

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

In Senate Chamber
Wednesday
April 24, 2013

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

Prayer by Senator Michael D. Thibodeau of Waldo County.

SENATOR THIBODEAU: As you can imagine, I've been wanting to get behind this podium. Would you join me in prayer. Lord, as we start this session this morning, we just ask You to bless us with Your wisdom, Lord. We ask divine wisdom be granted to each and every member of this Body as we deal with the issues before us. We ask Your continued blessing upon this great state. Lord, I pray that each one of us will work to make sure that we are representing the individuals back home in a way that would be a blessing to them and to You as well, Lord. I would just ask for Your blessing, Your encouragement to each member as we go about today's business, and Your continued blessing on our state. In Jesus' name. Amen.

Pledge of Allegiance led by Senator James A. Boyle of
Cumberland County.

Reading of the Journal of Tuesday, April 23, 2013.

Doctor of the day, Robert Anderson, MD of Yarmouth.

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1020

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF
THE UNITED STATES AND THE UNITED STATES CONGRESS
TO PROTECT THE CLEAN AIR ACT AND FUND THE
INFRASTRUCTURE THAT ENSURES HEALTHY AIR FOR
MAINE FAMILIES AND BUSINESSES**

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

WHEREAS, Maine families and businesses need healthy air to grow and succeed because when people are healthy, children do better in school, workers are more productive and businesses can add jobs because their health care costs are lower; and

WHEREAS, air pollution does not respect state borders, and Maine's geographic location puts us on the receiving end of life-threatening air pollution produced in states to the south and west of us; and

WHEREAS, air pollution can lead to asthma attacks, heart attacks, strokes, diabetes, cancer, reproductive and developmental harm and even premature death; and

WHEREAS, dangerous air pollution levels can increase hospital admissions and emergency room visits as well as missed days of school and work; and

WHEREAS, unhealthy air can be particularly dangerous for children, the elderly and people with chronic diseases, including the more than 22,700 children and 92,700 adults with asthma and other lung diseases, who may require expensive medical care on unhealthy air days in the State; and

WHEREAS, air pollution can cause serious health effects at levels once deemed safe and almost half of the people in Maine live in counties with fair to poor air quality; and

WHEREAS, for more than 4 decades the federal Clean Air Act has protected public health by reducing levels of smog, soot and other air toxins; and

WHEREAS, the Clean Air Act is a Maine tradition, having been established and subsequently updated and improved under the leadership of Senator Edmund S. Muskie, Senator George J. Mitchell and Senator William S. Cohen; and

WHEREAS, nationally the Clean Air Act has prevented an estimated 160,000 premature deaths, more than 130,000 heart attacks and over 1.7 million asthma attacks in 2010 alone; and

WHEREAS, reducing air pollution through the Clean Air Act will provide the United States with \$2 trillion in benefits and prevent 230,000 deaths in 2020; and

WHEREAS, it is not necessary to choose between improving public health and helping our economy innovate and grow, as evidenced by data showing that between 1970 and 2009 total emissions of the 6 principal air pollutants fell by 63%, while private sector jobs and our nation's gross domestic product increased by 86% and 210%, respectively; and

WHEREAS, the United States Environmental Protection Agency has concluded that the Clean Air Act has produced economic benefits valued at 30 times the cost of regulation; and

WHEREAS, the Clean Air Act is continually threatened by attempts to weaken, block, delay or underfund its important public health safeguards; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States and the United States Congress support the Clean Air Act and fund its enforcement and fund the infrastructure that reduces the dangerous air pollution that crosses into Maine and that ensures the air is safe to breathe for Maine children and adults; and be it further

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

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

READ and **ADOPTED**, in concurrence.

Joint Resolution in Memoriam:

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

Timothy J. Vrabel, of Bath, who lived and worked in and was an engaged member of many communities throughout the State over the past 33 years. Mr. Vrabel was born in North Adams, Massachusetts, and received his undergraduate degree at Lake Forest College in 1971 and his master's degree in business from Husson College in 1997. He married Barbara Lawrence in 1988, and they lived in South Portland before moving to Bath with their daughters, Lindsay and Leslie, in 1990. Mr. Vrabel worked in many sectors of the Maine economy over the past 3 decades. He worked at the Efficiency Maine Trust, the Maine Public Utilities Commission, Bangor Savings Bank, Central Maine Power and the Maine Office of Energy Resources. Mr. Vrabel was awarded the 2012 Philip C. Hastings Award for his extraordinary commitment to energy efficiency in Maine. Mr. Vrabel was an active volunteer for many organizations. At Baxter State Park he volunteered his time and talents to trail maintenance and resource protection. He served on many boards, including the Planning Board in Bath, the Brunswick Landing Advisory Board, the Environmental Technology Review Board of the Maine Technology Institute and the Board of Directors for Camp Kawanhee for Boys in Weld. He was awarded the 2012 Frank Foundation Distinguished Service Award from the Board of Directors for Camp Kawanhee for his leadership and commitment to the camp from 1998 to 2012. Mr. Vrabel was known as a caring family man, a devoted friend and coworker, a peerless trash-talker during cribbage and softball games and a tireless champion of worthy causes. He will be greatly missed and long remembered by his wife, Barbara, his loving family and those whose lives he touched;

HLS 149

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

READ.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I just rise briefly to say a few words about Timothy Vrabel of Bath. Many of you may have known Mr. Vrabel either personally or professionally through his positions in the Efficiency Maine Trust and the Maine Public Utilities Commission, or you may have interacted with him while helping your constituents. He did a lot of outreach on efficiency matters. He did a lot of outreach on energy issues. He was in the community and a very dedicated public servant. He was a very dedicated individual to his community of Bath. He was a true family man and one that will be sadly missed by his family, the residents of Bath, and the state of Maine. A very strong and talented employee for the State of Maine. I just wanted to rise today and share these remarks. He is truly a loss for the state and the community and his family. Thank you, Mr. President.

ADOPTED, in concurrence.

Joint Resolution in Memoriam:

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

Stephen J. Longley, of Solon, a Registered Maine Guide, a Wilderness First Responder and longtime operator of the Appalachian Trail Conference's Kennebec River Ferry Service, where the Appalachian Trail crosses the Kennebec River in Caratunk. Mr. Longley was known throughout the Appalachian Trail hiking community simply as "the Ferryman," and during his 20-year tenure, he transported more than 19,000 hikers safely across the river. Mr. Longley was born in Lewiston, the son of former Governor James B. Longley, an Independent, after whom he modeled himself. He was known for his quick wit and his intense love and loyalty to his large extended family and many close friends. Mr. Longley will be greatly missed and long remembered by the love of his life, Susan Wilber; his loving family; his many friends and those whose lives he touched;

HLS 148

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

READ.

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

Senator **HASKELL:** Thank you Mr. President. It's a pleasure to speak briefly to the loss of a very unique individual. Steve Longley's dad was Governor of the State of Maine. His sister served in the Senate when I was here and working here, Senator Susan Longley. A history, certainly, of government service in that family. Steve's path was a little different, as you can see from reading the sentiment. I'd just like to read you one quote that he said about his life, and I think this embodies a lot of individuals in the state of Maine. For his family he said, "There is no substitute

for hard work. I may not be a Governor or a Senator, not that those things matter in families, but I'll be the best ferryman I can be." Steve summarized this philosophy, "I took a road less traveled and now my road has become more popular, so maybe I should look for a different road. I'm not going to be the ferryman forever. When I move on all that matters is that I left this place in a little better shape than I found it." What a great sentiment for a person's life. Thank you, Mr. President.

ADOPTED, in concurrence.

COMMUNICATIONS

The Following Communication: H.P. 1014

**CITY OF LEWISTON MAINE
27 PINE STREET
LEWISTON, MAINE 04240**

**CITY COUNCIL RESOLVE
JANUARY 22, 2013**

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

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

Whereas, the proposal to suspend municipal revenue sharing would result in a \$4 million revenue loss to the City of Lewiston, representing 12.5% of the City's general fund operating budget and \$2.18 on the property tax rate; and

Whereas, the proposal to redirect the excise tax on tractor trailers will reduce the City's revenues by an additional \$370,000 or 20 cents on the tax rate; and

Whereas, eliminating the homestead exemption in FY 15 for those under 65 will increase taxes for no longer qualifying residents by \$227 in that year if the City's tax rate remains unchanged; this represents a tax increase of over 10% for most of those losing the exemption; and

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

Whereas, starting in the second year of the biennium, the business equipment tax reimbursement program, under which businesses are fully reimbursed for property taxes they pay on certain business equipment, will be eliminated with most qualifying property transferred to the business equipment tax exemption program; under this program, the City will only be reimbursed by the state for 60% of the taxes due, reducing City

revenues by an estimated \$897,000 in FY 15, or 49 cents on the tax rate; and

Whereas, if enacted, these changes will reduce City revenues by at least \$4,370,000 in FY 14 and \$5,267,500 in FY 15, excluding certain impacts on the school budget; and

Whereas, to replace these revenues through property taxation, the City's tax rate would have to increase by approximately \$2.38 in FY 14 and an additional \$0.49 in FY 15 before considering any other expenditure increases that may be required; and

Whereas, alternatively, reducing expenditures by this amount would require eliminating all capital expenditures and dramatically reducing staff over and above the almost 20% reductions that have been implemented since 2002; and

Whereas, further staffing and expenditure reductions of this magnitude would undermine our ability to provide basic public services; and

Whereas, even a balance between tax increases and spending cuts would result in much higher property taxes in return for services that would no longer meet resident expectations or needs;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the City Council hereby expresses its strong opposition to provisions included in the recently proposed state budget that would significantly shift the burden of funding state government to the property tax and property tax payer. These proposals will dramatically increase property taxes in Lewiston, taxes which often are unrelated to the ability of property owners to pay, and will require spending reductions which will call into question our ability to protect the health and welfare of our community and provide our residents with basic government services; and

Be it Further Resolved, that

The City Clerk is directed to provide copies of this Resolve to the members of the Legislature representing the City of Lewiston, members of the Appropriations Committee, the Governor, the Speaker of the House, the President of the Senate and the Legislative leadership.

