine State Senate.

The Chair laid before the Senate the following Tabled and Later Assigned (3/20/13) matter:

JOINT ORDER - Expression of Legislative Sentiment
Recognizing Zach Gilpin of Hampden
SLS 114

Tabled - March 20, 2013, by Senator **JACKSON** of Aroostook

Pending - motion by Senator **CUSHING** of Penobscot to **PASS**

(In Senate, March 20, 2013, **READ**.)

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending motion by Senator **CUSHING** of Penobscot to **PASS**.

Senate at Ease.

Senate called to order by the President.

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

JOINT ORDER - Expression of Legislative Sentiment
Recognizing Zach Gilpin of Hampden
SLS 114

Tabled - March 21, 2013, by Senator **GOODALL** of Sagadahoc

Pending - motion by Senator **CUSHING** of Penobscot to **PASS**

(In Senate, March 20, 2013, **READ**.)

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Cushing.

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I appreciate your indulgence in our recognition of some accomplishments. Today I rise to speak to an accomplished young man who was part of the previous sentiment's accolades. Zach Gilpin of Hampden is a student at Hampden Academy and a member of the 2013 Class A State Championship Boys team. He is also the recipient of the William Warner Award from the Bangor Daily News for the most valuable

player for the Class A Boys Tournament. I think that as you look at my comments previously, it's clear that he and his brother were significant contributors. I also think that as we look at the highlights of that game, you see that it was through his leadership and the team's effort that this award was presented to him. He clearly exemplifies many of those attributes that we look for when we look for the most valuable players in certain instances. I thank you for giving me the opportunity to rise and recognize this young man and thank you for the courtesy you have extended me.

On motion by Senator **CUSHING** of Penobscot, the Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair recognizes Zach Gilpin from Hampden Academy.

The Chair laid before the Senate the following Tabled and Later Assigned (3/20/13) matter:

JOINT RESOLUTION - Memorializing Major Gregory W. Sanborn, Deputy Chief Game Warden, of Sidney
SLS 108

Tabled - March 20, 2013, by Senator **KATZ** of Kennebec

Pending - motion by same Senator to **ADOPT**

(In Senate, March 20, 2013, **READ**.)

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I'm going to ask this memorial be read, but before I do I'd like to make a couple of comments. Major Gregory Sanborn was a true public servant whose life was too short. He died last month at the age of 47 from a rare form of cancer. Greg was a teacher, taught at Bingham and at Fryeburg. In 1990 he went to realize his lifelong dream of becoming a Game Warden. Over the years he rose to the number two position in the Warden Service. The impact that he had on the service is probably best expressed by the comments of three of his colleagues. First, "Greg became a good and loyal friend. You will not meet a more dedicated Game Warden than Warden Sanborn." Second said, "Greg had a knack of interacting with the public and at the same time he wrote more summonses and warnings than any other warden before or after. The amazing part was he never generated a letter of complaint." The third said, "Greg had extraordinary common sense and had a gift for reading a person's body language. He had a keen sense of fairness and he believed in doing what was right for the entire agency." Most important with him was his family. His wife of 19 years, Deb, is here and his son, David. With Mrs. Sanborn today, Mr. President, are Colonel Wilkinson of the Warden Service, Commissioner Woodcock, and Deputy Commissioner Erskine. We are all honored by her presence and we are all honored by the life of Major Sanborn. Mr. President, when we adjourn today I respectfully request that this day we do it

in honor and lasting tribute to Gregory W. Sanborn. Thank you, Mr. President.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise to pay tribute to someone that was a great man in my mind. I had the honor of chairing the Inland, Fisheries and Wildlife Committee in the 123rd and during that time Major Sanborn was named Interim Acting Commissioner. I hadn't seen him before serving on IF&W, but during that time I got to know him quite a lot better. Greg always would be in the committee and have something to say when you went back and talked to him. I have great respect for Game Wardens. I have a number that have served in my family, but to be quite honest, I always have some feeling when I speak to one that I have to be on my best behavior. With Greg I didn't have that feeling. He seemed like just one of the guys. Easy to talk to. Made me feel really at home. My first time chairing a committee and he was just the greatest guy to speak to, to talk to, to bring up issues, and he'd give you his thoughts and opinions. I just always, always respected him for that. There is nothing worse than going to funerals, but I have to say that the same feelings that I'm having now I felt at his funeral. Greg did a video that was played at the funeral home that was just mesmerizing, to have somebody to speak like that. I suppose in his mind it helped put a lot of people's hearts at ease. I just really wanted to get up and say how much I thought of him and how sorry I am to his family. Thank you, Mr. President.

