

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

In Senate Chamber
Wednesday
April 3, 2013

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

Prayer by Douglas A. Walrath of Strong.

MR. WALRATH: Let us pray. O God, in this moment of quiet before we begin our deliberations today, we pause and ask for Your guidance. This is not a pretend request. We are humbled by the magnitude of the challenges we face in this legislative Body. We truly need Your inspiration to deal with them responsibly. Give us grace to debate the issues with care. Help us to treat everyone here with respect. When we look across the aisle, help us to see friends, not fiends. Give us the courage of our convictions, but also courage to respect the convictions of others. Help us to promote what we believe passionately, but also without ridiculing the beliefs of others. Give us the spirit of generosity when we are on the winning side of a debate and help us to move on without bitterness when we lose. Remind us that we are servants of the people of this great state and that whatever power we may hold is a stewardship for which we are accountable. Amen.

Pledge of Allegiance led by Senator James M. Hamper of Oxford County.

Reading of the Journal of Tuesday, April 2, 2013.

Doctor of the day, William Bradfield, MD of Sidney.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

H.P. 803 L.D. 1138

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

In Senate, March 28, 2013, on motion by Senator **LACHOWICZ** of Kennebec, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

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

House Paper

Bill "An Act Regarding Impairment of Health of a Correctional Employee Caused by Infectious Disease"

H.P. 915 L.D. 1288

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

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

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

COMMUNICATIONS

The Following Communication: S.P. 458

**TOWN OF HIRAM
25 ALLARD CIRCLE
HIRAM, MAINE 04041**

Secretary of the Senate
3 SHS
Augusta, ME 04333

March 21, 2013

Whereas, the Governor's unprecedented biennial budget proposal places town in an untenable and uncertain fiscal position during their budget planning; and

Whereas, the proposal includes the elimination of \$238 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 take \$8 million in truck excise tax revenue from towns; would create a corporate tax exemption for large amounts of currently taxable property, resulting in significant losses of local tax revenue; and

Whereas, the Governor's proposal also contains cuts to health and human services such as prescription drugs for the elderly and disabled; to all funding for clean elections; to wages and benefits of public workers; while also rejecting federal funds to make healthcare affordable to over 44,000 Mainers; and

Whereas, all of the above shifts costs to towns, whose only major means of raising revenue is property taxes, be it

Resolved, the town of Hiram calls upon the Maine Legislature to reject these proposals, identify less harmful costs savings and to raise revenue in an equitable fashion to avoid this regressive tax shift.

Very Concerned,

S/Conrad Hartford, Chairman
S/Harold Gilman
S/Michael Singleton

Town of Hiram, Board of Selectmen

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

Sent down for concurrence.

The Following Communication: H.P. 927

**TOWN OF BAR HARBOR
TOWN CLERK'S OFFICE
93 COTTAGE STREET, SUITE 1
BAR HARBOR, MAINE 04609-1400**

Resolution
By The Bar Harbor Town Council
Support LD 401 - An Act to Provide Local Sales Tax Increment Disbursements

Whereas, An Act to Provide Local Sales Tax Increment Disbursements encourages local economic development and provides increased State support for those communities that contribute to the State's economic growth,

Therefore, be it resolved that, by unanimous vote, the Bar Harbor Town Council urges the Legislature to pass LD 401, and requests the Town Clerk to send a copy of this resolution to the full Legislature.

Given under our hands and seal this twenty-sixth day of March 2013.

Municipal Officers of the Town of Bar Harbor

S/Ruth A. Eveland, Chair
S/Robert E. Garland, Vice-Chair
S/David Bowden
S/Gary Friedmann
S/Paul A. Paradis
S/Peter St. Germain

S/Christopher Walsh

Comes from the House, **READ and REFERRED** to the Committee on **TAXATION**.

READ and REFERRED to the Committee on **TAXATION**, in concurrence.

The Following Communication: H.P. 932

**GRAY TOWN COUNCIL
RESOLUTION**

WHEREAS, the Governor's biennial State budget proposal places municipalities in an uncertain fiscal situation as they plan their budgets; and

WHEREAS, the proposal includes elimination of \$283 million in municipal revenue sharing and falls \$200 million short of funding local schools at the 55% level passed in referendum; would eliminate the Homestead Exemption for anyone under the age of 65; would eliminate the "circuit breaker" property tax and rent relief program for anyone under the age of 65; would take \$8 million in truck excise revenue from towns; would shift responsibility for funding half of teacher retirement from the State to the municipalities; and would create a corporate tax exemption for large amounts of currently taxable property; all resulting in significant losses of revenue for the Town of Gray; and

WHEREAS, the only major means of raising municipal revenue is property taxes, all of the above reductions in the State budget would, through a tax shift, cause an increase for the costs of current municipal services to the Town of Gray; now, therefore,

BE IT RESOLVED, the Gray Town Council calls upon the Maine Legislature to reject these proposals, identify cost savings and improved efficiencies in state government, and raise revenue in an equitable fashion to avoid this added revenue burden on the property tax payers of our Town.

IN WITNESS WHEREOF, the Inhabitants of the Town of Gray have caused this instrument to be signed by its municipal officers, Matthew Sturgis, Richard Barter, Matthew Doughty, Lynn Gallagher, and Lewis Mancini, this 19th day of March, 2013.

By:
S/Matthew Sturgis, Chairman, Gray Town Council
S/Richard Barter, Gray Town Council
S/Matthew Doughty, Gray Town Council
S/Lynn Gallagher, Gray Town Council
S/Lewis Mancini, Gray Town Council

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. 935

**CUMBERLAND COUNTY SUPERINTENDENTS ASSOCIATION
YORK COUNTY SUPERINTENDENTS ASSOCIATION**

March 25, 2013

Dear Legislators,

Please be advised that Governor Paul LePage's budget proposals to address the State's financial challenges would have a critical impact on the public school districts of Cumberland and York counties. This is the sixth consecutive year that public school districts have had to make incredibly difficult decisions with respect to reducing expenditures while trying to protect the classroom, the heart and soul of teaching and learning.

As you may imagine, that challenge has been made exponentially more difficult with each year of the State's continuing budget issues. Federal funds such as ARRA (American Recovery Reinvestment Act) provided some temporary relief to the public schools during the period 2009-2012. These funds enabled some districts to avoid the modifications and reductions that they would otherwise have been forced to make in an effort to present annual budgets that would meet the litmus test of reason and responsibility. Most school districts used ARRA funds wisely and judiciously by not applying them to core programs and human resources, knowing that doing so would have obligated them to increased operational costs once those funds were expended.

Throughout the communities of Cumberland and York counties school districts and municipal government have worked diligently to present fiscally responsible budgets, while addressing the various needs of their respective constituencies and meeting their respective responsibilities to the students and to the general citizenry.

The development of the FY14 budget for each school district and municipality presents the most significant challenge in recent memory. The Governor's budget proposal to shift certain responsibilities from the State to the municipalities and the schools threatens the core of essential programs and services provided by them.

We most respectfully urge you to work with your legislative colleagues in a bipartisan manner to strenuously oppose the Governor's proposals. We do not believe these proposals are well reasoned or in the best interest of the people of Maine. We ask that you seek alternative measures that will address the State's financial challenges without shifting heretofore State financial responsibilities to public education and to our communities.