ATTEST:

I, Kathleen M. Montejo, City Clerk of Lewiston, hereby affirm and attest this Resolve was approved in public session by the Lewiston City Council on January, 22, 2013:

Motion by Councilor Cayer, second by Councilor Butler. Vote: 7-0

A TRUE COPY ATTEST:
S/Kathleen M. Montejo, City Clerk
DATE: April 9, 2013

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. 1015

TOWN OF BETHEL

Resolution Expressing Opposition to the Governor's Proposed State Budget which Shifts Responsibility for Funding the State Budget Shortfall to the Property Tax and Property Taxpayers

Whereas, the Governor has proposed a biennial budget that will shift the responsibility to fund State government by eliminating or significantly modifying Maine's primary programs that are intended to provide property tax relief; and

Whereas, the property tax is the most regressive form of taxation and by eliminating Revenue Sharing and greatly changing the eligibility criteria of the Homestead Exemption and the Maine Residents Property Tax and Rent Refund Program (Circuit Breaker) would make the State's tax mix more regressive; and

Whereas, by eliminating the State-Municipal Revenue Sharing program, the Town of Bethel would lose approximately \$120,000 which would mean a property tax increase to both residential and business property owners, cuts to essential local services, or both; and

Whereas, the proposed budget would eliminate the Homestead Exemption program for anyone under the age of 65, which would result in an automatic property tax increase of \$115 even if the local budget had no increase; and

Whereas, the proposed budget would eliminate the Maine Residents property tax and rent relief program "Circuit Breaker" for anyone under the age of 65 and hurt the people most in need at a time they can least afford to pay higher property taxes; now

Therefore Be it Resolved, that the Bethel Select Board calls upon the Maine Legislature to reject these proposals, restore Revenue Sharing, maintain the Homestead and Circuit Breaker programs, and fund State government through an equitable tax system that prevents this unfair shift to property taxpayers.

S/Stan Howe, Chairman
S/Donald Bennett, Vice-Chairman
S/Patricia Carter
S/Peter Southam
S/Lloyd Sweetser
Attest:
S/Christen Mason, Town Clerk

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

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

The Following Communication: H.P. 1016

**TOWN OF GORHAM
MUNICIPAL CENTER
75 SOUTH STREET, SUITE 1
GORHAM, MAINE 04038-1382**

RESOLUTION EXPRESSING OPPOSITION TO PROPOSALS TO SHIFT THE BURDEN OF FUNDING STATE GOVERNMENT TO LOCAL PROPERTY TAX PAYERS

Whereas, the State Administration has proposed a State Budget for the coming biennium that will dramatically shift the burden of funding state government to the property tax; and

Whereas, pursuant to Title 30-A MRSA Section 5681, the State Legislature sought to strengthen the partnership between the State and local government by providing 5% of sales tax revenue, known as State Revenue Sharing, to reduce the burden to the property tax and assist in financing municipal services; and

Whereas, the diversion of funds from the State Revenue Sharing program, as proposed in the State Budget, would cost the Town of Gorham approximately \$1,593,000 resulting in either an increase in the tax rate of \$1.21 or significant reduction in services or some combination of both; and

Whereas, the proposed biennial budget would redirect the Town of Gorham's excise tax paid on tractor trailers to fund State Government; and

Whereas, the State Legislature, pursuant to Title 36 MRSA Section 683, has previously granted a Homestead Exemption to all qualified Residents to lower the burden of property taxes, which the biennial budget now proposes to eliminate in FY 15 for all residents under the age of 65 who currently qualify; and

Whereas, starting in the second year of the biennium, the business equipment tax reimbursement program, under which businesses are fully reimbursed for property taxes they pay on certain business equipment, will be eliminated with most qualifying property transferred to the business equipment tax exemption program; under this program, the Town will only be reimbursed by the state for 60% of the taxes due, further reducing Town revenues by an estimated \$105,000, or 19 cents on the tax rate; and

Whereas, if enacted, all of these changes would reduce revenues to the Town by at approximately \$1.9 million, not counting certain impacts on the School budget; and

Whereas, reducing Town expenditures of this magnitude would significantly undermine the Town's ability to provide basic public services; and

Now Therefore Be It Resolved, that the Gorham Town Council hereby expresses its strong opposition to provisions included in the proposed state budget that would dramatically shift the burden of funding state government to the local property tax and undermine the Town of Gorham's ability to provide basic public services to its citizens; and

Be It Further Resolved, that the Town Clerk is hereby directed to provide copies to members of the Town of Gorham's Legislative delegation, members of the Appropriations Committee and the Governor.

Adopted by a vote of the Gorham Town Council: April 2, 2013.

Gorham Town Council

S/Philip T. Gagnon, Chair
S/Michael J. Phinney, Vice Chair
S/Matthew J. Robinson
S/John A. Pressey
S/Suzanne Phillips
S/Shonn Moulton
S/Sherrie Benner

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. 1017

TOWN OF FALMOUTH

RESOLUTION REGARDING IMPACT OF PROPOSED STATE BUDGET

WHEREAS, the Falmouth Town Council is deeply concerned about the multiple proposals in the State Budget to shift the burden of funding state government to local property taxpayers; and

WHEREAS, the Administration's proposed budget eliminates \$284 million in municipal revenue sharing despite a state law that requires 5% of state sales and income tax revenue to be returned to municipalities; and

WHEREAS, eliminating municipal revenue sharing would cost taxpayers \$121 annually in property taxes on an average Falmouth home; and

WHEREAS, eliminating \$625,000 in state aid and teacher retirement pensions to the Falmouth School District would cost taxpayers \$116 on an average Falmouth home; and

WHEREAS, the State Budget would eliminate and significantly modify multiple property tax relief programs, such as the Circuit Breaker and Homestead Exemption, hurting those, in particular, with low incomes under the age of 65; and

WHEREAS, eliminating the Homestead Exemption would add an average of \$134 to the property tax of Falmouth homeowners receiving the exemption; and

WHEREAS, eliminating the Circuit Breaker program, would cost program participants in Falmouth an average of \$712;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FALMOUTH, that the Town Council hereby calls upon the Maine Legislature to reject these proposals and work in a collaborative manner to avoid a regressive tax shift to municipalities.

Approved this 8th day of April 2013.

Attest:
S/Ellen Planer
Town Clerk

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

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

The Following Communication: H.P. 1018

**RESOLUTION
TOWN OF DAMARISCOTTA, MAINE**

A resolution urging the Maine State Legislature to reject any Biennial State Budget that forces cities and towns to either increase property taxes or reduce essential municipal services.

WHEREAS, the Governor's proposed biennial budget places towns and cities in an untenable and uncertain fiscal position during its budget planning for Fiscal Year 2014; and

WHEREAS, under this proposed budget, the Town of Damariscotta would lose \$115,000 in revenue sharing; \$3,600 in Commercial Excise Tax and an estimated \$85,000 with the shift from BETR to BETE exemption criteria for total impact is \$203,600 not including any tax increases due to changes in the State funding for education and the loss of the Homestead exemption for many of our residents; and

WHEREAS, this tax burden represents .59 mils or 4.1 % of the Town's current 14.375 mil rate not including the Homestead Exemption that currently allows 563 homeowners to save \$143.75 on their annual tax bills and not including the expected increases for school funding; and

WHEREAS, The Town budget is comprised mainly of expenditures for police, the County assessment, public works, administrative duties required by the State Constitution and Statutes, solid waste disposal, fire hydrant fees, the volunteer fire department and street and traffic light charges, and, as a regional service center, any reduction in these services will have a direct impact on residents and visitors alike; and

WHEREAS, Holding the line on Town budgets has been a high priority for the Town's Board of Selectmen for many years as shown by the fact that the Town shares employees and services with other entities in the following areas: public safety, public works, code enforcement, harbor management, shellfish law enforcement, and general assistance;

NOW THEREFORE, BE IT RESOLVED that the Board of Selectmen of the Town of Damariscotta hereby urges the Maine State Legislature to craft a biennial budget that takes into account the already high property tax burden on homeowners in Maine, and calls upon the Maine Legislature to reject the Governor's budget proposal, identify less harmful cost savings, and raise State-generated revenues in an equitable fashion in order to avoid a regressive tax shift to municipalities.

