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

In Senate Chamber
Thursday
January 19, 2012

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

Prayer by Pastor Arlin Larson of First Congregational Church in Searsport.

PASTOR LARSON: Almighty God, as we ready ourselves for the business of this day we pause a moment to give thanks and to ask Your blessing upon this group of men and women who have been charged with the welfare of the people of our state. You do not ask a lot of us, Lord, but to love mercy, establish justice, walk humbly with You, our Creator, and to love our neighbors as ourselves. These men and women, who have been appointed shepherds of the people, have the heavy responsibility of putting into practice those principles of fairness and justice and of giving due consideration to the needs of all. This is a mighty task and we ask for Your guidance and for divine wisdom as they wrestle with competing interests and priorities and diverse and difficult circumstances. Thank You for each man and woman who serves in our Legislature and for all others who serve in the governance of our state. May they find satisfaction, knowing that their call to public service is a proud and honorable vocation and may they be richly rewarded as by their efforts happiness, health, justice, and enlightenment are increased in the state of Maine. In Your holy name we pray. Amen.

Pledge of Allegiance led by Senator Seth A. Goodall of Sagadahoc County.

Reading of the Journal of Tuesday, January 17, 2012.

Doctor of the day, Russell DeJong, MD of Belgrade.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator COURTNEY of York, the following Joint Order: S.P. 619

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 24, 2012, at 5:00 in the evening.

READ and PASSED.

Ordered sent down forthwith for concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 661

STATE OF MAINE
125TH MAINE LEGISLATURE

November 30, 2011
The Honorable Paul R. LePage
Governor of Maine
1 State House Station
Augusta, Maine 04333

Dear Governor LePage:

We are pleased to invite you to deliver the State of the State address at a Joint Session of the 125th Maine Legislature on Tuesday, January 24, 2012 at 7:00pm.

We look forward to seeing you then.

Sincerely,

S/Kevin L. Raye
President of the Senate
S/Robert W. Nutting
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 662

STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

January 10, 2012

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

Dear President Raye and Speaker Nutting:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1316  An Act To Expand Magnet Schools in Maine

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

Sincerely,
S/Sen. Brian D. Langley
Senate Chair
S/Rep. David E. Richardson
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication:  S.C. 663

STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES

January 13, 2012

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

Dear President Raye and Speaker Nutting:

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

L.D. 1579  An Act To Amend the Lobster Promotion Council

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

Sincerely,
S/Sen. Lois A. Snowe-Mello
Senate Chair
S/Rep. Windol C. Weaver
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication:  S.C. 660

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
BUREAU OF FINANCIAL INSTITUTIONS
36 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0036

January 13, 2012

The Honorable Kevin L. Raye
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Raye:
In accordance with Title 9-B MRSA §217, as amended, enclosed please find a copy of the "Annual Report from the Superintendent of the Bureau of Financial Institutions to the Legislature." In addition to the annual statistical information, the Report also includes informational segments which address issues of current importance to the Legislature, the Executive Branch, and the Maine financial institution community.

If you or your staff have any questions regarding the information contained in this Report, the Bureau would be pleased to respond. This Report will also be available in electronic format on the Bureau of Financial Institution's web site at www.maine.gov/financialinstitutions.

Very truly yours,

S/Lloyd P. LaFountain III
Superintendent

READ and with accompanying papers ORDERED PLACED ON FILE.

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SENATE PAPERS

Bill "An Act To Update the Career and Technical Education Laws" (EMERGENCY)  
S.P. 616  L.D. 1779

Presented by Senator LANGLEY of Hancock.  
Submitted by the Department of Education pursuant to Joint Rule 204.

Bill "An Act To Enhance Career Pathways for Adult Learners"  
S.P. 617  L.D. 1780

Presented by Senator LANGLEY of Hancock.  
Submitted by the Department of Education pursuant to Joint Rule 204.

Bill "An Act To Restructure the National Board Certification Program for Teachers"  
S.P. 618  L.D. 1781

Presented by Senator ALFOND of Cumberland.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

On motion by Senator LANGLEY of Hancock, REFERRED to the Committee on EDUCATION AND CULTURAL AFFAIRS and ordered printed.

Sent down for concurrence.

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REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator MARTIN for the Committee on INLAND FISHERIES AND WILDLIFE on Bill "An Act To Provide Funding for the Fish Stocking Program"  
S.P. 64  L.D. 213

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-372).

Report READ and ACCEPTED.

READ ONCE.

Committee Amendment "B" (S-372) READ and ADOPTED.
ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report
Pursuant to Statutes

The Majority of the Committee on VETERANS AND LEGAL AFFAIRS on Bill "An Act Regarding the Matching Funds Provisions of the Maine Clean Election Act" (EMERGENCY) S.P. 612 L.D. 1774

Reported that the same Ought to Pass, pursuant to Resolve.

Signed:

Senators:
  FARNHAM of Penobscot
  PLOWMAN of Penobscot

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

The Minority of the same Committee on the same subject reported that the same Ought To Pass as Amended by Committee Amendment "A" (S-371), pursuant to Resolve.

Signed:

Senator:
  PAT RICK of Oxford

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

(Representative MITCHELL of the Penobscot Nation - of the House - supports the Minority Ought To Pass as Amended, pursuant to Resolve Report.)

Reports READ.

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

SECOND READERS

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

Senate

Bill "An Act To Improve the Administration of the Legislative Ethics Laws"
S.P. 350 L.D. 1150

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (1/11/12) Assigned matter:

Bill "An Act To Prohibit Municipalities from Imposing Fees on Ice Fishing Shacks" (EMERGENCY) H.P. 1288 L.D. 1747


Pending - REFERENCE, in concurrence

(In House, January 10, 2012, REFERRED to the Committee on TAXATION and ordered printed.)

On motion by Senator COURTNEY of York, REFERRED to the Committee on INLAND FISHERIES AND WILDLIFE, in NON-CONCURRENCE.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks
RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on ENERGY, UTILITIES AND TECHNOLOGY on Bill "An Act To Create the New Gloucester Water District" (EMERGENCY) H.P. 1255  L.D. 1703

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-684).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-684).

Report READ and ACCEPTED, in concurrence.

READ ONCE.

Committee Amendment "A" (H-684) READ and ADOPTED, in concurrence.

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

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

Senator SNOWE-MELLO of Androscoggin was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator COURTNEY of York, ADJOURNED, pursuant to the Joint Order, to Tuesday, January 24, 2012, at 5:00 in the evening.

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

Senator SAVIELLO of Franklin 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.