On behalf our Cumberland County and York County colleagues,

S/Ted Sharp, President
Cumberland County Superintendents Association

S/Frank Sherburne, President
York County Superintendents Association

Attest a true and exact copy.

S/Rhonda Warren
Notary Public State of Maine
My Commission Expires
November 1, 2019

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

READ and ordered **PLACED ON FILE**, in **NON-
CONCURRENCE**.

The Following Communication: H.P. 936

**RESOLUTION OF THE SOUTHWEST HARBOR SCHOOL
COMMITTEE IN SUPPORT OF FULLY FUNDING MAINE'S
PUBLIC SCHOOLS**

Whereas, public education is integral to the democratic viability and economic future of Maine by directly and indirectly contributing to the intellectual and physical development of the children and young adults of our great state; and

Whereas, recognizing the essential need of a strong public school system the voters of Maine in 2004 overwhelmingly approved a referendum requiring the State of Maine to fully fund 55% of the cost of public education; and

Whereas, since 2008, the state has short-changed its share of funding for public education by over \$500 million in flagrant violation of the letter and spirit of the 2004 referendum; and

Whereas, as the state has abandoned its commitment to fund our public schools property owners throughout the state have often been asked to shoulder more of the responsibility for funding our schools, often through increases in local property taxes; and

Whereas, the Governor has proposed in his budget moving the funding for our schools backwards by reducing GPA to local school districts by \$12.56 million from 2012-13 levels and shifting an additional \$14 million in retirement costs from the state to the local school districts for each of the next two years; and

Whereas, if the Governor's proposed budget is adopted in its current form, our school district will be forced to take drastic actions to balance their budgets by laying off educators, reducing personnel, cutting programs and services, and asking local middle class families to pay even more in property taxes to make up for the shortfall from the state;

Now Therefore, be it resolved that:

The Southwest Harbor School Committee calls on the legislators of both parties to fully fund our public schools as expressed by the will of the citizens of Maine in the 2004 referendum by providing the required 55% of the cost of public education in Maine; and

The Southwest Harbor School Committee calls upon the legislators of both parties to reject the Governor's proposal to shift pension payments onto local cities and towns; and

Therefore be it finally resolved, the Southwest Harbor School Committee calls upon the Maine Legislature to raise additional state revenue in an equitable fashion in order to avoid regressive tax shifts to municipalities.

Signed this 13th day of March, 2013.

S/Prentice Strong
S/Ingrid Kachmar
S/Eric Henry
S/Erika Lindquist
S/Susan Allen

State of Maine
County of Hancock
I, Selena V. Dunbar, a notary public, do certify that on this 28th day of March, 2013, I carefully compared the attached copy of the Resolution of the Southwest Harbor School Committee in Support of Fully Funding Maine's Public Schools with the original. It is a complete and true copy of the original document.

S/Selena V. Dunbar, Notary Public, State of Maine
My Commission Expires 2/23/2018

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. 937

RESOLUTION OF THE TREMONT SCHOOL COMMITTEE IN SUPPORT OF FULLY FUNDING MAINE'S PUBLIC SCHOOLS

Whereas, public education is integral to the democratic viability and economic future of Maine by directly and indirectly contributing to the intellectual and physical development of the children and young adults of our great state; and

Whereas, recognizing the essential need of a strong public school system the voters of Maine in 2004 overwhelmingly approved a referendum requiring the State of Maine to fully fund 55% of the cost of public education; and

Whereas, since 2008, the state has short-changed its share of funding for public education by over \$500 million in flagrant violation of the letter and spirit of the 2004 referendum; and

Whereas, as the state has abandoned its commitment to fund our public schools property owners throughout the state have often been asked to shoulder more of the responsibility for funding our schools, often through increases in local property taxes; and

Whereas, the Governor has proposed in his budget moving the funding for our schools backwards by reducing GPA to local school districts by \$12.56 million from 2012-13 levels and shifting an additional \$14 million in retirement costs from the state to the local school districts for each of the next two years; and

Whereas, if the Governor's proposed budget is adopted in its current form, our school district will be forced to take drastic actions to balance their budgets by laying off educators, reducing personnel, cutting programs and services, and asking local middle class families to pay even more in property taxes to make up for the shortfall from the state;

Now Therefore, be it resolved that:

The Tremont School Committee calls on the legislators of both parties to fully fund our public schools as expressed by the will of the citizens of Maine in the 2004 referendum by providing the required 55% of the cost of public education in Maine; and

The Tremont School Committee calls upon the legislators of both parties to reject the Governor's proposal to shift pension payments onto local cities and towns; and

Therefore be it finally resolved, the Tremont School Committee calls upon the Maine Legislature to raise additional state revenue in an equitable fashion in order to avoid regressive tax shifts to municipalities.

Signed this 14th day of March, 2013.

S/Amy A. Murphy
S/Kate McMullin
S/Christina Butler
S/Jennifer Gott

State of Maine
County of Hancock
I, Selena V. Dunbar, a notary public, do certify that on this 28th day of March, 2013, I carefully compared the attached copy of the Resolution of the Tremont School Committee in Support of Fully Funding Maine's Public Schools with the original. It is a complete and true copy of the original document.

S/Selena V. Dunbar, Notary Public, State of Maine
My Commission Expires 2/23/2018

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. 938

RESOLUTION OF THE TREMONT SCHOOL COMMITTEE IN SUPPORT OF FULLY FUNDING MAINE'S PUBLIC SCHOOLS

Whereas, public education is integral to the democratic viability and economic future of Maine by directly and indirectly contributing to the intellectual and physical development of the children and young adults of our great state; and

Whereas, recognizing the essential need of a strong public school system the voters of Maine in 2004 overwhelmingly approved a referendum requiring the State of Maine to fully fund 55% of the cost of public education; and

Whereas, since 2008, the state has short-changed its share of funding for public education by over \$500 million in flagrant violation of the letter and spirit of the 2004 referendum; and

Whereas, as the state has abandoned its commitment to fund our public schools property owners throughout the state have often been asked to shoulder more of the responsibility for funding our schools, often through increases in local property taxes; and

Whereas, the Governor has proposed in his budget moving the funding for our schools backwards by reducing GPA to local school districts by \$12.56 million from 2012-13 levels and shifting an additional \$14 million in retirement costs from the state to the local school districts for each of the next two years; and

Whereas, if the Governor's proposed budget is adopted in its current form, our school district will be forced to take drastic actions to balance their budgets by laying off educators, reducing personnel, cutting programs and services, and asking local middle class families to pay even more in property taxes to make up for the shortfall from the state;

Now Therefore, be it resolved that:

The Trenton School Committee calls on the legislators of both parties to fully fund our public schools as expressed by the will of the citizens of Maine in the 2004 referendum by providing the required 55% of the cost of public education in Maine; and

The Trenton School Committee calls upon the legislators of both parties to reject the Governor's proposal to shift pension payments onto local cities and towns; and

Therefore be it finally resolved, the Trenton School Committee calls upon the Maine Legislature to raise additional state revenue in an equitable fashion in order to avoid regressive tax shifts to municipalities.

S/Jennifer Bonilla
S/Judy Sproule
S/Susan Sargent
S/Elizabeth Hudson

State of Maine
County of Hancock
I, Selena V. Dunbar, a notary public, do certify that on this 28th day of March, 2013, I carefully compared the attached copy of the Resolution of the Trenton School Committee in Support of Fully Funding Maine's Public Schools with the original. It is a complete and true copy of the original document.