Adopted this 3rd day of April, 2013,

The Board of Selectmen:

S/Joshua Pinkham
S/Ronn Orenstein
S/Vicki Pinkham
S/Robin Mayer

Attest: A True Copy
S/Cheryl Pinkham
Date: 4/9/2013

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. 1019

**TOWN OF LUBEC
40 SCHOOL STREET
LUBEC, MAINE 04652**

Date March 14, 2013

WHEREAS, the people of the Town of Lubec, situated in the easternmost edge of Washington County, Maine with a population of 1,359, with 56% above the age of 50 years, with a median household income of \$32,563 and 25% living below the poverty rate; and

WHEREAS, the Governor's unprecedented biennial budget proposal places Lubec, Washington County and a majority of Maine towns in an untenable and uncertain fiscal position during their budget planning; and

WHEREAS, the proposal includes the elimination of \$283 million in municipal revenue sharing; falls \$200 million short of funding local schools at the 55% level passed in referendum; would cut the state's reimbursement for General Assistance by an estimated \$6.7 million; would eliminate the Homestead Exemption for anyone under the age of 65; would eliminate the "circuit breaker" property tax and rent relief program for anyone under the age of 65; would take \$8 million in truck excise tax revenue from towns; and would create a corporate tax exemption for large amounts of currently taxable property, resulting in significant losses of local tax revenue; Lubec is comprised of 24,500 acres, of those 2,257.02 acres are non-taxable due to ownership by the State of Maine, churches and nonprofits, and plus an additional 2,670.36 acres in open space benefiting land trusts and private

land owners plus an additional 3,379 acres in tree growth. This is a total of 8,325.18 acres representing a total of over one-third of Lubec's total land mass; and

WHEREAS, the Governor's proposal also contains cuts to health and human services such as prescription drugs for the elderly and disabled, Washington County has the highest percentage of children in poverty, children who receive free/reduce lunch, uninsured residents, current smokers, reports of high blood pressure, diabetes, heart disease and cancer mortality rate, individuals with substance abuse problems, domestic violence, and youth binge drinking; to all funding for clean elections; to the wages and benefits of public workers; while also rejecting federal funds to make health care affordable for over 44,000 Mainers; and

WHEREAS, all of the above shifts cost to towns, cost sharing with our two closest communities would not be cost effective, being that Machias is 28 miles and Eastport is 38 miles in one-way travel from Lubec; whose only major means of raising revenue is property taxes; now, therefore, be it

RESOLVED, that the Town of Lubec calls upon the Maine Legislature to reject these proposals, identify less harmful cost savings, and raise revenue in an equitable fashion to avoid this regressive tax shift which will be devastating to Lubec, Washington County and Maine.

This Resolve is signed and supported by the Lubec Board of Selectmen.

S/Maureen Glidden, Chairman
S/Michael Scrivani, Vice Chairman
S/Justin Doran, Selectman
S/Sara McConnell, Selectman
S/James Jones, Selectman

Attested: This is the original copy of the Town of Lubec's Resolution.
S/Betty L. Case, Town Clerk of Lubec
April 8, 2013

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. 1021

**TOWN OF SOUTH BERWICK
180 MAIN STREET
SOUTH BERWICK, MAINE 03908-1535**

March 26, 2013

RESOLVE, EXPRESSING THE OPPOSITION OF THE CITY COUNCIL OF THE TOWN OF SOUTH BERWICK TO PROPOSALS TO SHIFT THE BURDEN OF FUNDING STATE

GOVERNMENT TO PROPERTY TAX AND THE PROPERTY TAX PAYER

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

WHEREAS, the proposal includes the elimination of \$283 million in municipal revenue sharing; falls \$200 million short of funding local schools at the 55% level passed in referendum; would cut the state's reimbursement for General Assistance by an estimated \$6.7 million; would eliminate the Homestead Exemption for anyone under the age of 65; would eliminate the "circuit breaker" property tax and rent relief program for anyone under the age of 65; would take \$8 million in truck excise tax revenue from towns; and would create a corporate tax exemption for large amounts of currently taxable property, resulting in significant losses of local tax revenue; and

WHEREAS, the proposal to suspend municipal revenue sharing would result in the loss of \$539,245 in revenues, which would increase property taxes by \$215.65 on the average residential property value of \$227,000; and

WHEREAS, the proposal to eliminate the FY 2015 Homestead Exemption for those under 65 will increase taxes for those residents by \$185.00 if the towns tax rate stays the same; 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 the wages and benefits of public workers; while also rejecting federal funds to make healthcare affordable for over 44,000 Mainers; and

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

RESOLVED, The South Berwick Town Council calls upon the Maine State Legislature to reject these proposals, identify harmful cost savings, and raise revenue in an equitable fashion to avoid this regressive tax shift.

S/Gerald W. MacPherson
S/David H. Webster
S/Russell Abell
S/Jean Demetrocopoulos
S/Jack Kareckas

April 17, 2013 Attest to be a true copy.
S/Barbara Bennett
Town Clerk

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

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

The Following Communication: H.P. 1027

**TOWN OF NORTH BERWICK
21 MAIN STREET, PO BOX 422
NORTH BERWICK, MAINE 03906**

Resolution adopted by the Selectmen of the Town of North Berwick

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

Whereas, the proposal includes the elimination of \$283 million in municipal revenue sharing; falls \$200 million short in funding local schools at the 55% level passed in referendum; would cut the states reimbursement for General Assistance by an estimated \$6.7 million; would eliminate the Homestead Exemption and Circuit Breaker Program for anyone under the age of 65; would take \$8 million in truck excise tax revenue from towns; and would change BETE to exempt large amounts of currently taxable property, resulting in significant losses of local tax revenue; and

Whereas, the loss of revenue to the Town of North Berwick is expected to be \$354,300.00 forcing an increase of \$274.50 in property taxes to the average taxpayer; and further that the loss of income to the school district is estimated to cost the average taxpayer an additional \$25; and resulting in a property tax increase to the citizens of North Berwick of approximately 10%; and

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

RESOLVED, that the Selectmen of the Town of North Berwick calls upon the Maine Legislature to reject these proposals, identify less harmful cost savings; and raise revenue in an equitable fashion to avoid this regressive tax shift.

Date: March 19, 2013

North Berwick Board of Selectmen

S/Lawrence Hart
S/Elaine Folsom
S/Charles Galemmo
S/Paul Danforth
S/Gregg Drew

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. 1028

**TOWN OF BOWDOINHAM
13 SCHOOL STREET
BOWDOINHAM, MAINE 04008**

March 26, 2013

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

WHEREAS, this biennial budget proposal calls for redirecting that portion of sales and income tax revenues normally distributed to municipalities under the Revenue Sharing Program toward balancing the State Budget; and

WHEREAS, this biennial budget proposal calls for redirecting commercial vehicle excise tax revenues away from municipalities toward balancing the State Budget; and

WHEREAS, this biennial budget proposal dramatically curtails the Homestead and Circuit Breaker programs designed to reduce local resident property tax burdens for the purpose of balancing the State Budget; and

WHEREAS, this biennial budget proposal calls for the elimination of the BETR program that reimburses municipalities for lost personal property taxes for the purpose of balancing the State Budget; and

WHEREAS, this biennial budget proposal calls for drastically reducing funding to local schools (again failing to meet the Citizen Referendum mandate to provide 55% support) for the purpose of balancing the State Budget; now, therefore, be it

RESOLVED, that the Select Board of the Town of Bowdoinham calls upon the Maine Legislature and Senator Seth Goodall and Representative Seth Berry to reject these proposals and restore revenue sharing to municipalities, retain full funding of General Assistance reimbursements, maintain the homestead exemption and circuit breaker tax relief programs, restore excise taxes to previous levels, retain the BETR program and support to schools in order to avoid this regressive tax shift.

S/Brian Hobart, Chair
S/M. Theresa Turgeon, Vice Chair
S/Kathleen Gallant
S/Kathy Tome

"ATTEST": A true certified copy.
S/Pamela C. Ross, Town Clerk

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

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

The Following Communication: H.P. 1029

TOWN OF PARIS RESOLUTION

March 25, 2013

Whereas, the Governor's biennial budget proposal places towns in an uncertain fiscal situation; 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; and would create a corporate tax exemption for large amounts of currently taxable property; all resulting in significant losses of revenue for Paris; and

Whereas, all the above would shift part of the costs to the Town of Paris, approximately \$454,760, whose only major means of raising revenue is property taxes; now, therefore, be it

Resolved, that the Paris Select Board calls upon the Maine Legislature to reject these proposals, identify less harmful cost savings, and raise revenue in an equitable fashion to avoid this added revenue burden on the Town.