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 my privilege today to just rise for a moment to speak about Major Sanborn. He was a brother officer and that means a lot in the work that I did for most of my life, as Mr. Sanborn did. I first got to meet Major Sanborn when he transferred to Washington County. I had recently retired from the State Police from what I guess you would say was a similar type position; a supervisor of officers. I very quickly come to like him and he very quickly established a reputation among his peers and among the other agencies of being a very knowledgeable and a very easy person to work with. That continued throughout his career. He established a reputation in Washington County and I think that carried on through the rest of his career and that is why he became a wonderful leader in his department. He knew his job well. Got along with people, but also knew how to enforce the law. He did that extremely well. I, too, had the privilege of attending his memorial service and it was a very unique service. It was a very impressive service and did great to tell about his life and how his life and his family impacted him and how he impacted others. I've only been through one of those experiences one time before and that was with another brother officer that suffered from cancer before he passed away. It was quite a moving experience and it was quite a testimony to the life that he lived and the contribution that he made to our state, community, and the love that he had for his family. He was an extremely well respected officer. I know he was a great family man. There is the other side of the coin also. It is good that some of the people in my profession can cause people to be on

their best behavior once in a while Senator. Major Sanborn also had that ability, too, if you were on the wrong side of the law. It's my privilege today to honor him. Thank you, Mr. President.

At the request of Senator **KATZ** of Kennebec, **READ.**

On motion by Senator **KATZ** of Kennebec, the Joint Resolution was **ADOPTED.**

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Major Sanborn's wife and son, Deb and Dave Sanborn. They are accompanied today by Colonel Wilkinson, Colonel of the Maine Warden Service; Commissioner Chandler Woodcock; and Deputy Commissioner Andrea Erskine. They are the guests today of the Senator from Kennebec, Senator Katz. Would they please stand and accept the greetings of the Maine State Senate.

The Chair laid before the Senate the following Tabled and Later Assigned (1/8/13) matter:

JOINT RESOLUTION - Memorializing Russell W. Libby of Mt. Vernon

SLS 26

Tabled - January 8, 2013, by Senator **KATZ** of Kennebec

Pending - motion by Senator **SAVIELLO** of Franklin to **ADOPT**

(In Senate, January 8, 2013, **READ.**)

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise today sharing some remarks and memorializing the passing of Mr. Russell W. Libby. I only had the pleasure and honor of meeting and interacting with Mr. Libby a handful of times, but to all of us he was a force in this state to promote the positive aspects of agriculture and regarding the great profession and of greater provenance and mainstreaming organic farming and really helping propel the Maine Organic Farmers and Gardeners Association along with his efforts at the Common Ground Fair, amongst many many other issues. He is someone, to me, that often we see people write letters to the editors or send correspondence to us individually. When I saw his name I would automatically want to know what he had to say. His opinions were well thought out. His advocacy was strong. He was just a staunch defender and advocate for farmers and the organic profession. To me, he brought so much credibility to the arguments that are made in this building and across the state and his efforts to promote this industry and the great state are up there with anyone. I just wanted to share those comments and say how thankful I am for everything he did and how sorry I am. It will be a lost to his family and to this state. Mr. Libby led a great life and I am proud that we can recognize everything that he did and accomplished here today. Thank you, Mr. President.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, Russell Libby: farmer, advocate, Selectman, father, and husband. All the words describe the multiple roles he played in his life. About 17 years ago I met Russell for the first time in his capacity as the Maine Organic Farmer and Gardeners Association's new Executive Director while I was serving as the Chair at the Pesticide Control Board. When I came to the State House eleven years ago, I found Russell again. When I became the Senator for his hometown, I found him again as a Selectman. Just recently I've gotten to know him, Russell, as a family man. Russell served on the Maranacook School Board, heading up their budget committee. He didn't always like the decisions he had to help make, but was so aware of the budget numbers that he could see where they needed to be. He was a Selectman, as I already mentioned. He was on the ordinance review committee. He served on many boards and committees related to agriculture in the state and the nation. Most of us remember him as the Maine Organic Farmers and Gardeners Association Executive Director. Russell loved that work, that very creative organization, because it was one of the few organizations that allowed him to fully engage the use of all his quirky and deep knowledge and skills. Russell, the man, can be remembered by those who knew him as a great leader who had a sense of purpose. People said he was known for his laugh. Others remember how much he loved his children. A few people said they remembered him as a competitive person by nature who liked having the last word in every discussion. Organic farmers and friends remember Russell as a state leader in the organic farming movement and as a wise and driven leader. Russell was MOFGA's Executive Director for 17 years and was credited with building one of the nation's largest state-level organic associations. It was said of him that he steered the ship like a sailor who knew every tide. The ship is still on course thanks to Russell. Under Russell's leadership MOFGA became the country's largest state-level organic association with more than 6,500 members, 418 certified organic farms and processing operations, and a 400 acre year-around education system with more than 1,500 volunteers and 32 employees according to previous reports. He put the organization on national agriculture community mainstream. When he took over there were only 3,000 families in MOFGA. Libby directed the development of MOFGA's Common Ground Education Center. He supervised the expansion and growth of all the programs, including agriculture services, educational events, and farmer training. Russell insured that the transition to new leadership would go smoothly. He left the organization with a good path, strong financial health, and a great staff and army of volunteers. Russell was, well, Russell. He had his \$10 a week idea, which has now been used by many many local organizations. He figured out the money that would stay local if each household would spend \$10 a week within his community for local food or other local made goods. He started the Mt. Vernon Farmer's Market. He and a few local farmers and gardeners met to decide to do a little market on Saturday mornings. He usually took at least one of his daughters with him and they shared a booth with a neighbor who was a wonderful gardener. His personal fuel tax; the last couple of years of his life he would levy a hefty fine on himself every time