S/Selena V. Dunbar, Notary Public, State of Maine
My Commission Expires 2/23/2018

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. 939

RESOLUTION OF THE MOUNT DESERT ISLAND REGIONAL SCHOOL SYSTEM IN SUPPORT OF FULLY FUNDING MAINE'S PUBLIC SCHOOLS

Whereas, public education is integral to the democratic viability and economic future of Maine by directly and indirectly contributing to the intellectual and physical development of the children and young adults of our great state; and

Whereas, recognizing the essential need of a strong public school system the voters of Maine in 2004 overwhelmingly approved a referendum requiring the State of Maine to fully fund 55% of the cost of public education; and

Whereas, since 2008, the state has short-changed its share of funding for public education by over \$500 million in flagrant violation of the letter and spirit of the 2004 referendum; and

Whereas, as the state has abandoned its commitment to fund our public schools property owners throughout the state have often been asked to shoulder more of the responsibility for funding our schools, often through increases in local property taxes; and

Whereas, the Governor has proposed in his budget moving the funding for our schools backwards by reducing GPA to local school districts by \$12.56 million from 2012-13 levels and shifting an additional \$14 million in retirement costs from the state to the local school districts for each of the next two years; and

Whereas, if the Governor's proposed budget is adopted in its current form, our school district will be forced to take drastic actions to balance their budgets by laying off educators, reducing personnel, cutting programs and services, and asking local middle class families to pay even more in property taxes to make up for the shortfall from the state;

Now Therefore, be it resolved that:

The Mount Desert Island Regional School System calls on the legislators of both parties to fully fund our public schools as expressed by the will of the citizens of Maine in the 2004 referendum by providing the required 55% of the cost of public education in Maine; and

The Mount Desert Island Regional School System calls upon the legislators of both parties to reject the Governor's proposal to shift pension payments onto local cities and towns; and

Therefore be it finally resolved, the Mount Desert Island Regional School System calls upon the Maine Legislature to raise additional state revenue in an equitable fashion in order to avoid regressive tax shifts to municipalities.

S/Joseph T. Burton III
S/Susan Allen
S/Caroline Pryor
S/Brian Hubbell
S/Ingrid Kachmar
S/Heather Jones
S/Melisa Rowland
S/Charles Wray
S/Claire Sasner
S/Prentice Strong
S/Erika Linquist
S/Christina Butler
S/Laura Hendricks

State of Maine
County of Hancock
I, Selena V. Dunbar, a notary public, do certify that on this 28th day of March, 2013, I carefully compared the attached copy of the Resolution of the Mount Desert Island Regional School System in Support of Fully Funding Maine's Public Schools with the original. It is a complete and true copy of the original document.

S/Selena V. Dunbar, Notary Public, State of Maine
My Commission Expires 2/23/2018

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. 180

**STATE OF MAINE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

March 27, 2013

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

Dear Secretary Grant:

Pursuant to my authority under Title 34-A, Chapter 9, §9922 of the Maine Revised Statutes, I have appointed Representative Joshua R. Plante of Berwick to the State Council for Juvenile Supervision.

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

Sincerely,

S/Rep. Mark Dion, House Chair
Joint Standing Committee on Criminal Justice and Public Safety

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 193

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

April 1, 2013

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

Dear President Alfond,

This is to inform you that I am today nominating David J. Barber of Cape Elizabeth for appointment to the Efficiency Maine Trust Board.

Pursuant to Title 35-A, MRSA §10103, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Energy, Utilities and Technology.

Sincerely,

S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 194

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

April 1, 2013

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

Dear President Alfond,

This is to inform you that I am today nominating Mark A. Vannoy of Waldoboro for reappointment as a Commissioner to the Public Utilities Commission.

Pursuant to Title 35-A, MRSA §105, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Energy, Utilities and Technology.

Sincerely,

S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 195

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

April 1, 2013

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

Dear President Alford,

This is to inform you that I am today nominating Timothy R. Schneider of Portland for appointment as the Public Advocate.

Pursuant to Title 35-A, MRSA §1701-A, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Energy, Utilities and Technology.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 196

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

April 1, 2013

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

Dear Secretary Grant:

Pursuant to my authority under House Rule 201.1 (l) (a) and Joint Rule 371, I have temporarily appointed Representative Jeff McCabe of Skowhegan as a member of the Government Oversight Committee for the duration of the absence of Representative Matthew Peterson of Rumford effective immediately.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

S/Mark W. Eves
Speaker of the House

SENATE PAPERS

Bill "An Act To Establish in Law a Method for Alternative Certification of Teachers"

S.P. 461 L.D. 1330

Presented by Senator MASON of Androscoggin.
Cosponsored by Senators: KATZ of Kennebec, LANGLEY of Hancock, SAVIELLO of Franklin, Representatives: DAUGHTRY of Brunswick, McCLELLAN of Raymond, NELSON of Falmouth, POULIOT of Augusta, SOCTOMAH of the Passamaquoddy Tribe. 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 Amend the Law Pertaining to Defective or Unreasonably Dangerous Goods"

S.P. 462 L.D. 1331

Presented by Senator GOODALL of Sagadahoc.
Cosponsored by Senator: KATZ of Kennebec.

On motion by Senator JACKSON of Aroostook, REFERRED to the Committee on **JUDICIARY** and ordered printed.

Sent down for concurrence.

Bill "An Act To License Home Building and Improvement Contractors"

S.P. 459 L.D. 1328

Presented by Senator PATRICK of Oxford.

Bill "An Act To Provide Equity for Seasonal Public School Employees Concerning Unemployment"

S.P. 460 L.D. 1329

Presented by Senator PATRICK of Oxford.
Cosponsored by Representative HERBIG of Belfast and Senators: GERZOFKY of Cumberland, HASKELL of Cumberland, JACKSON of Aroostook, MILLETT of Cumberland, TUTTLE of York, Representatives: BROOKS of Winterport, CAREY of Lewiston.

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.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **TRANSPORTATION** on Bill "An Act To Amend or Repeal Outdated or Underutilized Laws Related to Transportation"

H.P. 447 L.D. 655

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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Promote Dental Care for Low-income Populations"
H.P. 341 L.D. 499

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-18)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-18)**.

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

READ ONCE.

Committee Amendment "A" (H-18) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Concerning Hurricane Deductibles"
H.P. 302 L.D. 452

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-17)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-17)**.

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

READ ONCE.

Committee Amendment "A" (H-17) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Reduce the Income Tax on Capital Gains"
H.P. 57 L.D. 65

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

Signed:

Senators:

HASKELL of Cumberland
MILLETT of Cumberland

Representatives:

GOODE of Bangor
BROOKS of Winterport
LIBBY of Lewiston
MOONEN of Portland
STANLEY of Medway
TIPPING-SPITZ of Orono

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-13)**.

Signed:

Senator:

THOMAS of Somerset

Representatives:

BENNETT of Kennebunk
JACKSON of Oxford
KNIGHT of Livermore Falls
MAREAN of Hollis

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

Reports **READ**.