S/Samuel Elliot
S/Robert Kirchherr
S/Gerald Kilgore, Jr.
S/Robert Wessels

A TRUE COPY:
ATTESTED BY:
S/Elizabeth J. Knox
Town Clerk, Paris, Maine
Date April 8, 2013

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. 252

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

April 18, 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 5, Chapter 501, §19202 of the Maine Revised Statutes, I have appointed Representative Jane Pringle of Windham to the Maine HIV Advisory Committee.

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

Sincerely,

S/Mark W. Eves
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 253

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

April 19, 2013

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

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 277 An Act To Clarify the Laws Regarding the Calculation of the Period of Imprisonment
- L.D. 379 An Act To Require Institutions To Report Knowledge or Suspicion of Criminal Violations to a Law Enforcement Agency

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

Sincerely,

S/Sen. Stanley J. Gerzofsky
Senate Chair

S/Rep. Mark N. Dion
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 254

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON LABOR, COMMERCE, RESEARCH AND
ECONOMIC DEVELOPMENT**

April 16, 2013

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

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor, Commerce, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1149 An Act To Establish a Rebuttable Presumption Regarding a Corrections Employee That Contracts Hypertension or Cardiovascular Disease
- L.D. 1156 An Act To Update a Reference Contained in the Maine Uniform Building and Energy Code
- L.D. 1195 An Act To Protect the Privacy of Job Applicants

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

Sincerely,

S/Sen. John L. Patrick
Senate Chair

S/Rep. Erin D. Herbig
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 255

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

April 16, 2013

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

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Veterans and Legal Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 213 An Act To Provide Funding for Transportation of Veterans to Medical Facilities
- L.D. 343 Resolve, Regarding the Transfer of Responsibility for Veterans' Cemetery Maintenance
- L.D. 923 An Act To Require Write-in Candidates To Be Listed on the Ballot Tabulation Report
- L.D. 981 An Act To Allow Candidate Name Tags on Election Day
- L.D. 1008 An Act To Assess a Fine on a Person Who Provides Misinformation on a Primary Candidate's Consent Form

Sincerely,

S/Sen. John L. Tuttle
Senate Chair

S/Rep. Louis J. Luchini
House Chair

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

The Following Communication: S.C. 257

**STATE OF MAINE
DEPARTMENT OF AUDIT**

LETTER OF TRANSMITTAL

Honorable Justin L. Alford
President of the Senate

Honorable Mark W. Eves
Speaker of the House of Representatives

Honorable Paul R. LePage
Governor of Maine

I am pleased to submit the State of Maine Management Letter for the year ended June 30, 2012. In the course of conducting the Single Audit of the State of Maine we became aware of matters that offer opportunities for our government to improve its operations. Audit findings and recommendations on these matters accompany the Management Letter as Management Letter Comments.

Please feel free to contact me with any questions that you may have. Like you, we are committed to improving our State government for the benefit of our citizens. Healthy discussion of problems found, and solutions considered are part of a dialogue that aims at improvement. I welcome your thoughts and inquiries on these matters.

Respectfully submitted,

S/Pola A. Buckley, CPA, CISA
State Auditor

April 16, 2013

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

The Following Communication: S.C. 258

**MAINE DAIRY PROMOTION BOARD
333 CONY ROAD
AUGUSTA, MAINE 04330**

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

Sincerely,

S/Sen. John L. Tuttle
Senate Chair

S/Rep. Louis J. Luchini
House Chair

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

The Following Communication: S.C. 256

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

April 19, 2013

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

Dear President Alford and Speaker Eves:

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

- L.D. 607 An Act To Make an Employee Who Sells Alcoholic Beverages or Tobacco to a Minor Responsible for Paying the Fine

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

April 18, 2013

Senator Justin Alford President of the Senate
3 State House Station Augusta, ME 04333-0003

Dear Senator Alford,

Enclosed for your review is the calendar year 2012 Audit Report of the Maine Dairy Promotion Board, prepared by Austin & Associates, P.A., Certified Public Accountants. We are pleased to offer it for your consideration.

If you have any questions regarding this report, please don't hesitate to contact either Austin & Associates or myself. Austin & Associates can be reached at their office in Auburn at 783-9111 and I can be reached at our office in Augusta at 287-3621.

Sincerely,

S/Cheryl L. Beyeler, CFCS Executive Director

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

The Following Communication: S.C. 259

**MAINE DAIRY AND NUTRITION COUNCIL
333 CONY ROAD
AUGUSTA, MAINE 04330**

April 18, 2013

Senator Justin Alford
President of the Senate
3 State House Station
Augusta, ME 04333-0003

Dear Senator Alford.

Enclosed for your review is the calendar year 2012 Audit Report of the Maine Dairy and Nutrition Council, prepared by Austin & Associates, P.A., Certified Public Accountants. We are pleased to offer it for your consideration.

If you have any questions regarding this report, please don't hesitate to contact either Austin & Associates or myself. Austin & Associates can be reached at their office in Auburn at 783-9111 and I can be reached at our office in Augusta at 287-3621.

Sincerely,

S/Cheryl L. Beyeler, CFCS
Executive Director

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

The Following Communication: H.C. 131

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

April 23, 2013
Honorable Darek M. Grant
Secretary of the Senate
126th Maine Legislature
Augusta, Maine 04333

Dear Secretary Grant:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations" (S.P. 47) (L.D. 126).

Representative GOODE of Bangor
Representative LIBBY of Lewiston
Representative KNIGHT of Livermore Falls

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and **ORDERED PLACED ON FILE.**

SENATE PAPERS

Bill "An Act To Amend the Composition and Duties of the Maine Children's Growth Council"

S.P. 531 L.D. 1449

Presented by President ALFOND of Cumberland.
Cosponsored by Representative FARNSWORTH of Portland and Senators: CRAVEN of Androscoggin, HILL of York, LACHOWICZ of Kennebec, Representatives: BERRY of Bowdoinham, LIBBY of Lewiston, STUCKEY of Portland.

On motion by Senator **CRAVEN** of Androscoggin, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Connect the Citizens of the State to the State's Natural Resources by Establishing Standards for Relief from Regulatory Burdens"

S.P. 532 L.D. 1450

Presented by Senator COLLINS of York.
Cosponsored by Representative CHASE of Wells and Senators: THIBODEAU of Waldo, THOMAS of Somerset, Representatives: GILLWAY of Searsport, KINNEY of Limington, LIBBY of Waterboro, NUTTING of Oakland, PARRY of Arundel, POWERS of Naples.

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

Sent down for concurrence.

Bill "An Act To Preserve Marine Resources Licenses for Active Duty Service Members"

S.P. 530 L.D. 1448

Presented by Senator GERZOFKY of Cumberland.
Cosponsored by Representative DEVIN of Newcastle and Senators: CLEVELAND of Androscoggin, CRAVEN of Androscoggin, HASKELL of Cumberland, JOHNSON of Lincoln, Representatives: BROOKS of Winterport, DOAK of Columbia Falls, WEAVER of York.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **JOHNSON** of Lincoln, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Review Tax Expenditures on a Revolving Basis"

S.P. 528 L.D. 1446

Presented by Senator HASKELL of Cumberland.
Cosponsored by Representative KNIGHT of Livermore Falls and Senator: THOMAS of Somerset, Representatives: GOODE of Bangor, LIBBY of Lewiston, STANLEY of Medway.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act To Grow the Maine Economy by Promoting Maine's Small Breweries and Wineries"

S.P. 529 L.D. 1447

Presented by President ALFOND of Cumberland.
Cosponsored by Representative LIBBY of Lewiston and Representatives: CHIPMAN of Portland, HICKMAN of Winthrop, JONES of Freedom, NOON of Sanford.

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

Sent down for concurrence.

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

ORDERS OF THE DAY

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Assigned (4/4/13) Matter:

JOINT ORDER - Expression of Legislative Sentiment
Recognizing the Grand Theater of Ellsworth
SLS 163

Tabled - April 4, 2013, by Senator **LANGLEY** of Hancock

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

(In Senate, April 4, 2013, **READ**.)