he filled his car with gas. He always heated with wood, but had electricity. He wanted to use that tax to build a family fund so that they could eventually switch to solar power. The woods; his knowledge of the woods, fields, and waterways around him was personal and went so deep. To that end, he spoke with great feeling about the old apple tree in his parent's yard; the apples his Mom made into a wonderful pie. At his home in Mt. Vernon there was this great maple tree that dominated his yard, which under which the family had many a summer meal and which he tapped only one tap per year so as not to stress the tree. He loved any ash tree. He taught his youngest daughter the size of a pine by hugging it and using angles to figure out its height. He noted each year the rate of recovery for trees damaged in Hurricane Bob and Ice Storm of 1998. He had an uncanny understanding of the woods and fields. In Mt. Vernon, he probably understood where every bit of water went in that watershed. He kept track of the first day, year to year, that the Red Winged Blackbirds returned to the north end of Torsey Pond. Math; always. What a numbers guy. He learned to play with numbers by figuring the Red Sox stats when he was a kid. Whether it was a school budget, calculating the slope of a field, keeping track of the batches of food his wife, Mary Anne, put up, or gallons of sap from one tap, figuring poverty rates, food insecurity, or, for his own entertainment, figuring all the sums that he could come up with by using the four basic math operations together on the numbers of whatever license plate that was on the car ahead of him on the highway. As I close, a few thoughts and comments I leave with you. A member of MOFGA's Board of Directors and former President described Libby as a public person who was capable of having deep, close, and wonderful friendships. Libby never thought of himself as having an outgoing, precarious personality, but the hundreds who met him at the conferences felt they had a close connection with him. Others say he was very inspiring, very very humble, but a very engaging man in the best sense of the word. He was very funny too. He loved to make fun of himself. He was someone who could hobnob with the elite in Washington and hang out with the pretty regular people, everyday people, back here in Maine. He taught himself how to feel comfortable in all these different environments. Russell Libby, as a person, could look at the future but keep the past in mind. Good words for all of us to remember. He will be missed. Thank you, Mr. President.

On motion by Senator **SAVIELLO** of Franklin, Joint Resolution was **ADOPTED**.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber the Libby family. Russell's mom, Sandra Libby; Russell's sister, Ronda Nichols; Russell's sister, Pam Fowler; Russell's brother, Chris Libby; Russell's nephew, Charlie Libby; Russell's daughter, Anna Libby; and Russell's wife, Mary Anne Libby. Would they all please rise and accept the warm greetings of the Maine State Senate.

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. 784

**JOINT RESOLUTION IN HONOR OF WOMEN'S HISTORY
MONTH AND IN RECOGNITION OF THE CONTRIBUTIONS
THAT WOMEN MAKE TO MAINE AND TO THE UNITED
STATES**

WHEREAS, American women of every race, class and ethnic background have made historic contributions to the growth and strength of our nation in countless recorded and unrecorded ways, especially in the areas of political and social change; and

WHEREAS, the United States boasts a rich history of women whose vast and courageous achievements speak to the sense of excellence and potential shared by all Americans; and

WHEREAS, our country would not have attained its greatness without the strength, bravery, insight and persistence of the women who have come before us; and

WHEREAS, American women have played, and continue to play, critical economic, cultural, political and social roles in every sphere of the life of the nation by constituting a significant portion of the labor force working inside and outside of the home and in professions from educator to astronaut, yet make up less than 4 percent of the executives in charge of Fortune 500 companies each year; and

WHEREAS, women have played a major role in the defense of our nation, both on and off the battlefield; and

WHEREAS, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity but also in the abolitionist movement, the industrial labor movement, the civil rights movement and other movements that create a more fair and just society for all; and

WHEREAS, women not only have played critical economic, cultural and social roles in our society but also have permanently changed the face of American government and politics; and

WHEREAS, Maine has a rich and vibrant history of women in leadership, including Senator Margaret Chase Smith, perhaps best known for her contribution to the well-being of the United States and its people with her consistent stand for the condemnation of bigotry and injustice wherever she found them; and