Senator **HASKELL** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

SECOND READERS

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

House

Bill "An Act To Amend the Representation on the Telecommunications Relay Services Advisory Council"
H.P. 213 L.D. 304

Bill "An Act To Eliminate Certain Data Collection Requirements of the Forest Health and Monitoring Program of the Division of Forestry"
H.P. 307 L.D. 457

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

House As Amended

Bill "An Act Concerning the Use of Tobacco Settlement Funds for Children's Health Care"
H.P. 140 L.D. 180
(C "A" H-10)

Bill "An Act To Adjust Maine's Minimum Wage Annually Based on Cost-of-living Changes"
H.P. 430 L.D. 611
(C "A" H-16)

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

Senate

Bill "An Act To Amend the Charter of the Augusta Parking District"
S.P. 137 L.D. 357

Bill "An Act To Exempt All-terrain Vehicle Trail Management from Storm Water Management Requirements"
S.P. 232 L.D. 642

Resolve, Directing the Department of Corrections To Amend Its Rules Pertaining to Certification of Batterer Intervention Programs (EMERGENCY)
S.P. 431 L.D. 1237

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

Sent down for concurrence.

Senate As Amended

Bill "An Act To Amend and Clarify the Maine Uniform Securities Act"

S.P. 65 L.D. 176
(C "A" S-18)

Bill "An Act Regarding Maine Commercial Motor Carrier Safety Regulations"

S.P. 187 L.D. 494
(C "A" S-16)

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

Sent down for concurrence.

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Reduce the Income Tax on Capital Gains"
H.P. 57 L.D. 65

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-13)** (5 members)

Tabled - April 3, 2013, by Senator **HASKELL** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, April 2, 2013, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 3, 2013, Reports **READ**.)

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

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

Senator **HASKELL:** Thank you Mr. President. Men and women of the Senate, just go give you a brief overview of what this bill does, while its title says it's an Act to Reduce Income Tax on Capital Gains, and we'd all love to find an opportunity to reduce

income taxes, the way in which the Minority Amendment reduces taxes is to create a deduction on individual income equal to 50% of the net long-term capital gains that are included in federal adjusted gross income. That's a big deduction. The impact of that deduction on our state coffers would be significant if people who have income from capital gains are allowed to take a deduction of 50% of that income. The fiscal note that has been provided on this bill, if you are in your paperless chamber you'd be able to take a look at it, indicates that exempting 50% of these gains will reduce General Fund revenue by an estimated \$46,459,750 in fiscal year 2013. I'll only talk about that one year. This exemption will also reduce municipal revenue sharing by \$2,445,250 in 2013-2014. The numbers continue to grow as the years go forward in the 2015-2016 and 2016-2017 projections. I would, with all due respect, ask you to support the Ought Not to Pass. The assumption on this deduction is that people would then cash in all of their, or a good portion of their, holdings and would invest that directly back into our state. I think that assumption is just exactly that, an assumption. I see no reason to believe that the economic impact could overcome a reduction in our state coffers of over \$46 million. Thank you, Mr. President.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, it probably wouldn't surprise anyone here if I told you that President Clinton wasn't my favorite President. He has to get credit where credit is due. He signed a bill that reduced the federal rate on capital gains while he was President and a lot of economists give that bill credit, and give President Clinton credit, for the strong economy we had in the 1990's because of reducing capital gains taxes. Yesterday in the Taxation Committee we talked about sudden and severe valuation adjustments. That's when companies leave and the reduction in property taxes is more than 2% of the value of that town. We have to make up some of those revenues that schools lose because you don't have the property tax base to pay the costs of those schools and other services. We have a bill that gives towns some relief. There are 31 instances where there has been a sudden and severe loss of valuation in the town. These are businesses that had to move out, that had to reduce their operations. Sometimes that is because of lack of investment. We need to encourage investment. I believe that if we reduce the taxes on the capital gains, the difference between what you invest and what you get back, that we will see some of those investments and we'll see fewer of these sudden and severe losses. There are people you can listen to that believe we could raise tax rates to 100%. We could tax income at 100% and then provide everyone with their groceries and their housing. They believe that people would still get up in the morning and go to work. I'll guarantee you one thing, if you tax my income at 100% I'm not going to work tomorrow. There are incentives that work to improve the economy and the capital gains tax has been one of those incentives that's proven over and over and over again that it works. Will it work in the first year? Will it cost us something? Probably, but over the long haul it will improve our economy and, hopefully, we would see fewer of these companies leaving and we'd see more investment in Maine. If there is one thing that we're going to need to do to get out of this financial mess that we're in, we're going to have to grow our economy. We're going

to have to figure out how to do that. I think this is one of the ways. Thank you.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I was planning on rising to speak to this bill as I did at least 20 bills in the last session. I consistently get up and talk. I will say that I was an offender myself because in the past I did accept some of the exemptions we've given on sales tax items and other things. I've finally realized that every time we give an exemption we are taking away from the vital income needed to provide the programs that both sides see as necessary. As a matter of fact, there was a time in the last legislature, in a bi-partisan fashion, that we decided to give a tax exemption. In fact, part of the dilemma that we're in with the budget today is because, I think, everyone made a mistake, except for maybe four or five people, because if we do not have the money we shouldn't be giving these exemptions. Straight forward. In America and in the state and in the municipalities, you need X amount of revenue in order to run your country, your state, or your municipality, just as each family member needs to have enough money to pay their bills. Can we afford this? Could this possibly do some good? I'm saying there is a possibility that it could. I, for one, look at what has happened over the last four or five years, since 2008. What do we hear? There is hoarding of trillions of dollars. Hoarding of trillions of dollars that aren't being invested. If they are hoarding of trillions of dollars and we give \$46 million to the citizens who are fortunate enough to have capital gains, and surely enough that is not the little guy, I don't think that they are going to be taking this money and putting it into businesses in Maine. I, myself, personally think that's not what's going to happen. I would ask everyone to vote with the Majority Ought Not to Pass on this issue. Thank you, Mr. President.

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today because this issue, I think, is fundamental to how we view the use of citizen's money in this state. A capital gains tax is money that somebody has risked. They have invested it in equipment for their business. They've invested it in a retirement or in an investment for their family, perhaps for college for their children or perhaps to buy a home. When we tax an item that somebody has sought to improve their lot in life with what we say is that we, in Augusta, have a better understanding of how that money should be used than they do. A very great President in this country, Ronald Reagan, is credited with the quote, "One party sees every day as April 15th and the other party sees every day as the 4th of July." When it comes to the dispensation of monies, we make policies in this Body. I think that at times it's important to remember that this is not class envy between corporate America and the working man. This is, in a state like Maine particularly, an issue of whether a small business is going to be able to expand and place into operation equipment that may allow them to hire one or two more people. They might actually hire them at more than the minimum wage. In reality, we're not exempting something here. We're allowing people who have earned money to keep that money and direct the course that

it goes. I appreciate the opportunity to speak to this and ask for your consideration of opposing the current motion. Thank you.