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

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, I rise today to recognize the 75th anniversary of the Grand Theater in Ellsworth. May 8, 1933 Ellsworth saw fires that burned to the ground 130 buildings and most of our downtown Ellsworth. The destruction was almost total. Approaching the devastation one problem at a time, the City of Ellsworth decided not just to rebuild what they had had but began construction of the new and improved Ellsworth. Within four years the rebirth and regeneration was nothing short of miraculous. In April 1937 the City Council decided to make a major investment in a downtown movie theater. Four months later, to great acclaim, the Grand opened. Opening night was welcomed with a great flourish. The marquis sparkled, speeches were made, and the entire City Council showed up. The Ellsworth High School band played before the feature film, Holiday, starring Katherine Hepburn and Cary Grant. The movies of the late 1930's and the 1940's were some of the classics. Movie patrons flocked to the Grand. Author Sanford Phippen says he realized he wanted to write when he saw the 1954 classic Rear Window at the Grant. As successful as the film program was, by the 1950's television was eroding the audience for the movies. The attraction of the small

screen in the living room was tough competition. A boxing ring was installed and the Grand began a regular schedule of semi-professional and amateur boxing matches. Ownership changes did little to stem the flow of red ink. Various combinations of film, stage productions, rock and roll, and other diversions were all tried. In 1975 an article in the newspaper about the Grand caught the attention of a local gallery owner, Harris Strong. He headed up an ad hoc group who formed the Hancock County Auditorium Associates in 1975 and a nonprofit was formed and purchased the Grand. In its very first performance, the new Grand hosted Noel "Paul" Stookey of Peter, Paul, and Mary fame who performed a benefit concert on August 8, 1975. Today there is some type of entertainment happening at the Grand over 330 days a year. Emerging from the ashes of a devastating fire, through economic up takes and down turns, and riding the edge of financial solvency, the Grand Theater has been a centerpiece of our community. It is a community theater that binds a community together. Please, men and women of the Senate, join me in recognizing the Grand Theater's 75th anniversary. Thank you very much.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to welcome in the rear of the chamber members of the Grand Theater; Zoe, Alexis, Scott, and Kimberly Fitch. There are here as guests today of the Senator from Hancock, Senator Langley. Would they please rise and accept the warm greetings of the Maine State Senate.

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

ORDERS

Joint Resolution

Joint Resolution in Memoriam:

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

Jeffrey A. Pino, of South Berwick, a member of the South Berwick Fire Department. Mr. Pino was born in Charlestown, Massachusetts and eventually settled in South Berwick. He had also served on the Eliot Fire Department. He will be sadly missed and long remembered by his loving family and friends;

SLS 251

Sponsored by Senator HILL of York.
Cosponsored by Representatives: BEAVERS of South Berwick,
Speaker EVES of North Berwick.

READ.

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

Senator **HILL:** Thank you Mr. President. I just wanted to say that the loss of each and every firefighter, whether or not in the line of duty, is a loss to the community and to the state. In March, South Berwick firefighter Jeffrey Pino, at the age of merely 39, passed away suddenly. The South Berwick fire chief, George Gorman, described him best. He was a big guy with a big heart. Thank you, Mr. President.

At the request of Senator **HILL** of York, the Joint Resolution was **READ.**

ADOPTED.

Sent down for concurrence.

THE PRESIDENT: The Chair would like to welcome the family of Jeffrey Pino who are here with us in the chamber today. Would they please rise and accept the warm greetings of the Maine State Senate.

ORDERS

Joint Orders

Expression of Legislative Sentiment recognizing:

The 98th Anniversary of the Armenian Genocide. On April 24, 1915, a campaign was launched by the Turkish regime of the Ottoman Empire against the Armenian people, resulting in the death of more than 1.5 million Armenians. Some of the survivors settled in the State of Maine, and their heirs have made significant contributions to the State. We join our citizens of Armenian heritage in remembering this event, and we express our deepest sympathy for the families of those who perished;

SLS 238

Sponsored by Senator HASKELL of Cumberland.
Cosponsored by Representative: RUSSELL of Portland.

READ.

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues of the Senate, I rise today to recognize and remember an important event which happened on April 24, 1915. Today represents the 98th anniversary of the Armenian Genocide. Anytime you hear that word it just strikes terror in your heart because we haven't experienced it in our lives but other people have. It's important to remember and to recognize and to honor it on a day like this. There were more than one and a half million Armenians who were lost on that day. Some of those survivors of the genocide have settled here in the state of Maine. They and their heirs have made significant contributions to this state. We want to join those citizens of Armenian heritage in remembering this event and expressing our deepest sympathy for the families of those who perished. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber representatives of the Armenian community who are here today to accept the sentiment. Will they please rise and accept the warm greetings of the Maine State Senate.

ORDERS

Joint Resolution

On motion by Senator **GOODALL** of Sagadahoc under unanimous consent on behalf of President **ALFOND** of Cumberland (Cosponsored by Speaker **EVES** of North Berwick and Senators: **BOYLE** of Cumberland, **BURNS** of Washington, **CAIN** of Penobscot, **CLEVELAND** of Androscoggin, **COLLINS** of York, **CRAVEN** of Androscoggin, **CUSHING** of Penobscot, **DUTREMBLE** of York, **FLOOD** of Kennebec, **GERZOFISKY** of Cumberland, **GOODALL** of Sagadahoc, **GRATWICK** of Penobscot, **HAMPER** of Oxford, **HASKELL** of Cumberland, **HILL** of York, **JACKSON** of Aroostook, **JOHNSON** of Lincoln, **KATZ** of Kennebec, **LACHOWICZ** of Kennebec, **LANGLEY** of Hancock, **MASON** of Androscoggin, **MAZUREK** of Knox, **MILLETT** of Cumberland, **PATRICK** of Oxford, **PLUMMER** of Cumberland, **SAVIELLO** of Franklin, **SHERMAN** of Aroostook, **THIBODEAU** of Waldo, **THOMAS** of Somerset, **TUTTLE** of York, **VALENTINO** of York, **WHITTEMORE** of Somerset, **WOODBURY** of Cumberland, **YOUNGBLOOD** of Penobscot, Representatives: **AYOTTE** of Caswell, **BEAR** of the Houlton Band of Maliseet Indians, **BEAUDOIN** of Biddeford, **BEAULIEU** of Auburn, **BEAVERS** of South Berwick, **BECK** of Waterville, **BENNETT** of Kennebunk, **BERRY** of Bowdoinham, **BLACK** of Wilton, **BOLAND** of Sanford, **BOLDUC** of Auburn, **BRIGGS** of Mexico, **BROOKS** of Winterport, **CAMPBELL** of Newfield, **CAMPBELL** of Orrington, **CAREY** of Lewiston, **CASAVANT** of Biddeford, **CASSIDY** of Lubec, **CHAPMAN** of Brooksville, **CHASE** of Wells, **CHENETTE** of Saco, **CHIPMAN** of Portland, **CLARK** of Easton, **COOPER** of Yarmouth, **COTTA** of China, **CRAFTS** of Lisbon, **CRAY** of Palmyra, **CROCKETT** of Bethel, **DAUGHTRY** of Brunswick, **DAVIS** of Sangerville, **DeCHANT** of Bath, **DEVIN** of Newcastle, **DICKERSON** of Rockland, **DILL** of Old Town, **DION** of Portland, **DOAK** of Columbia Falls, **DORNEY** of Norridgewock, **DUNPHY** of Embden, **DUPREY** of Hampden, **ESPLING** of New Gloucester, **FARNSWORTH** of Portland, **FITZPATRICK** of Houlton, **FOWLE** of Vassalboro, **FREDETTE** of Newport, **FREY** of Bangor, **GATTINE** of Westbrook, **GIDEON** of Freeport, **GIFFORD** of Lincoln, **GILBERT** of Jay, **GILLWAY** of Searsport, **GOODE** of Bangor, **GRAHAM** of North Yarmouth, **GRANT** of Gardiner, **GUERIN** of Glenburn, **HAMANN** of South Portland, **HARLOW** of Portland, **HARVELL** of Farmington, **HAYES** of Buckfield, **HERBIG** of Belfast, **HICKMAN** of Winthrop, **HOBBINS** of Saco, **HUBBELL** of Bar Harbor, **JACKSON** of Oxford, **JOHNSON** of Eddington, **JOHNSON** of Greenville, **JONES** of Freedom, **JORGENSEN** of Portland, **KAENRATH** of South Portland, **KENT** of Woolwich, **KESCHL** of Belgrade, **KINNEY** of Limington, **KNIGHT** of Livermore Falls, **KORNFIELD** of Bangor, **KRUGER** of Thomaston, **KUMIEGA** of Deer Isle, **KUSIAK** of Fairfield, **Lajoie** of Lewiston, **LIBBY** of Waterboro, **LIBBY** of Lewiston, **LOCKMAN** of Amherst, **LONG** of Sherman, **LONGSTAFF** of Waterville,

