

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

In Senate Chamber
Tuesday
February 7, 2012

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

Prayer by Andrew Mahaleris of Troop 603 in Augusta.

MASTER MAHALERIS: Heavenly Father, we thank thee for thy care through the night and for this new day. Guide us by thy spirit and at the close this day may we not be ashamed before thee. Amen.

Pledge of Allegiance led by James Loft of Pack 874 in Standish.

Reading of the Journal of Thursday, February 2, 2012.

Doctor of the day, Andrew Iverson, M.D. of Freeport.

Off Record Remarks

PAPERS FROM THE HOUSE

**Pursuant to Public Law
Public Utilities Commission**

The **Public Utilities Commission**, pursuant to Public Law, chapter 72 asked leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Dig Safe Work Group"

H.P. 1329 L.D. 1803

Be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed pursuant to Joint Rule 218, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 689

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

February 2, 2012

The Honorable Kevin L. Raye
President of the Senate
The Honorable Robert W. Nutting
Speaker of the House of Representatives
125th Maine Legislature
State House
Augusta, ME04333

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Judiciary from the review and evaluation of the Office of the Attorney General under the State Government Evaluation Act. In its review, the Committee found that the Office of the Attorney General is operating within its statutory authority.

Sincerely,

S/Senator David R. Hastings III
Senate Chair

S/Representative Joan M. Nass
House Chair

READ and **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 688

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

January 26, 2012

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

Off Record Remarks

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Environment and Natural Resources from the review and evaluation of the Board of Underground Storage Tank Installers under the State Government Evaluation Act. In its review, the Committee found that the Board of Underground Storage Tank Installers is operating within its statutory authority.

Sincerely,

S/Senator Thomas B. Saviello
Senate Chair

S/Representative James M. Hamper
House Chair

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

The Following Communication: H.C. 300

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

February 1, 2012

The Honorable Joseph G. Carleton, Jr.
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary Carleton:

Please be advised that pursuant to House Rule 201.1 (I) (a), the Speaker has rescinded the appointment of Representative Michael Celli of Brewer to the Joint Standing Committee on State and Local Government and appointed Representative Richard M. Cebra of Naples to the Joint Standing Committee on State and Local Government effective immediately.

Furthermore, due to the resignation of Representative David R. Burns of Alfred and pursuant to his authority under House Rule 201.1 (I) (a), the Speaker has appointed Representative Windol C. Weaver of York to the Joint Standing Committee on Taxation effective immediately.

Sincerely,

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

READ and **ORDERED PLACED ON FILE.**

SENATE PAPERS

Resolve, Directing the Maine Turnpike Authority To Place Signs on Interstate 95 Directing Motorists to the Southern Maine Veterans Memorial Cemetery in Springvale
S.P. 625 L.D. 1807

Presented by Senator COURTNEY of York.
Cosponsored by Representative NASS of Acton and Senators: COLLINS of York, HILL of York, HOBBS of York, Representatives: BEAVERS of South Berwick, BELIVEAU of Kittery, CHASE of Wells, LIBBY of Waterboro, VALENTINO of Saco.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **COLLINS** of York, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

Sent down for concurrence.

Bill "An Act To Promote Transparency in Government"
S.P. 624 L.D. 1806

Presented by President RAYE of Washington. (GOVERNOR'S BILL)
Cosponsored by Speaker NUTTING of Oakland and Senators: COURTNEY of York, DIAMOND of Cumberland, FARNHAM of Penobscot, HASTINGS of Oxford, HOBBS of York, KATZ of Kennebec, LANGLEY of Hancock, MASON of Androscoggin, McCORMICK of Kennebec, PLOWMAN of Penobscot, RECTOR of Knox, SNOWE-MELLO of Androscoggin, Representatives: CURTIS of Madison, CUSHING of Hampden, FITTS of Pittsfield, FOSSEL of Alna, HAMPER of Oxford, MAKER of Calais, NEWENDYKE of Litchfield, SARTY of Denmark, STRANG BURGESS of Cumberland, TURNER of Burlington.

On motion by Senator **FARNHAM** of Penobscot, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

ORDERS

Joint Order

Expressions of Legislative Sentiment recognizing:

James Williford, of Oakland, who was named a Soldier Hero at the 12th annual U.S. Army All-American Bowl at the Alamodome in San Antonio, Texas. Mr. Williford, a United States Army veteran who was awarded a Purple Heart, was injured in Iraq in the second of his three deployments; he also served in Afghanistan. Although both of his parents are United States Air Force veterans, Mr. Williford opted to join the Army. He now attends the University of Southern Maine, where he is a cadet in the university's Army Reserve Officers' Training Corps program. We send him our congratulations on his being named a Soldier Hero and send him our best wishes;

SLS 560

Sponsored by Senator KATZ of Kennebec.

Cosponsored by Representatives: BECK of Waterville, Speaker NUTTING of Oakland.