WHEREAS, Senator Margaret Chase Smith was the first woman from Maine to serve in the United States Congress, the first woman in the nation elected to both houses of the United States Congress and the first woman to be placed in nomination for the presidency at a major party's convention; and

WHEREAS, Maine currently has some of the strongest women leaders in the nation, including Senator Susan Collins, the first woman to run for Maine Governor from a major party, and the recently retired Senator Olympia J. Snowe, the first woman to serve in both chambers of a state legislature and both chambers of the United States Congress; and

WHEREAS, the Maine Legislature has a distinguished record of women elected to leadership positions, including the Honorable Beverly Daggett, the first female President of the Senate, the Honorable Betheda Edmonds, the first woman to serve 2 terms as President of the Senate and the Honorable Elizabeth Mitchell, the first woman in the United States to have been chosen in a state legislature as both Speaker of the House and President of the Senate; and

WHEREAS, among the many women who have served in the Maine Legislature are the Honorable Hannah Pingree, the youngest woman to hold the position of Speaker of the House, and the many women who have served as Senate floor leaders, including the Honorable Jane A. Amero, the Honorable Pamela Cahill, the Honorable Nancy Randall Clark, the Honorable Chellie Pingree, the Honorable Sharon Treat, the Honorable Mary Small and the Honorable Carol Weston, and who have served as House floor leaders, including the Honorable Lucia M. Cormier, the Honorable Emily Cain, the Honorable Carol A. Kontos and the Honorable Mary Clark Webster; and

WHEREAS, women who have served as assistant leaders in the Maine Legislature include the Honorable Minnette Cummings, the Honorable Barbara A. Gill, the Honorable Beverly Bustin-Hatheway, the Honorable Anne Rand, the Honorable Lisa Marraché, the Honorable Debra Plowman, the Honorable Elizabeth D. Moffatt, the Honorable Mary Najarian and the Honorable Teresea Hayes; and

WHEREAS, within our state judicial system, Chief Justice Leigh I. Saufley is the first woman to serve as Maine's Chief Justice of the Supreme Judicial Court; and

WHEREAS, the Honorable Janet T. Mills is the first woman to have served as Maine's Attorney General, as well as being a former District Attorney and Legislator; the Honorable Dale McCormick is the first woman to serve as Treasurer of State, as well as being a former Legislator; the Honorable Gail Chase is the first woman to serve as State Auditor, as well as being a former Legislator; Pola Buckley is the current State Auditor; and the Honorable Neria Douglass is the Treasurer of State as well as being a former Legislator and State Auditor; and

WHEREAS, we must take every action possible to promote women in leadership so that we can achieve fair representation in our State Government, including recognizing Maine women's contributions to our state history; and

WHEREAS, in recognition of the contributions of women, the United States Congress has passed a resolution each year since 1987 designating the month of March as "Women's History Month"; 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 March 2013 as Women's History Month in Maine; and be it further

RESOLVED: That We encourage the residents of this State to observe Women's History Month by participating in programs, ceremonies and activities to foster an awareness of and appreciation for the contributions made by women that have benefited and improved society.

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

READ.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Cain.

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, I rise for a quick note about this Joint Resolution. A few moments ago in the House I, along with many other distinguished women who join us in the back of the Chamber today, was recognized as part of Women's History Month. I'll admit that it's a little bit awkward to stand up on a sentiment that you are mentioned in. It's a first for me and probably a last. Whether I'm in this sentiment or not, the point is that if you read this sentiment you will see that, as a state, we have come very far with the number of women who have led our Chambers and provided leadership in both political parties and at both ends of the building. What you will also see is that there are not that many names on this list and there can be more and there will be more, but there will only be more because of the pathways set by the women who are here today with us, many of whom have mentored me, many of whom are your friends and your colleagues and your mentors. The women of the Maine Legislature and the women who continue to and have represented Maine in the United States Congress and in the Judicial Branch and as our Constitutional Officers are extraordinary, each in their own right. I believe what they have brought to the table is not necessarily a better way or even a different way. What they bring to the table is an important perspective in a state and a country where more half of college-going students today are women. Half of the population is women. Yet in our elected bodies we find 20% to 30%, if we're lucky, of our elected officials. Women bring to the table diverse experiences, backgrounds, perspectives, and heart and soul on so many issues, on all issues, whether they are issues of education or business, economic development, the environment, or the law. In Maine, we are special because the rest of the country looks to us and the leadership of the women who have gone before, who are here now, and will come down the line. Today is also Girl's Day at State House. I would ask you to take a look and reflect for a moment on the women who have led this Chamber, the women who serve in this Chamber and the other Body currently, look at the pages who are with us today in the House and Senate, and the girls who are walking the halls wearing tee shirts that say "Girls Rock the House and the Senate" because those are the girls that will turn into the women who will lead our state in the future. To be part of that sisterhood of leaders is something that brings great pride to me, and brings great pride to the women who serve in the Senate today and those who will serve in the future. Thank you, Mr. President, for the opportunity to speak on behalf and in honor of so many women that I admire so deeply. Thank you.