LUCHINI of Ellsworth, **MacDONALD** of Old Orchard Beach, **MacDONALD** of Boothbay, **MAKER** of Calais, **MALABY** of Hancock, **MAREAN** of Hollis, **MARKS** of Pittston, **MASON** of Topsham, **MASTRACCIO** of Sanford, **McCABE** of Skowhegan, **McCLELLAN** of Raymond, **McELWEE** of Caribou, **McGOWAN** of York, **McLEAN** of Gorham, **MITCHELL** of the Penobscot Nation, **MONAGHAN-DERRIG** of Cape Elizabeth, **MOONEN** of Portland, **MORIARTY** of Cumberland, **MORRISON** of South Portland, **NADEAU** of Fort Kent, **NADEAU** of Winslow, **NELSON** of Falmouth, **NEWENDYKE** of Litchfield, **NOON** of Sanford, **NUTTING** of Oakland, **PARRY** of Arundel, **PEASE** of Morrill, **PEAVEY HASKELL** of Milford, **PEOPLES** of Westbrook, **PETERSON** of Rumford, **PLANTE** of Berwick, **POULIOT** of Augusta, **POWERS** of Naples, **PRIEST** of Brunswick, **PRINGLE** of Windham, **RANKIN** of Hiram, **REED** of Carmel, **ROCHELO** of Biddeford, **ROTUNDO** of Lewiston, **RUSSELL** of Portland, **RYKERSON** of Kittery, **SANBORN** of Gorham, **SANDERSON** of Chelsea, **SAUCIER** of Presque Isle, **SAXTON** of Harpswell, **SCHNECK** of Bangor, **SHAW** of Standish, **SHORT** of Pittsfield, **SIROCKI** of Scarborough, **SOCTOMAH** of the Passamaquoddy Tribe, **STANLEY** of Medway, **STUCKEY** of Portland, **THERIAULT** of Madawaska, **TIMBERLAKE** of Turner, **TIPPING-SPITZ** of Orono, **TREAT** of Hallowell, **TURNER** of Burlington, **TYLER** of Windham, **VEROW** of Brewer, **VILLA** of Harrison, **VOLK** of Scarborough, **WALLACE** of Dexter, **WEAVER** of York, **WELSH** of Rockport, **WERTS** of Auburn, **WILLETTE** of Mapleton, **WILSON** of Augusta, **WINCHENBACH** of Waldoboro, **WINSOR** of Norway, **WOOD** of Sabattus), the following Joint Resolution:

S.P. 527

**JOINT RESOLUTION
HONORING THE VICTIMS OF
THE BOSTON MARATHON EXPLOSIONS**

WHEREAS, on April 15, 2013, multiple explosions at the finish line of the 117th Boston Marathon, a horrific act of terrorism, killed at least 3 people and injured more than 175 people; and

WHEREAS, law enforcement's unprecedented response and willingness to put their lives on the line to protect the innocent and bring those responsible to justice is an inspiration to us all; and

WHEREAS, many of the victims of this tragedy, who are both United States citizens and international visitors, are friends and family members of athletes and spectators celebrating community, sport and the intense effort and sacrifice required to qualify for the Boston Marathon; and

WHEREAS, many Americans and people of the world watched with horror as the tragedy occurred and the day progressed; and

WHEREAS, heroic emergency medical technicians, police officers, firefighters, members of the National Guard and other first responders, as well as many marathon participants, volunteers and spectators, saved lives while putting themselves at risk; and

WHEREAS, Maine and Massachusetts have a special historical, economic and cultural relationship, extending back before our Nation's founding, including our mutual celebration of Patriot's Day as a state holiday, and scores of Maine people run in the Boston Marathon every year; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, join the people of Maine, the City of Boston, the Commonwealth of Massachusetts and the rest of the United States in collective sorrow and anguish; and be it further

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature, stand united with the people of Maine, the City of Boston, the Commonwealth of Massachusetts and the rest of the United States against violence perpetrated against innocents; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the governors of the State of Maine and Commonwealth of Massachusetts, the President of the Massachusetts Senate, the Speaker of the Massachusetts House of Representatives and the Mayor of the City of Boston.

READ and ADOPTED.

Sent down for concurrence.

THE PRESIDENT: The Chair would request members of the Senate and those here with us today join in a moment of silence to honor and remember those who lost their lives, those injured, and those who responded to help those in need.

The Senate observed a moment of silence in honor of the victims of the Boston Marathon Explosions.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Protect the Public Health from Mosquito-borne Diseases"

H.P. 201 L.D. 292

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-54).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-54).**

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

READ ONCE.

Committee Amendment "A" (H-54) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Relating to Private School Student Participation in Public School Cocurricular, Interscholastic and Extracurricular Activities"

H.P. 74 L.D. 92

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-53).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-53).**

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

READ ONCE.

Committee Amendment "A" (H-53) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Resolve, Directing the Public Utilities Commission To Review Certain Electricity Distribution Charges Assessed on Businesses
H.P. 211 L.D. 302

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-58).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-58).**

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

READ ONCE.

Committee Amendment "A" (H-58) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Prohibit the Sale of Gasoline That Contains Ethanol as an Additive at a Level Greater than 10 Percent by Volume"

H.P. 303 L.D. 453

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-56).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-56)**.

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

READ ONCE.

Committee Amendment "A" (H-56) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Restructure the Licensing and Regulation of Boilers and Pressure Vessels and Elevators and Tramways"

H.P. 287 L.D. 414

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-55)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-55)**.

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

READ ONCE.

Committee Amendment "A" (H-55) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Clarify the Maine New Markets Capital Investment Program Tax Credit" (EMERGENCY)

H.P. 778 L.D. 1109

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-57)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-57)**.

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

READ ONCE.

Committee Amendment "A" (H-57) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Prevent Offensive Touching of a Person Seeking Access to Public Facilities"

H.P. 592 L.D. 841

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

Signed:

Senators:

GERZOFKY of Cumberland
DUTREMBLE of York
PLUMMER of Cumberland

Representatives:

DION of Portland
CASAVANT of Biddeford
KAENRATH of South Portland
LAJOIE of Lewiston
LONG of Sherman
MARKS of Pittston
PEASE of Morrill
PLANTE of Berwick
TYLER of Windham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representative:

WILSON of Augusta

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

Reports **READ**.

On motion by Senator **GERZOFKY** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Provide Assistance to Municipalities Recovering from a Municipally Significant Disaster"
H.P. 104 L.D. 122

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

Signed:

RYKERSON of Kittery
TIPPING-SPITZ of Orono

Senators:

GERZOFSKY of Cumberland
DUTREMBLE of York
PLUMMER of Cumberland

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

Signed:

Representative:
LIBBY of Waterboro

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-46).**

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (H-46) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Representatives:

DION of Portland
CASAVANT of Biddeford
KAENRATH of South Portland
LAJOIE of Lewiston
MARKS of Pittston
PEASE of Morrill
PLANTE of Berwick
TYLER of Windham
WILSON of Augusta

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-61).**

Signed:

Representative:
LONG of Sherman

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

Reports **READ.**

On motion by Senator **GERZOFSKY** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Prohibit the Use of Rubber Lures for Fishing"

H.P. 37 L.D. 42

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Authorize the Public Advocate To Publish and Distribute Consumer Information"

H.P. 212 L.D. 303

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-47).**

Signed:

Senators:

DUTREMBLE of York
BURNS of Washington
HASKELL of Cumberland

Signed:

Senators:

CLEVELAND of Androscoggin
JACKSON of Aroostook
YOUNGBLOOD of Penobscot

Representatives:

SHAW of Standish
BRIGGS of Mexico
CRAFTS of Lisbon
DAVIS of Sangerville
EVANGELOS of Friendship
KUSIAK of Fairfield
SHORT of Pittsfield
WOOD of Sabattus

Representatives:

HOBBS of Saco
BEAVERS of South Berwick
DUNPHY of Embden
GIDEON of Freeport
HARVELL of Farmington
NEWENDYKE of Litchfield
RUSSELL of Portland

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

Signed:

Representatives:

ESPLING of New Gloucester
MARKS of Pittston

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-47)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-47) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Ensure the Confidentiality of Concealed Weapons Permit Holder Information" (EMERGENCY)

H.P. 250 L.D. 345

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-89)**.

Signed:

Senators:

VALENTINO of York
BURNS of Washington
TUTTLE of York

Representatives:

BEAULIEU of Auburn
CROCKETT of Bethel
DeCHANT of Bath
GUERIN of Glenburn
MORIARTY of Cumberland
PEAVEY HASKELL of Milford
VILLA of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-90)**.

Signed:

Representatives:

PRIEST of Brunswick
MONAGHAN-DERRIG of Cape Elizabeth
MOONEN of Portland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-89)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-89)**.

Reports **READ**.

Senator **VALENTINO** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-89)** Report, in concurrence.

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

Senator **VALENTINO:** Thank you Mr. President. Members of the Senate, I stand today to urge you to support the Majority Report. As with many bills that come before our various committees, L.D. 345 has changed from its original printing. It has changed for one, and only one, reason. Not because of the lobbying or the politics, but because of the thoughtful, thorough vetting that was done by the Judiciary Committee. Over the last month this bill has had several work sessions and multiple drafts in order to craft fair, needed legislation in light of our current technology. I am proud of the bi-partisan Majority Report that was endorsed by five members of my side of the aisle and five members of the other side of the aisle. It was also endorsed by all three members of this Body who serve on the Judiciary Committee. On February 12th this bill first appeared on the calendar to be referenced. It was Tabled. A discussion was held during the next week on where the bill would be referenced. Ultimately, leadership on both sides of the aisle agreed to send it to the Judiciary Committee because this is a bill about privacy. This is not a bill about guns. In January this Body was confronted with an Emergency bill to grant temporary privacy protection to holders of concealed handgun permits. This temporary provision in law will expire on April 30th. That is in six days. If we do not pass this bill with an Emergency two-third vote then all information on concealed handgun permits will become public as per existing law prior to the moratorium. Based on the massive testimony we heard at the public hearing, I do not think anyone wants that to happen. If the bill does not pass with an Emergency Preamble then there will be a gap between May 1st and May 20th for the 90 days after adjournment.