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 in support of the pending motion. We have significant challenges in front of the state. Huge budgetary holes. We're making the holes bigger. We're digging further and further if we pass this bill. This bill will clearly benefit a few and not the many. It will inevitably, down the road, if it was to be passed as the Minority Report states, put us further behind and potentially transfer more money onto municipalities that they must pay for, threatening and potentially risking greater tax increases there. We must think literally here and what the long-term impacts of this will be. Could there potentially be a positive impact? Potentially. Do we know for a fact that there will be a negative impact, financially, on budgets? Yes. Do we know for a fact that it will benefit only a few? Yes. Just yesterday we were having a debate about another topic that we knew would help many people that need it. No one, no one, has contacted me asking me to support this bill. We need to fix our problems in the state of Maine. We need to adjust our budgetary challenges and we shouldn't be doing it in a way that makes it harder to do that. This bill will do that and it will only benefit a few. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Haskell to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#26)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, FLOOD, GERZOFKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, TUTTLE, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, COLLINS, CUSHING, HAMPER, KATZ, LANGLEY, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, YOUNGBLOOD

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **HASKELL** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

ENACTORS

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

Emergency Measure

An Act To Establish July 27th as Maine Korean War Veteran Recognition Day

S.P. 91 L.D. 255

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Authorize the Provision of Insurance on Student Loans

S.P. 131 L.D. 351
(C "A" S-8)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#27)

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

NAYS: Senators: None

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 675: Infrastructure Surcharge and Capital Reserve Accounts, a Major Substantive Rule of the Public Utilities Commission

H.P. 6 L.D. 4
(C "A" H-7)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

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

An Act To Allow Motor Fuel Taxable Sales Disclosure

S.P. 76 L.D. 240

An Act To Provide for the 2013 and 2014 Allocations of the State Ceiling on Private Activity Bonds

S.P. 82 L.D. 246
(C "A" S-9)

An Act To Amend the Duties of the Division of Forestry

S.P. 117 L.D. 284

An Act Concerning Brucellosis Vaccines for Cattle

H.P. 197 L.D. 288

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

An Act To Transfer the Responsibilities of the Department of Public Safety, Maine Communications System Policy Board to the Bureau of Consolidated Emergency Communications

S.P. 152 L.D. 372

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

An Act Regarding Permits for Final Disposition of Dead Human Bodies

S.P. 224 L.D. 634

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

An Act To Raise the School Construction Bond Cap

H.P. 73 L.D. 91
(C "A" H-5)

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

On motion by Senator **THIBODEAU** of Waldo, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence. (Roll Call Ordered)

An Act To Extend Funding for the Loring Job Increment Financing Fund

S.P. 93 L.D. 260
(C "A" S-7)

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

An Act To Reduce Youth Cancer Risk

S.P. 105 L.D. 272

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

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

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, L.D. 272, "An Act to Reduce Youth Cancer Risk," maybe should have been titled "An Act to Ban Minors From Tanning Beds" or maybe it should have been titled "An Act to Promote the Sale of Home Tanning Units." Better still, "An Act to Have Teens Tan More Aggressively in the Outdoors." Current law on tanning beds does not bar youths from tanning. According to DDH rules, Chapter 223, no minor shall be allowed to use tanning facilities unless the minor provides consent form signed by the parent or legal guardian. The parent or guardian shall have been provided with the basic information required under Section 12A1. Minor means any individual who is under 18 years of age. In the 124th Legislature a Resolve entitled "To Future Regulate the Use of Tanning Booths by Minors" was reported out of the committee with a 12-1 Ought to Pass Report. The bill was finally passed by this Body June 5, 2009 and signed by the Governor into law June 10, 2009. It was a 12-1 report asking the Department to amend its rules concerning tanning beds. A little bit of history. They were to convene a work group and in the Resolve the Department was directed to amend its rules. The rules were to include a prohibition for minors under 14 years old from using tanning beds. Written consent from a parent or guardian was also part of the rules with a limitation of one year on that consent and the presence of a guardian for minors age 14 and 15. The Department was also instructed to have that work group comprised of operators, interested parties, and those active in the prevention and treatment of skin cancer. They were to report back to the Health and Human Services Committee by June 15, 2010 and, to my knowledge, those rules are sitting in the AG's Office at this time pending final review. Those rules contain information on the warning signs that are to be posted; protective goggles are part of it; written reports on any tanning injuries; no minor shall be allowed to use a tanning facility unless the minor provides consent form from the parents; and that the operators were to be actively trained. I won't go into all the details on the

training. L.D. 272 would throw the work of that work group out the window. Please join me and vote no on the pending motion and let the process on the tanning rules work itself through the process. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you very much Mr. President. Men and women of the Senate, last week, when I thought this bill was going to be in front of us, I actually distributed a paper that had listed all of the people, the pediatricians, the American Cancer Society, parents, and survivors, that came in front of us to testify in support of this bill. There were 24 of them. There were four businesses that came to testify in opposition. I do have the highest regard for small businesses in this state that struggle to pay their taxes, that struggle to pay their employees, and that have the constant worry of whether or not they are doing the right thing. This is clearly a public health issue and a public health hazard. It's like smoking or drinking or using drugs or anything else that really hurts our young people in their development and keeping them healthy. We had a couple that came in front of us that had lost their beautiful 24 year old son. He had gone to college during his late teens. He was tanning. Before his physician could address it Melanoma had moved into his lungs, his liver, and he died at 24 years old. We had others that came in front of us who were missing muscles and missing all kinds of parts as they were recovering from cancer. In the last 20 years the number of teens and young people reporting using tanning beds increased from 1% to 27%. Of the 30 million individuals who tan indoors every year 2.3 million are teens. According to 2011 Maine Integrated Youth Health Survey, 16.4% of Maine high school students reported using an indoor tanning device in the past 12 months. The rate increased with age with 23.4% reporting the use of devices. Girls are also more likely to use tanning devices and the rate was 14.2% among girls 9th grade and older. Those were statistics that the Cancer Society had put in front of us.

Skin cancer is the most common type of cancer in the United States, with Melanoma as one of the most common cancers diagnosed among young people. Melanoma is the deadliest form of skin cancer. The National Cancer Institute reported that the direct cost of treating Melanoma in 2010 was \$2.36 billion and this amount is expected to increase annually. Think about it. This year an estimated 440 Mainers will be diagnosed with Melanoma. Maine already has the highest incidence rate of Melanoma. The national average of 22.5 cases per 100,000 people in Maine compared to 19.2 cases per 100,000 people overall in the U.S. Recently, the International Agency for Research on Cancer, the working group of the World Health Organization, said that ultraviolet, UV, radiation emanating from tanning devices, tanning beds, and lamps and adding them to the list of the most dangerous forms of cancer causing radiation to join the assembly of hazardous substances including plutonium and certain types of radiation.

I think that cancer and illnesses impact all of us; whether you have private insurance or whether you have MaineCare. We all pay a price in the end when somebody gets a disease. What's really sad about it is that a lot of those diseases are preventable. Please join me in keeping our young people safe, and take responsibility for making sure that our young people grow up healthy, and vote in favor of L.D. 272. Thank you.

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

Senator **GRATWICK:** Thank you Mr. President. I rise to speak to this particular motion. I would thank my colleagues, Senator Hamper and Senator Craven, who has spoken already. I wish to talk about just two things. One is the nature of malignant Melanoma, what it is. Second, to answer some of the objections. Just very briefly, this is the first time I've gotten up to speak on something as important and of such substance in this Chamber. It is curious because it brings together both parts of my life; that is the medical part and now the political. The medical part of my life, which I've done for many years, really relies on data and relies on evidence-based information. It comes down to prevention. How can you prevent people from getting sick? How can you keep them working on a regular basis? In the Legislature, I find it fascinating that, really, for the first time I'm in a position where we can influence public health policy. Really this Legislature has the chance to do what I would love to do in my office more often, which is to keep people healthy. This legislation, I think, can do that quite well. Indeed, that is the goal of us all, certainly all health care providers, but in this Chamber as well, for us to keep people healthy. Curiously, this is even a situation where we can prevent death. If there is anything more dramatic than that it's really quite hard to come up with in my world.