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

Senator **TUTTLE:** Thank you Mr. President. Women and men of the Senate, it is my pleasure to be here today speaking on this sentiment. I served with many of the individuals here today from Senate President Elizabeth Mitchell to Senate President Beverly Daggett, who co-chaired the former Committee on Legal and Veterans Affairs, to Senator Mary Cathcart, former Majority Leader Carol Kontos, Senator Pam Cahill, Senator Debra Plowman, Senator Mary Small, Senator Beverly Bustin, my good friend Attorney General Janet Mills, Chief Justice Leigh Saufley, and former State Auditor Gail Chase. If I've missed anybody I apologize. They have truly been an inspiration to me. It's good to see them come back to the people's Senate and I congratulate them all for the honor they give us by being here today. Thank you, Mr. President.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, very quickly. Looking down through the list, people that I had the opportunity to vote for, either in the House or the Senate, I have the great honor and pleasure of saying I supported every one of them. When I was supporting them, they were just the best person for the job. I never once considered if they were a man or a woman. They were just the best person and I think that's what we all should strive for. I certainly have had the pleasure of serving with all these people and they did do a great job. I appreciate everything they have done for me and things that I could say that I've taken from them their leadership ability. I just wanted to get up and say how much I appreciate it all they did for this Body and this Legislature. Thank you.

ADOPTED, in concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Beverly Bustin-Hatheway, the Assistant Senate Leader; Pam Cahill, Republican Leader; Bev Daggett, the first woman Senate President and Senate Majority Leader; Sharon Treat, the Senate Majority Leader and the Senate Majority Whip; Emily Cain, the House Democratic Leader; Carol Kontos, House Majority Leader and former Senator; Janet Mills, the first and second woman to be the Attorney General here in Maine; Gail Chase, the first woman State Auditor; Leigh Saufley, first woman Chief Justice of the Maine Supreme Court; Pola Buckley, State Treasurer; the Honorable Libby Mitchell, the first woman Speaker and the first woman to be both the Speaker and Senate President in the United States; Mary Small, Republican Leader; and Deb Plowman, Republican Assistant Majority Leader. Would they all please rise and accept the greetings of the Maine State Senate. The Chair missed one person, Dale McCormick, the first woman to be the State Treasurer and former State Senator.

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

ORDERS

Joint Resolution

Joint Resolution in Memoriam:

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

Beth Pendleton Clark, of Augusta, author, pastor and educator. Dr. Clark was born in Bradford, New Hampshire and grew up in Bangor, where her father was the pastor of Columbia Street Baptist Church, and later the family moved to Waterville. She graduated from Colby College with an AB degree and from Andover Newton Theological Seminary with a BD degree. In 1968 she received a Master of Divinity degree from Eastern Baptist Theological Seminary and in 1981, at the age of 69, became the first woman to receive a Doctor of Ministry degree from Lancaster Theological Seminary. In 1940, she married the Reverend John G. Clark of Augusta, Georgia. As he served churches in the South, she raised their 2 children and served those churches by working with youth, singing in the choir and directing plays. After the death of her husband in 1955, she completed his book, *Meditations on the Lord's Supper*, which was published in 1958. Dr. Clark held several professional positions, including the position of Executive Director of the YWCAs in Bristol, Tennessee and Asheville, North Carolina. She was also Dean of Women at Anderson College in Anderson, South Carolina and at Eastern College in St. Davids, Pennsylvania. Dr. Clark was Volunteer Resources Coordinator at the Selinsgrove State School and Hospital from 1965 to 1978. Following her retirement in 1978, Dr. Clark studied and traveled extensively. While serving on the National United Church Board, she visited mission stations in Jamaica, Haiti and Puerto Rico. She was an interim pastor for twenty-one churches in the Penn Central Conference. After moving to Maine, she continued to do some preaching, including at churches in Falmouth and Deer Isle. She will be greatly missed and long remembered by her family, including her loving daughter and son-in-law, the Honorable Beverly Daggett and Thomas Daggett, her friends and those whose lives she touched;

SLS 119

Sponsored by Senator KATZ of Kennebec.
Cosponsored by Representatives: FOWLE of Vassalboro,
POULIOT of Augusta, WILSON of Augusta.

READ.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, it is perhaps poetic justice that this memoriam comes before us today when we are honoring some of the great women who have moved this state forward. In hearing about the accomplishments of Beth Pendleton Clark, it is exhausting just to listen to it all; all the amazing things she did in her life. She truly was a renaissance woman. I am confident that of all the things she did she was proud of none of them more than she was of being the mother of the first female President of the Senate, my friend and my constituent Beverly Daggett. It is my honor to sponsor this memoriam. Thank you, Mr. President.