Why should you vote to make the information confidential when it has been public for over 30 years? In 1981 the 110th Legislature passed "An Act to Establish Guidelines for the Issuance of Concealed Weapon Permits." That bill has changed very little over the years. It kept all the information on the application for the permit to be confidential, but the information for the actual permit issued is public. You may hear in later speeches after mine that many of the same people who now want to make the information confidential supported making it public in 1981 and, therefore, they are flip-flopping on their position. I would say that it is no longer 1981. The internet, smartphone, and lightning fast information searches have intruded into every

facet of our lives. When this bill was first introduced I never imagined I would vote for it. Then we had the public hearing and I was stunned. Yes, we had the usual groups advocating for the bill, but then we had the Maine Coalition to End Domestic Violence testify in support of the bill. They specifically asked that the information about who carries concealed weapons be confidential. They stated that dangerous abusers routinely search for their victims who have fled to safety in another location by accessing public data bases. In a recent letter we received from the Maine Coalition to End Domestic Violence after they saw the final Majority Report, they wrote in brief, "We are grateful for the attention paid to the needs of survivors of domestic violence, dating violence, and stalking that is reflected in both of these amendments. We find the Judiciary's Majority Amendment to be a clear, straight forward way to address our concerns about protecting the confidentiality of identifying information of permit holders without creating unintended consequences or a lack of clarity or consistency in its implementation." The National Association of Social Workers wanted the information to be confidential, as did the Maine State Police, the Maine Chiefs of Police Association, the Maine Municipal Association, and various police departments. Women who had been in abusive relationships, or had been stalked, wanted the information to be confidential. The City of Bangor even passed a Resolve stating that, "The City of Bangor takes a position in favor of passage of L.D. 345." Their Resolve states that making personal information available to the general public is undue and unnecessary invasion of personal privacy, creating a potential risk to the permit holder and that there is no significant public health or safety interest in making such personal information available to the general public. The City of Bangor.

What does the bill do? There are two very distinct parts in the bill. Section 1 changes Title 25. The title has now changed on the bill. The title used the word "weapons," the actually title of the permit is "handgun." We also added the word "personal" before "information" because some of the information will be public. Just personal information will be confidential. The Emergency Preamble was attached so that we could deal with the situation on April 30th. It also cleans up old language under the application process and it does state that the permit is now confidential except for the municipality of residence, the date the permit was issued, and the date the permit expires. That means that name, address, physical description of the permit holder, signature, and those permits that contain the date of birth will now be confidential. Just that information. It allows the disclosure of confidential information for criminal justice purposes or permitting purposes to law enforcement officers and issuing authorities. It also allows the applicant to waive confidentiality by written notice to the issuing authority. That is part 1.

Section 2 is unallocated language in the bill which will provide public and law enforcement with valuable statistical information that has never been gathered before on a statewide level. This piece was extremely important to law enforcement officers. Information such as the number of permit applications, permits issued, applications refused or denied, and suspensions and revocations will be able to be sorted by gender, age category, municipalities, zip codes, and others. It will also look at having one standard concealed handgun permit, like a driver's license, instead of having different town designate their own permits. The plan and report will be drafted by the Chief of the State Police in conjunction with the Maine Criminal Academy and then will be brought back next session and reviewed by the Criminal Justice

Committee, who may report legislation. Why is this info so important? I asked, several minutes before this hearing, "How many people have concealed weapons?" in order to get that information, anticipating that question, from somebody in the audience. The answer by the State Police was, "We don't know." The State Police do not have the numbers from other issuing authorities. The State Police issue about 16,000 resident concealed handgun permits and 8,000 non-resident concealed handgun permits. They do not know because we have no aggregate data that anybody compiles from other towns. I asked, "How many people do you have in the address confidentiality program?" Their answer, the State Police do not keep statistics about the address confidentiality program. We know, antidotally, of two recently cases in which applicants have filed for a concealed handgun permit and asked for those addresses. This is important information for us to gather statistically, on a statewide basis.

Some behind me may stand today and say the public has a right to know, that in order to promote transparency this information should be available under the Freedom of Access Act. I would counter that the Freedom of Access Act was originally constructed to promote transparency in government, not in the personal habits of individuals. I would also like to read from testimony from the ACLU, who opposed this bill, not on this bill but on another bill. In their testimony on that bill, "Maine's Right to Know laws are not designed to reveal personal information about members of the public who do not serve in government to the broader society. In an age of identity theft, aggressive and coercive marketing and sales tactics, and significant invasions of personal privacy, it is more important than ever that government safeguard any personal information of the citizens that falls into government hands." That was the ACLU of Maine, dated February 2013. FOIA requests are intended to ensure accountability of the government while protecting the privacy rights of individual citizens.

Despite skepticism by some that the bill was an attempt to skirt Maine's Public Access Laws, every single member of the Judiciary Committee agreed in some form or the other to increase the confidentiality of the current statutes that we have. Before the Judiciary Committee could report out the bill, we had to take the extra step of analyzing whether or not the majority of the committee determined that the bill met the criteria for FOIA exceptions. We have a form that we need to fill out. According to OPLA reports, Maine already has 379 public record exceptions to FOIA. The committee determined that this did meet the FOIA exception, based on the following criteria: the proposed exception protects an individual's privacy interest and that interest substantially outweighs the public interest in disclosure, the public disclosure could jeopardize the safety of a member of the public or the public in general and that the safety interests substantially outweighs the public interest in the disclosure of record, and that the proposed exception is as narrowly tailored as possible. The Majority Report is the only report that automatically allows the permit holder privacy without having to go through additional steps or do additional paperwork or prove that their safety is in danger. The Majority Report is the only report that addresses a mandate, up front, that clearly states everyone has to do this, but it is confirmed in previous letters from the Maine Municipal Association that there is insignificant cost to this. The Majority Report is the only report that has Emergency Preamble to address the pending expiration on April 30th of previous legislation passed. Please join me and the bi-partisan ten members of the

Judiciary Committee and vote to pass the Majority Report. Thank you.

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 Washington, Senator Burns.

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today in support of this Committee Amendment. It seems like it's been a long time since this bill came to us and when I first started getting calls over the weekends from my towns saying that people were asking for copies of their concealed weapons permits. After that there was a great rush from everybody to try to react to this. The final analysis is that we end up with this bill that is in front of us here today to meet what we thought was an emergency situation, which, by the way, we took action in this Chamber and the other Chamber to give us time to work through this process. I sat up last night writing testimony for this. I should have known better. The good Senator Valentino has given you all kinds of data and information as to how we got to this process. Her testimony certainly covered everything. There are just a couple of things I want to reiterate. I sat through this process, and it has been a process. As with all of your committees, it seems like some things take on a life of their own. This bill certainly has done that. Once again, this bill boiled down to two different things for me; the privacy issue and an effort to collect data, which is valuable to the public welfare. I think the privacy issue, to me, was very clearly demonstrated when we had an overwhelming, and I don't remember the numbers but I know it was overwhelming, support for this bill. By the way, the original bill, I thought, was a pretty good bill. I believe, in the final analysis, this is a better variation of it. There was overwhelming support for this bill to protect people's privacy and very very few opponents to it. I was also moved by the testimony and the passion involved in this and people's desire to protect their privacy and home and not have this type of information disseminated widely.

I was very comfortable that our committee was dealing with this, as far as the privacy aspect. There was another aspect to this, and that is the importance of data collection. In fact, I've co-sponsored another bill that has similarities to this. I thought that we had been missing for some time that type of consistency in data collection in one central repository to provide the state with this valuable statistical information. I think this bill speaks to that because it provides for a plan for the State Police and the Criminal Justice Academy to come up with a plan to have consistent collection of data throughout the state for this process and then report that information to the appropriate committee, which I believe is the Criminal Justice Committee, that deals with the oversight of the issuing of these permits. I think it has met two very important goals here. I think a lot of interests have been satisfied. There is always going to be the naysayers, but, as we have been reminded this morning, the main purpose of FOIA laws are to provide transparency in government, not to intrude on the privacy of law abiding citizens, individual citizens. I think accomplishes both of those goals. There are many things that we can say about this, but I think Senator Valentino has covered most everything. I think it's very important. This goes a long ways to meeting the criteria that we should have been meeting

some time ago in this state in order to be contemporary with our neighboring states, which also have these processes. This will help us in that effort, I think. I strongly urge you to support this amendment and thank you very much, Mr. President.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to this bill today. I've listened very carefully to the Committee Chair, who I have so much respect for and I have a tremendous amount of respect for the committee work that went into this. I think they held good long hearings. I think they did as much as they could to peel back the artichoke, the onion, leaf by leaf to find out just exactly how to do what they were tasked to do. I also remember some of the history. I'm not going to go back to 1917, when we got our first concealed weapon permits. I'm not that old. I do like to talk about history. I do like to remember that there was a time in the early 1980's when I worked here. I can remember standing by those double doors and up in the balcony and listening to a debate back then on this very same issue. That debate was led by Charlie Pray, who was a very well-known sportsman and owner of sporting camps. He was a very strong supporter of concealed weapon permits and hunting and guns. I remember at the time SAM, before the current leadership of SAM, was at the table back then wanting to have this permit process that we have now. I remember the NRA at the time being very strong supporters because they knew that the alternative was not having permits, not carrying concealed. At the time the debate went between the House and the Senate to set up a system that the people were actually going to have a relationship. It wasn't just going to be Big Brother, just the government, that concealed all these things and they were the only ones with the information. I think that given that kind of power to the state, part of this bill is doing something that my committee had been very very capable of doing, and so has Transportation given the State Police another assignment. We don't fund them for it. We don't give them extra personnel. We just tell them to do it. We want them to collect the data from almost 400 municipalities throughout the state to find out where all these concealed weapon permits are. I thought that that was something that we never wanted to do, to get a centralized data base of who's got a concealed weapon and who doesn't. I find it a little bewildering now that we do.