First Melanoma, malignant Melanoma, if you have a choice of cancers you want to get I recommend you not get pancreatic cancer or malignant Melanoma. It starts out as a little sort of black pimple, sometimes it's raised and sometimes it's flat. The difficulty with Melanoma is that it metastasizes, it spreads very easily. It spreads very quickly. The surgical results are iffy and the chemotherapy and the other kinds of biologic therapy are used for it are also marginal. It's extraordinarily expensive. You've heard a number from Senator Craven about the overall cost, which is very real. We're all paying for it. Per patient is \$150,000 to \$250,000 for an unsure outcome. I think it's very important to go back to the prevention. If you need persuading, it's hard to come up with better data than you can come up with from the American Cancer Society, the World Health Organization, and many other dermatological societies that think that this is appropriate, to restrict this.

The second brief thing I would comment on is that we were handing out when this first came up five reasons why "Tan Ban Legislation Would Be A Mistake." If you still have it, I would have you pick this up. The five points here, just to be dealt with very briefly. This is a public health issue and a competitive issue. I think, most assuredly, this is a public health issue. I have to say that there are three dermatologists from Waterville North. It takes you four months to get into them. This isn't a competitive issue. They have plenty to do. Tanning beds are not their thing. The dermatologists are strongly against using the UV in this particular instance. Second, there is a point here that science does not support it. This is simply a wrong statement. Science most emphatically does support this. You have to balance the American Cancer Society, WHO, and etcetera against those that junk the science on the other side. Parents do not support it; this is a harder one. We will have to respect parents, but on the other hand parents don't always have the knowledge. They don't always make the right decisions. None of us always make the right decisions. I think this is an instance where we, as has been said, have decided parents should not have the opportunity to let

their kids smoke early, drink early, use drugs early, and not use seatbelts. We have, in our world and in our society, a number of situations where our collective wisdom is greater than the wisdom of the individual. This is one such one. The fourth point was that the ban will cost businesses and taxpayer's money to implement it. The answer is yes. Certain people are going to lose. On the other hand the people who are really going to lose if this ban goes through are the dermatologists, the surgeons, and the pharmaceutical manufacturers. I must admit, I do not have a number of friends in that group. It doesn't bother me if they lose money. Finally, a ban will accomplish the opposite of what sponsors intend, that is that kids will go into backyards and have their own tanning beds. I don't have a right answer to that either because I have to admit that, when I was young, I went out behind the barn and I smoked two cigarettes. We all test the limits. Two cigarettes were enough for me back then. Of course there is going to be pushing the limits. That is what adolescence is all about. We, as guardians of public health and as parents, have to stand for what's right.

Finally, the very eloquent stuff that Senator Hamper has said is true, but remember, when the first data that came out about smoking and lung cancer, it came out in 1952, and nobody paid attention to it. By the mid-late 1960's it had become a major issue. People were aware of it. I think everybody is aware of the fact that smoking is not good for your lungs these days. People still do it, of course. That's human nature, but it doesn't mean we should allow it for young people at this time.

In summary, I realize this vote is not easy for some because we're going to be voting against the financial interests of a small group of people. On the other hand, I view our role here as being very important. We are elected to govern. We're elected to make appropriate rules for the larger number of people. This is something that relates to public health. This relates to good health. This relates to saving money, large amounts of societal money. This relates to prevention. I think it's reasonable to conclude, as our Governor, Mr. LePage said, this is really for the kids. Thank you.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I, too, think that this act ought to be renamed. It should be "The Parents Are Not Capable of Raising Their Children Act of 2013." Mr. President, I think this bill does present us with a clear choice. Who ought to be making decisions for our kids? You've got a 17 year old child approaching a tanning salon and thinking of walking in that door. Who's going to make the decision whether it is okay for that kid to walk in the tanning salon? There are really three choices; a minor, the parent, or the government. I think we would all agree that there are good reasons why it shouldn't be the child. While kids mature at different ages, we have to draw the line somewhere. The law draws a bright line at 18 for many things. Before that there is not enough life experience to make important decisions. Until now, Mr. President, it has been the parents, mom and dad, who have been allowed to make that decision, or who have made that decision. The people who know their kids best, who's most important job in the world is parenting, they know best. They make the decisions. That's what our past Legislature has decided, where the decisions should lay. Kids between 14 and 18 can't go to a tanning salon without parental permission. It's moved from child

to parent, and that's appropriate. Now this bill says parents don't know best, parents can't be trusted. Apparently it doesn't take a village to raise a child, it takes the government to raise a child. This bill says to each and every one of us who are parents, "We simply can't trust you to raise your own kids. We know better and we will do it for you." When you think about it, I think all of us complain from time to time when we see that parents aren't always involved in the lives of their kids, or in school as much as we would like to see, or, as an attorney, with the lives of their kids that lead to juvenile court, or maybe involved with their kid's health care decisions. Is it any wonder because, increasingly, government is taking over more and more and more of the decisions making about our children. Parents are more and more and more being let off the hook. Government knows best. That's the theme. In this particular area, what's going to be next? Closing down Old Orchard Beach to kids after 2 p.m. because too much exposure is going to cause skin cancer? Banning earphones on iPods because if you play them too loud the kid's hearing will get hurt? This bill is well intentioned, but I suggest, Mr. President, it's bad public policy. It sends kids the wrong message; that they shouldn't look to their parents for guidance. It sends parents the wrong message; that they don't matter. It's just another step in the slippery slope of ceding parental authority to the government. I urge my colleagues to vote against it. Thank you, Mr. President.

Off Record Remarks

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I lost a wife to Melanoma, cancer. No one hates cancer more than I do. She never visited a tanning booth, nor did my children. They were not allowed. Let's let parents be parents. Let's let them make the decisions. I ask one thing of this Body, let me keep my freedom and keep your collective wisdom. Thank you.