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

Senator **HASKELL:** Thank you very much Mr. President. Mr. President and colleagues of the Senate, there are some people whose lives are larger than life, just a little bit bigger than everybody else. When they tread upon this earthly soil their footprints spread. Certainly the impact that Beth Clark had was larger than life, not just as a woman whose accomplishments you heard about, but as a person; a person whose life was admired, respected, emulated; a person whose life, and more so her actions and deeds, changed lives and touched people. Perhaps you are wondering why a Senator from Cumberland is standing up to speak. I'm going to tell you a little bit about our personal history. In the 113th Legislature, then Representative Daggett came into office. I came in in the 114th. Not only was Representative Daggett somebody I looked up to, but because Representative Daggett and I were just about the same height and our hair was just about the same color at that time and our shoulders were just about the same width at that time and certain facial characteristics were similar, I would frequently be tapped on the shoulder. "Oh, Representative Daggett, I love your bill on such-and-such. What are we going to do about that?" The two of us got mixed up a lot, to the point where we began to think of ourselves as sisters. I'd frequently say, "What bills have you got this week, Beverly, that I should know about so I'll know what to tell people?" Through our careers, I spent another three years after that in the House with her and certainly watched as she moved over to the Senate to become the first woman to stand in the place where our good Senate President is now standing. It was a delight to see an image of myself standing up there when I saw Senator Daggett standing up there and presiding over this Senate. It's such a pleasure to talk about her mother, to talk about the impact that her mother had on her life. She's one of those rare individuals who got an opportunity to give her daughter life twice. She gave her daughter life the first time the way we would all understand and the second time in 2008 when she gave her one of her kidneys; a lifesaving donation to Beverly's life. All of us were touched at that time. We thought about what would we do in either one of their circumstances; hers or her mother's. We're so deeply touched by that personal gift that came from a mother; the gift of life again for her daughter. For that, I think there is a little special check mark, a little star. Now that she has sloughed off with the trials of this life to be welcomed into the open arms of her next life, we think today of her daughter, Beverly, and of Tom, too, as well and ask that when the Senate adjourns today it adds to this list of wonderful people that we've talked about today, in honor and lasting tribute, Beverly's mom. Thank you.

ADOPTED.

Sent down for concurrence.

THE PRESIDENT: Will the Honorable Beverly Daggett please rise and accept the warm greetings of the Maine State Senate.

Off Record Remarks

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:

HOUSE REPORTS - from the Committee on **MARINE RESOURCES** on Bill "An Act Regarding Commercial Elver Fishing Licenses Issued by the Penobscot Nation" (EMERGENCY)

H.P. 423 L.D. 604

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-9)**

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

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, March 20, 2013, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-9)**.)

(In Senate, March 21, 2013, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-9) **READ** and **ADOPTED**, in concurrence.

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

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

JOINT ORDER - Expression of Legislative Sentiment recognizing the Honorable Mary Cathcart of Orono on her induction into the Maine Women's Hall of Fame

SLS 118

Tabled - March 21, 2013, by Senator **GOODALL** of Sagadahoc

Pending - motion by Senator **CAIN** of Penobscot to **PASS**

(In Senate, March 21, 2013, **READ**.)

At the request of Senator **CAIN** of Penobscot, **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Cain.

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, it seems fitting that on a day when we are recognizing

women of the Legislature and seeing Girls That Rock The House in the Senate, that we take a minute to also recognize someone who may not have held one of the formal positions on the Legislative Council but was as much of a leader and a trailblazer for this Legislature and in our state for women and girls, and that is the Honorable Mary Cathcart. I have known Mary Cathcart for more than 10 years, but it has really been in the last 8 years, now 9, during my time in the State Legislature that I can truly speak to Mary's impact on me, as a mentor and role model, and on so many other women that I know, and young girls. It may sound cliché, but there truly is something about Mary. There is something about Mary and her tenacity and her determination and in her kindness and her gentleness that makes you always say yes to her, no matter what she is asking. I know you know this because many of you have shadows today from the Maine New Leadership Program or many of you have come and spoken at events that Mary has put together or visited the University of Maine at her request. Mary's public service, representing Orono and communities in Penobscot County, is well known and respected. It was quite an honor for me last Saturday to be present when Mary was inducted into the Maine Women's Hall of Fame. She said to the crowd, "This is the greatest honor of my entire life." I think that's because Mary's work and passion began on behalf of women and girls in Maine. Through all of the work and successes she's had, whether it is in R&D, in higher education, in business development, in the environment, and all the other causes she championed, she never lost sight of and continues to have her eye on the prize of advancing the cause and condition for women and girls in the state of Maine. Truth be told, Mary Cathcart and her husband, Jim Dearman, are the reason that I serve in this Chamber today. It was the two of them that asked me to run for office when I was just 24 years old. I'm not alone. I am one of many women in this state who can say that Mary Cathcart played a defining role in the rest of their lives. Mary is loved in Lincoln, in Burlington, in Orono, in Old Town, in Augusta, and all around New England through her work with the New England Board of Higher Education. Mary doesn't leave your side. If Mary is with you, she is with you until the end. She has stood with me and I have been proud to follow in her footsteps over the last now 9 years. Mary's commitment to Maine, and particularly Maine women and girls, has really only grown since she left this honorable Chamber. She has now founded the Maine New Leadership Program at the University of Maine, inspiring the next generation of women leaders in our state to enter politics. I think the biggest compliment of all that I'm ever paid when I do my work here in this building is when someone says to me, "You know, Emily, you remind me a lot of Mary Cathcart." It is those days, Mr. President, that I know I'm doing something right; because if I can be a little more like Mary, if I can get a little more of that something that there is about Mary, then I'm doing right by the people of Maine, as she did for so long. It is my pleasure to ask you to join me in recognizing Mary today, who is a leader for all time for women and for all of Maine. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber the Honorable Mary Cathcart of Orono. Would she please rise and accept the warm greetings of the Maine State Senate.