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 sure that each of us have constituents of whom we are particularly proud. I have two here today; Andrew Mahaleris, who just gave a wonderful prayer at the beginning of session, and also, Mr. President, Cadet James Williford of Oakland. I know the sentiment was read and I won't repeat what was in it, but when we thank servicemen for their service to our country James Williford comes to mind. Cadet Williford served three combat terms. During his second one in Iraq he was injured. He was shot by an AK-47. He not only successfully recovered from that, but then went back for another tour of duty in Afghanistan. James was raised in Oakland and he's now come back to Maine with his wife and young son. He's a student at the University of Southern Maine and his is participating in the ROTC Program, as he intends to make a military career. I'm sure we are all very proud of him and we welcome him here this morning. The only negative thing about James that some of you might find is he wants to become a lawyer. I hope you won't hold that against him. A prosecutor. Thank you, Mr. President. Mr. Williford's here and we're glad to welcome him here today. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The chair is very pleased to recognize in the rear of the chamber Cadet James Williford of Oakland. He is the guest today of the Senator from Kennebec, Senator Katz. Cadet Williford is the recipient of the Purple Heart and a Senior ROTC Cadet at the University of Southern Maine. Will Cadet Williford please rise and accept the greetings of the Maine Senate.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Create the Task Force on the Prevention of Sexual Abuse of Children (EMERGENCY)

H.P. 1257 L.D. 1705

Reported that the same be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Comes from the House with the Report **READ** and **REJECTED** and the Resolve **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**.

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

COMMITTED to the Committee on **HEALTH AND HUMAN SERVICES**, in concurrence.

Pursuant to Statute

The Committee on **JUDICIARY** on Bill "An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions"

H.P. 1330 L.D. 1804

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**, pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

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

Bill and accompanying papers **REFERRED** to the Committee on **JUDICIARY**, in concurrence.

The Committee on **JUDICIARY** on Bill "An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning a Public Records Exception for Proposed Legislation, Reports and Working Papers of the Governor"

H.P. 1331 L.D. 1805

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**, pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

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

Bill and accompanying papers **REFERRED** to the Committee on **JUDICIARY**, in concurrence.

Ought to Pass

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Enhance the Duties and Responsibilities of the Director of the Division for the Deaf, Hard of Hearing and Late Deafened"
H.P. 1228 L.D. 1638

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.

Senate

Ought to Pass As Amended

Senator COLLINS for the Committee on **TRANSPORTATION** on Bill "An Act To Simplify Toll Discounts and Amend Certain Powers and Procedures of the Maine Turnpike Authority" (EMERGENCY)
S.P. 533 L.D. 1623

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-373)**.

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

READ ONCE.

Committee Amendment "A" (S-373) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Off Record Remarks

SECOND READERS

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

House

Bill "An Act To Update the Laws Concerning the Maine School of Science and Mathematics"

H.P. 1197 L.D. 1592

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

House As Amended

Bill "An Act Relating to Fiscal Notes on Proposed Legislation"

H.P. 1127 L.D. 1535

(C "A" H-685)

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

ENACTORS

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

Act

An Act To Provide Funding for the Fish Stocking Program

S.P. 64 L.D. 213

(C "B" S-372)

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

Senator **SAVIELLO** of Franklin was granted unanimous consent to address the Senate on the Record.

Senator **SAVIELLO**: Thank you Mr. President. Today, as many of you may have seen, is Scout Day. As a former Scout, and I'll mention that in a minute, there is no doubt in my mind that I wouldn't be here today if it wasn't for Scouts and probably, in fact, I would probably be wearing an orange suit and not routing for the University of Tennessee but sitting behind bars somewhere. It kept me out of trouble. It kept me involved. It is one of the largest youth organizations in the United States, where over 4.5 million young members are Scouts. It was founded in 1910 as

part of the International Scout Movement. More than 110 million Americans have been members of the BSA during that time. The Pine Tree Council represents about 7,300 Scouts and alumni in ten counties in Central and Southern Maine. There are 3,500 registered adult volunteers delivering the program. The highest rank is Eagle. Only 4% achieve that. On this floor there are two of us that Eagles. We are Eagles for life. That is Senator Bartlett and myself. It is a privilege and a rank that I wear proudly and still get the opportunity to do that. Today is Scout Day. Take the opportunity to say congratulations to these young Scouts that we have with us. Thank you very much, Mr. President.

On motion by Senator **COURTNEY** of York, **ADJOURNED** to Wednesday, February 8, 2012, at 10:00 in the morning.

Senator **BARTLETT** of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator **BARTLETT**: Thank you Mr. President. It is truly a pleasure to have the Scouts with us here today. Scouting teaches us all the value of hard work, of civic engagement, and of perseverance throughout a very long road. As an Eagle Scout, or precisely along the road to becoming one, I learned the importance of leadership skills. I learned valuable leadership skills. I learned the importance of teamwork and supporting one another. Probably most importantly, I learned the value that comes from community and the strength you can find within a community. Eagle Scouts are charged with giving back more to Scouting than they received from it. I think that is an important lesson for all of us to remember. May we all find ways to give back more to our communities than we receive from them. It is particularly important given the unique positions that we all are in, to give back to those who have worked so hard throughout their lives and have given us so much of their support. Thank you, Mr. President.

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

Off Record Remarks

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

Off Record Remarks