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues in the Senate, I don't look at this as a slippery slope. I look at this as an evolution. I can look at it that way because I'm not a young mother. I'm not even a middle age mother, nor am I the mother of one of my three granddaughters who are 17, 15, and 13, who might be the target age, perhaps, for tanning. They are not, and they are not because their very effective parents have delivered five gallon buckets of SPF 50 to my camp to make sure that the children were dunked completely in SPF 50 before they stepped out of the door, even though they slid off the steps because it's kind of slippery stuff. There are parents who are watching very carefully. The evolution of this, in my mind, brings me back to when I was much younger. My mother didn't smoke but my aunt and uncle did. When we were kids, my cousins and I were allowed to take a note down to the little store on the corner. We needed one pack of Lucky's and one pack of Chesterfield's

because they smoked different cigarettes. My cousin and I always fought over who was going to carry which note. We got to carry the notes down there and, as children, we could purchase those with the money and the note that the parent gave us and take them back home. At time, of course, I didn't smoke and I didn't care anything about it. A little later on, when I thought it was going to be really cool if I was one of the smoking kids, I figured out that a note wasn't very hard to come by. I got dismissed from school a couple of times with notes that I made in my mother's handwriting. I found out that, as a kid, I could actually get cigarettes. There are ways around these things. There are kids whose parents are not paying as close attention as my son and daughter-in-law do as to whether or not their kids are tanned. If you don't think this is an evolution, I'd like to show you a quote here today that came from a Governor that I might not say is one of my favorite Governors, similar to my good friend, Governor Chris Christie who, on Monday, signed this very bill into law. He said then that while he does not favor government regulation of small business, the new law was important for protecting the safety of minors, and government regulation should always be carefully scrutinized and sparingly adopted. The new restrictions in this bill are as the result of a single but breathlessly reported incident of a parent bringing a minor child into a tanning facility. He goes on but I think you've all read the news and you all know that is so. I think that we ought to carefully and sparingly apply this very important restriction, as we did on cigarettes and as we did on wine coolers and as we did on things that our kids, perhaps not the ones we're directly looking out for but the other ones that we are responsible for as a Body, won't have the option of getting into a tanning bed in one of these facilities. Thank you.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I don't think this is a slippery slope. I actually think this is good policy. As a parent, I'm glad that we had already passed laws that would not allow my children to smoke cigarettes at 14 to 18 years old. There was some science behind that and there were actually some hearings in Washington D.C. where they tobacco executives sat on the panel and said there was nothing wrong with that. We all know that's wrong. We actually have laws on the books that prevent our children from drinking at age 14 to 18. I wonder why that is? The young human body is just evolving and growing towards maturity. There are a lot of things that affect it. I think that if there was a slippery slope, what we would have allowed to happen was to rescind the law on smoking and drinking. That would be a slippery slope. We're actually taking a responsible approach here. I am glad that the representative from Portland actually talked about her grandchildren and her children being good parents because the one thing that I learned as a parent is that you've got to be on the same page with your spouse. My wife and I actually sat down and agreed to the things that were important to us and making sure our kids didn't drink, didn't smoke, didn't spend too much time in the sun, and did use SPF 50 whenever possible. They now have become young adults. My daughter is going to be having a baby maybe this week or maybe the first of next week. I know she's going to be able to take the responsible approach, especially with the guidance and the wisdom of science, as the good doctor from Bangor had said, and make sure that she makes good decisions.

A lot of times, from the standpoint of a Legislator, I have to wrestle to balance whether or not I want to put more restrictions on. I don't unless I can believe that is a responsible restriction to go. I think this is good public policy and I think we should enact this because it is the responsible, moral thing to do because we do have a responsibility to our kids to make sure that they have a fighting chance. When they are old enough to make that decision, they can make a wise decision on their own. They can decide to go to tanning booths, just like our Chief Executive who went to a tanning booth before he went to Jamaica. You make an adult decision. That's fine, but when we have children we have got to be responsible and make those decisions for them. I think this is good public policy. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Mason.

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

THE PRESIDENT: The Senator may pose his question.

Senator **MASON:** Thank you Mr. President. I was wondering, to the Body, is there a proof of age requirement in this bill?

THE PRESIDENT: The Senator from Androscoggin, Senator Mason poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Oxford, Senator Hamper.

Senator **HAMPER:** Thank you Mr. President. Section 2 of the bill, second sentence, requires a photo ID to go tanning. If this bill passes, L.D. 272, here in the state of Maine, we will require a photo ID to use a tanning bed, but we won't require a photo ID to vote. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you Mr. President. To buy alcohol you require a photo ID, but that's not why I got up. When people disdain government oversight, in my opinion, it means they have a short memory because legislation directing public health makes a difference. From wearing seatbelts to having speed limits, to not allowing smoking in the workplace or in restaurants or in bars, to underage alcohol drinking, to wearing helmets, or any other kind of safety equipment that youngsters, or adults, have to wear in our community to make sure that we are kept healthy. I say that this is just another step in keeping young people from getting cancer. We're talking about Melanoma and cancer, which is a disease that kills a person. Thank you, Mr. President.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just, in response to the response, wanted to say first off that tanning clearly can kill you. Going to vote doesn't. Maybe the people you vote for probably do, but there is certainly a difference in where we have photo ID. Voting, I don't think is something that rises to the same thing as a child going into maybe putting themselves at risk of getting cancer. I

am just struck by how last session, when we had legislation in here talking about changing the requirement on getting a driver's license, former Secretary of State Summers had a bill and I remember hearing quite clearly how people said that under 18 is too young. They don't have good judgment. We need to pass this so that people can have more restrictions on getting their driver's license. That seemed to go through pretty easy last year. Now we're talking about something that the science clearly says; these tanning beds can give people cancer. Now we're saying, "Well, it's okay. Let the young people decide or let the parents decide." It doesn't seem to rise to the same standard as getting your driver's license. I am quite aware of how, in other circumstances, be it cigarettes or alcohol, we have requirements on people being 18 years old to buy them. If we didn't have those requirements clearly store owners would probably be selling it to them. Even if your parents said, "Don't go get any cigarettes. Don't go get any alcohol." That's not going to work for the majority of kids. My father used to tell me all the time, when I was growing up, "Get your haircut." That just made me want to grow it out longer. They used to tell me, "Don't drink." I've got to confess, every once in a while we'd find somebody to buy us alcohol. You could be the best parent in the world and your kids are still going to want to try these things out. There is so much pressure on adolescents to look good or to be in the in crowd. They don't know what's going to happen to them later on in life. They don't know smoking is going to cause them to have lung cancer or heart disease. When it happens, 20 or 30 years later, it's too late. There is nothing you can do to reverse that. I just can't get over the idea that we should just let the kids decide or let the parents parent. I think the parents probably want to parent, and probably are parenting, but the kids can still go around and go and get the tanning and their parents never know that. If I was the business owner of a tanning bed, and I do feel for whatever revenue they are going to lose, and I knew that sign said that having people tanning could cause cancer and they are under 18 years old, I think I would certainly not want to have them in there. It's just impossible to make young people understand sometimes what they are doing to their body later on in life. I certainly support the pending motion. I hope everyone else does.

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise again today not to question whether or not there is validity to this discussion but to question once again the tract that we take in establishing policy. Are we really in a better position than an individual's parent to determine what they should be allowed to do or not do? If we are truly concerned then why are we stopping at 18? We've determined that alcohol should not be purchased before 21. We've determined a number of other things related to age. More importantly, we haven't even allowed the evolution that was discussed in this Chamber to take place. We have not allowed the Attorney General to present their findings on the rules that were proposed. When we talk about a slippery slope, I think we need to recognize that sometimes the rush to judgment here causes us to place ourselves in the position that is not always appropriate for a political Body. I ask, as we reflect on the decisions we make, that we bear in mind that parents need to be encouraged to take active responsibility in their children's lives and we say to student, or say to parents, by our actions that that

is not, indeed, the policy of this Body, I think we're on a very serious slope. Thank you.