Off Record Remarks

SECOND READERS

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

House

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

H.P. 387 L.D. 568

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

House As Amended

Resolve, Directing the Department of Transportation To Name a Bridge between Kennebunk and Kennebunkport the Mathew Lanigan Bridge (EMERGENCY)

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

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

Senate

Bill "An Act To Establish July 27th as Maine Korean War Veteran Recognition Day" (EMERGENCY)

S.P. 91 L.D. 255

Bill "An Act To Reduce Youth Cancer Risk"

S.P. 105 L.D. 272

Bill "An Act To Allow Complainants in Disciplinary Actions To Attend Informal Conferences Held by the State Board of Nursing in Executive Session"

S.P. 158 L.D. 416

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

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 Relating to Certain Marine Resources Licenses
H.P. 301 L.D. 451
(C "A" H-8)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Act

An Act To Amend the Laws Governing Payment of Fees to Registers of Deeds

H.P. 44 L.D. 49

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.

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 Assigned (3/12/13) matter:

HOUSE REPORT - from the **Department of Environmental Protection**, pursuant to the Maine Revised Statutes, Title 5, section 8072 on Resolve, Regarding Legislative Review of Portions of Chapter 2: Rules Concerning the Processing of Applications and Other Administrative Matters, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

H.P. 612 L.D. 861

Tabled - March 12, 2013, by Senator **JACKSON** of Aroostook

Pending - **REFERENCE**

(In House, March 7, 2013, Report from the **Department of Environmental Protection READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.)

(In Senate, March 12, 2013, Report **READ**.)

On motion by Senator **JACKSON** of Aroostook, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/20/13) matter:

House Communication - Communication from the City Of South Portland, City Council Opposed the Governor's Proposal to Shift the Burden of Funding State Government to the Property Tax and Property Tax Payers (Resolution)

H.P. 720

Tabled - March 20, 2013, by Senator **KATZ** of Kennebec

Pending - **REFERENCE**

(In House, March 14, 2013, **READ** and House Paper **REFERRED** to the Committees on **APPROPRIATIONS AND FINANCIAL AFFAIRS AND TAXATION**.)

(In Senate, March 20, 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 Committees on **APPROPRIATIONS AND FINANCIAL AFFAIRS AND TAXATION**, in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/20/13) matter:

House Communication - Communication from the Town Of Livermore Falls Relative to Governor's Unprecedented Biennial Budget Places Towns in an Untenable Fiscal Position (Resolution)

H.P. 733

Tabled - March 20, 2013, by Senator **KATZ** of Kennebec

Pending - **REFERENCE**

(In House, March 14, 2013, **READ** and House Paper **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.)

(In Senate, March 20, 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.

The Chair laid before the Senate the following Tabled and Later Assigned (3/20/13) matter:

Bill "An Act To Update and Revise the Laws Governing the Maine Arts Commission"

S.P. 382 L.D. 1100

Tabled - March 20, 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 **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/20/13) matter:

Bill "An Act To Increase the Use of Long-term Care Insurance"

S.P. 374 L.D. 1092

Tabled - March 20, 2013, by Senator **CRAVEN** of Androscoggin

Pending - **REFERENCE**

(Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.)

On motion by Senator **CRAVEN** of Androscoggin, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/20/13) matter:

Bill "An Act To Require Nonprofit Corporations To Disclose the Salaries of Their Employees"

S.P. 373 L.D. 1091

Tabled - March 20, 2013, by Senator **PATRICK** of Oxford

Pending - **REFERENCE**

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

On motion by Senator **PATRICK** of Oxford, **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Authorize a General Fund Bond Issue To Expand Public Water Infrastructure to Areas with Contaminated Well Water"

H.P. 797 L.D. 1125

Bill "An Act Regarding Correctional Officers' Retirement"
H.P. 807 L.D. 1142

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

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

Bill "An Act To Allow the Town of Bancroft To Withdraw from Its Regional School Unit without Penalty"
H.P. 795 L.D. 1123

Bill "An Act To Develop Young Readers"
H.P. 808 L.D. 1143

Bill "An Act To Further Ensure Effective Teaching and School Leadership"
H.P. 809 L.D. 1144

Come 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.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, Directing the Public Utilities Commission To Convene a Stakeholder Group To Study Reimbursement for Installation of Utility Poles

H.P. 787 L.D. 1115

Bill "An Act To Help Homeowners Reduce Heating Costs through Energy Efficiency"

H.P. 810 L.D. 1145

Bill "An Act To Encourage the Use of Renewable Energy"
H.P. 811 L.D. 1146

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

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

Bill "An Act To Provide Consistency in the Regulation of Motorized Recreational Gold Prospecting"

H.P. 800 L.D. 1135

Bill "An Act To Protect Maine's Scenic Character"
H.P. 812 L.D. 1147

Come from the House, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

On motion by Senator **BOYLE** of Cumberland, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed, in concurrence.

Bill "An Act To Promote the Production of Maine Beverages"
H.P. 793 L.D. 1121

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Amend the Laws Governing Muzzle-loading Hunting Season"

H.P. 789 L.D. 1117

Bill "An Act To Expand the Season for Night Hunting of Coyotes"
H.P. 813 L.D. 1148

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.

Bill "An Act To Amend the Laws Concerning Parental Rights in Child Abandonment Cases"

H.P. 786 L.D. 1114

Bill "An Act To Amend the Attorney's Fees Provision in Foreclosure Actions"

H.P. 788 L.D. 1116

Bill "An Act To Amend Public Access Laws To Improve Accountability for Public Funds by Making Public the Board Meetings of Hospitals Receiving Significant State Funding"
H.P. 790 L.D. 1118

Bill "An Act To Provide State Recognition for the Kineo Band of Maliseet Indians"

H.P. 801 L.D. 1136

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

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

Bill "An Act To Establish Superior Court as the Forum in Which Appeals of Agency Decisions Must Be Taken"

H.P. 791 L.D. 1119

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Establish a Rebuttable Presumption Regarding a Corrections Employee That Contracts Hypertension or Cardiovascular Disease"

H.P. 814 L.D. 1149

Bill "An Act To Require Prevailing Wages To Be Paid on All Public Works Projects Receiving State Funding"
H.P. 815 L.D. 1150

Bill "An Act Regarding the Administration and Financial Transparency of the Citizen Trade Policy Commission" (EMERGENCY)

H.P. 816 L.D. 1151

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

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

Bill "An Act To Facilitate Veterans' and Their Spouses' Access to Employment, Education and Training"

H.P. 802 L.D. 1137

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

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

Bill "An Act Allowing Municipalities To Enact Firearms Policies in Local Government Buildings"

H.P. 794 L.D. 1122

Bill "An Act To Establish Hospital Administrative District No. 5, a Regional Hospital Administrative District in Lincoln County" (EMERGENCY)

H.P. 799 L.D. 1127

Bill "An Act To Allow County Law Enforcement To Participate in Mutual Aid Agreements"

H.P. 804 L.D. 1139

Bill "An Act To Amend the State Government Evaluation Act"
H.P. 805 L.D. 1140

Resolve, To Continue Consultation and Conditions Prerequisite to the Sale or Lease of Certain Real Property in Hallowell (EMERGENCY)

H.P. 817 L.D. 1152

Bill "An Act To Amend the Laws Governing Public Notices Provided by Governmental Entities"

H.P. 818 L.D. 1153

Come from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

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

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

H.P. 803 L.D. 1138

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

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

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 Tax Fairness to Maine's Middle Class and Working Families"

H.P. 785 L.D. 1113

Bill "An Act To Improve Maine's Tax Laws"

H.P. 792 L.D. 1120

Bill "An Act To Provide Income Tax Relief"

H.P. 796 L.D. 1124

Bill "An Act Regarding Corporate Income Tax Disclosure"

H.P. 798 L.D. 1126

Bill "An Act To Increase the Sales Tax To Support Revenue Sharing"

H.P. 806 L.D. 1141

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

On motion by Senator **HASKELL** of Cumberland, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

Senate at Ease.

Senate called to order by the President.

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

ENACTORS

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

Emergency Measure

An Act Regarding Commercial Elver Fishing Licenses Issued by the Penobscot Nation

H.P. 423 L.D. 604
(C "A" H-9)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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

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

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

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

On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED**, until Tuesday, March 26, 2013, at 10:00 in the morning, in memory of and lasting tribute to Major Gregory W. Sanborn of Sidney, Russell W. Libby of Mt. Vernon, and Beth Pendleton Clark of Augusta.