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

Senator **MILLETT:** Thank you Mr. President. This is my first time rising to speak on a matter before us. I do because I'm a parent of twin 13 year olds. I must tell you that I am increasingly grateful for age restrictions by our government on such things as driving because I am now getting quite a bit of pressure from my daughter, who is most anxious to be all of 21 or 25 or what magic number it is and wants to drive today. I can, luckily, say, "I'm so sorry, that's actually not possible." I'm also very grateful for restrictions on smoking and drinking because it is a very powerful tool for me, as a parent, in my discussions with my children about the role of alcohol and tobacco in our lives. Despite some of the testimony that I've heard today from my colleagues, I am going to hold onto the hope that these discussions that I have with my children, and that the role of these restrictions on age, will result in my children making the right decisions and avoid the consumption of things that we have determined for them as not healthy. I believe very strongly that the exposure of UV through these tanning beds is also a very important tool because I'm sure, come high school Senior Prom, there is probably going to be a lot of peer pressure from my daughter, and maybe even my son, to have that oh so healthy glow that us Mainers look enviably at from other states for their special night. I would love to be able to say, "I'm very sorry, but that's not possible." I hope you will join me in support of this bill.

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

Senator **GRATWICK:** Thank you Mr. President. I rise to just to say three things. One, thank you all to my colleagues here. This is really the reason I came to the Legislature. I think these are the important discussions that we have. I've really been pleased to be part of this. Number two, simply to say that I don't think this is a rush to judgment or a slippery slope. We are not in the vanguard. It should be known simply that in France and Brazil they have banned tanning beds for everybody. It doesn't matter who you are. The risk is considered too great. In the United States, thus far, California, Vermont, and now, as you've just heard two days ago, New Jersey has done exactly what we're talking about. There are 20 other states that are considering this right now. Finally, I don't think that this is government telling us what to do. I think this is scientifically based. I'm not going to hide under the umbrella that science and medicine is all perfect because you know that's not the case at all. The word I'll have you remember is that medicine these days is evidence-based. That's the key thing about medicine. Medicine is an inexact science but is evidence-based. You have controlled trials. You look at all the data. I would urge you to appreciate this. In that regard, this is an evidence-based conclusion. Thank you, sir.

THE PRESIDENT: The pending question before the Senate is Enactment. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#28)

YEAS: Senators: BOYLE, CAIN, CRAVEN, DUTREMBLE, GERZOFSKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, TUTTLE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, CLEVELAND, COLLINS, CUSHING, FLOOD, HAMPER, KATZ, LANGLEY, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, VALENTINO, WHITTEMORE

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Resolve

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

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

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

Senate at Ease.

Senate called to order by the President.

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

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

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

An Act To Modify Administration of the Fund Insurance Review Board

H.P. 132 L.D. 157

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

Pending - **ENACTMENT**, in concurrence

(In Senate, March 20, 2013, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, March 26, 2013, **PASSED TO BE ENACTED**.)

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.

The Chair laid before the Senate the following Tabled and Later Assigned (4/2/13) matter:

HOUSE REPORTS - from the Committee on **TAXATION** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Permit the Legislature To Provide a One-year Period of Penalty Relief for Withdrawal of Forest Land from Current Use Valuation

H.P. 89 L.D. 107

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-14)** (3 members)

Tabled - April 2, 2013, by Senator **HASKELL** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, March 28, 2013, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 2, 2013, Reports **READ**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#29)

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

NAYS: Senators: BURNS, COLLINS, CUSHING, FLOOD, HAMPER, KATZ, LANGLEY, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, YOUNGBLOOD

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **HASKELL** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Fairly Distribute the Debt Burden between the State and County Correctional Functions"
H.P. 944 L.D. 1320

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

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

Bill "An Act To Promote Healthy School Lighting"
H.P. 945 L.D. 1321

Bill "An Act To Amend the Laws Governing the Withdrawal of a Municipality from a Regional School Unit" (EMERGENCY)
H.P. 946 L.D. 1322

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.

Resolve, To Place a Temporary Suspension on Permitting of Certain Expedited Grid-scale Wind Energy Developments (EMERGENCY)
H.P. 949 L.D. 1325

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Regarding Wind Power Siting in the Unorganized Territory"
H.P. 947 L.D. 1323

Bill "An Act To Protect Local Communities When a Mining Project Is Terminated"
H.P. 948 L.D. 1324

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 Prevent Youth Tobacco Use" (EMERGENCY)
H.P. 950 L.D. 1326

Comes 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.

Bill "An Act To Provide Greater Options for Transportation of Public School Students for Cocurricular Activities"
H.P. 951 L.D. 1327

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

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

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 Resolve

Resolve, Directing the Department of Corrections To Amend Its Rules Pertaining to Certification of Batterer Intervention Programs
S.P. 431 L.D. 1237

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#30)

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

NAYS: Senators: None

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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

COMMUNICATIONS

The Following Communication: H.C. 121

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

April 2, 2013

The 126th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 49, "An Act To Amend the Laws Governing Payment of Fees to Registers of Deeds."

I am concerned when the Legislature decides bills that clarify how government takes money from its citizens makes it to my desk early in the session, while those that deal with major issues facing our state await action. Those elected to office need to step back and address the real problems facing Maine. That is why the Maine people elected us and why I have vetoed this bill today.

This bill may have merit in its own right, but it represents what is wrong with our system. The solution always seems to be to ask hardworking families to give more. That is true at all levels of government: federal, state, county, and local. We do not need laws explaining how government is supposed to take money; we need action to restore our economy and put Mainers back to work.

For these reasons, I return LD 49 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

Comes from the House, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE**, in concurrence.

The accompanying Bill:

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

H.P. 44 L.D. 49

Comes from the House, 136 members having voted in the affirmative and 6 in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor?"

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

Senator **LACHOWICZ:** Thank you Mr. President. Ladies and gentlemen of the Senate, I want to tell you a little bit about this bill and the process. This bill was a common sense housekeeping measure for county governments and the registry of deeds that was worked on by every county in the state. The bill was

unanimous in committee and we should stand together, respecting the bi-partisan work of the committee and the Legislature. That's what we were sent here to do. I urge you to support the bill. Thank you very much, Mr. President.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I just rise today to clarify an issue on some of the misnomers about this bill. As someone that uses the registry of deeds in many counties across the state, it is challenging from time to time when you are dealing with trying to pay for documents. I am not, my law firm is not, someone who has a large amount of filings, so I do not have e-commerce, in essence, agreements with the registry of deeds. What this will do is allow entities, as defined in the bill, a company, state or federal agency, or a department, that has an automated clearing house, automatic deposit agreement, in essence, that is an e-commerce agreement, to work with the registry of deeds to determine when payment is due. Right now, in essence, it is COD. You pay when you file. What this allows us to do is for a company in the private sector to work with the registry to potentially pay the next day. That's all this bill does. It provides more flexibility. Frankly, it's a pro-business bill. I have had headaches all the time in my private practice dealing with registry of deeds. Large corporations, entities, and government that deal, on a regular basis, can enter into agreements to make their life easier. That's what this bill does. We should respect the work of the committee. We should make commerce easier to go forward in this state. That's what this bill does. I would encourage all of us to override this veto. Thank you, Mr. President.

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#31)

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

NAYS: Senators: BURNS, COLLINS, CUSHING, FLOOD, HAMPER, LANGLEY, MASON, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, YOUNGBLOOD

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, and 23 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

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.

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

On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED** to Thursday, April 4, 2013, at 10:00 in the morning.