We have confidentiality laws on a lot of different issues, but we also have ways for people to get information. I don't have a power of attorney on my mom, who will be up here for Welcome Back Day, but if I need to know what's going on with her health I can certainly talk to the doctor because I'm her son and I have a reason to know. I think that if somebody wants to know if I have a concealed weapon or not they could start, I guess, with Brunswick, or go to the State Police. They could look hither and dither all over the state of Maine and try to find out if I have one or not. We don't have a central data base. That's why the newspaper in Bangor couldn't get a response. Over the years, in Criminal Justice and Public Safety, we have looked at concealed weapon permits and we have siloed, taken groups of people and put them in siloes. Their information would not be made public. If you had reason to believe that you were in danger in any way, all it took was a telephone call. Call up the State Police and say, "I have a concealed weapon permit, I don't want any of that information given out and this is why." They wouldn't. If you were

a victim of domestic violence, your private information, your address and everything, was taken off there. A phony address was put in its place. We set that up. We, in Criminal Justice, have been siloing information. Judges, jurists, and people that had reason to be taken off. I have asked personally, as my committee has, every Commissioner of Public Safety, every Colonial of the State Police, if there was anything broken. It was one of the questions that my committee members know I asked, if it wasn't broken then why we were going to fix it. They had told me over the years that there was nothing really broken. We don't have anybody asking and we won't give out this information on certain people. Sometimes even if they don't ask us not to give it out it's not given out, we won't give it out.

I know why this bill was brought here. It's because of an incident that happened far away from our state. Then one of our publications, a very well respected newspaper, reacted to that and we reacted to that. It's a reaction to a reaction to a reaction that never really had anything to do with our state. It never really had anything to do with our people. It never really had anything to do with us. We had not had any problems. If we ever had a problem with confidentiality, things leaking out or things not being appropriate, we would have heard about it and dealt with it as a state problem. Over the years we've never had a negative response. There was no problem until a tragedy in Connecticut triggered a lot of response. We're going to be debating a lot of issues because of a tragedy that happened in Connecticut. I don't want to see the people of the state of Maine get shortchanged in the process.

I care more about the people in this state having access for certain reasons and certain information, and not just in the hands of Big Brother. I'm part of government. I'm a Senator. Best job I've ever had in my life was working here. It's just nice to be able to work around all you elected officials and talk to you. I just love thinking I had some sort of say in your legislation that I never had. Best job I've ever had is working for the government. It's the last group of people I want to have sole control over my information. The last group I want to have sole control over everybody's information. Let me tell you, let me just say, we ask the State Police to do a lot of work. We don't hesitate. They get the job done. Don't forget that every time they have to do a new chore for us they are doing less on something else. We've asked them to bring back all the information that we've always said we didn't want, put it in a central depository that we've always said we didn't want, and bring it back to a committee so that they can put in future legislation which will probably not be what we're going to want. With a little bit of luck I'll still be here to argue about why we really don't want that either. I would hope that today we would represent the people of the state of Maine and those 16,000 in-state concealed weapon permit holders that State Police state that do. I don't know how much I want to protect those 8,000 out-of-state people that I don't know, don't have a clue of what authority gave them a permit, and not having a clue if they have, as we do on ours, a good moral character clause that actually means something and is actually defined. I don't know if I want to protect them. I don't know if I want to not be able to know a little bit about who they are and where they come from and what they do. Ladies and gentlemen, I stand today in opposition of this bill. I'm not in opposition to the committee that worked on it. I'm not in opposition to my friends in this Chamber that worked on it. I have sat on committees with some of these people. My Senate friend, Senator Burns, and I sat on Criminal Justice together for several years. Sometimes we debated each other and sometimes we

supported each other, but we always had a good time afterwards having a Coke. At the end of this debate today I expect that we are going to be able to do that. I'm not going to sit in my seat and support something or keep my mouth quiet on something I don't support because I'm going to support the people of my district and that they have the right not to just have the government know that information, but for certain instances and for certain reasons and at certain times to be able to apply for that information and get that information; not as a blanket but having a reason. The Minority Report talks about that. We don't have that report in front of us so I'm not going to be debate it or discuss it and that's why I haven't, Mr. President. I want people to know that I'm going to stand here, I'm going to debate it, and I'm going to sit down and hope that you'll follow my light. I hope that we can make some sense out of this. Thank you very much, Mr. President, for your time and the Senate for their patience.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I rise in brief support of the Majority Report. It is difficult to follow the restrained remarks of my good colleague from Cumberland County, Senator Gerzofsky. To me, this is a privacy bill, Mr. President. If you think about the basic beliefs that we share together, one of them is certainly personal privacy. We want to be free from others knowing our business, whether it's the government or other individuals. Second, we all believe in open government. We want government to operate in the sunshine. We want government records open to everyone and to be transparent. Sometimes, Mr. President, as here today, those two come into conflict. The question is how do we resolve those two competing interests? That was the difficult task the Judiciary Committee had to grapple with. I think as you heard from the good Senator from York County and the good Senator from Washington County, they have done a fine job at balancing those competing interests. They presented us with a carefully crafted compromise that speaks well of their ability to work together in a bi-partisan way. Mr. President, almost 400 times the Legislature has come down on the side of personal privacy in issues like this. I think we ought to do the same here today. I urge adoption of the Majority Report. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Valentino to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (H-89) 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 (#47)

YEAS: Senators: BURNS, CAIN, COLLINS, CUSHING, DUTREMBLE, FLOOD, GOODALL, GRATWICK, HAMPER, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD

NAYS: Senators: BOYLE, CLEVELAND, CRAVEN,
GERZOFSKY, HASKELL, MAZUREK, MILLETT,
THE PRESIDENT - JUSTIN L. ALFOND

27 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator VALENTINO of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-89)** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Remove the Statement of Oral Condition as a Requirement for Denturists Making Partial Dentures"

H.P. 372 L.D. 553

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

Signed:

Senators:

PATRICK of Oxford
CLEVELAND of Androscoggin

Representatives:

HERBIG of Belfast
CAMPBELL of Newfield
DUPREY of Hampden
GILBERT of Jay
HAMANN of South Portland
LOCKMAN of Amherst
MASON of Topsham
MASTRACCIO of Sanford
VOLK of Scarborough
WINCHENBACH of Waldoboro

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

Signed:

Senator:

CUSHING of Penobscot

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

Reports **READ**.

On motion by Senator **PATRICK** of Oxford, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Prohibit Enforcement of Federal Laws Regulating Commerce in Violation of the Constitution of the United States"

H.P. 483 L.D. 691

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

Signed:

Senators:

PATRICK of Oxford
CLEVELAND of Androscoggin
CUSHING of Penobscot

Representatives:

HERBIG of Belfast
CAMPBELL of Newfield
DUPREY of Hampden
GILBERT of Jay
HAMANN of South Portland
MASON of Topsham
MASTRACCIO of Sanford
VOLK of Scarborough
WINCHENBACH of Waldoboro

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representative:

LOCKMAN of Amherst

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

Reports **READ**.

On motion by Senator **PATRICK** of Oxford, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Ensure Increased Wages for Wabanaki Tribal Members"

H.P. 665 L.D. 952

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

Signed:

Senators:

PATRICK of Oxford
CLEVELAND of Androscoggin
CUSHING of Penobscot

Representatives:

HERBIG of Belfast
CAMPBELL of Newfield
GILBERT of Jay
HAMANN of South Portland
LOCKMAN of Amherst
MASON of Topsham
MASTRACCIO of Sanford
VOLK of Scarborough
WINCHENBACH of Waldoboro

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representative:

DUPREY of Hampden

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

Reports **READ**.

On motion by Senator **PATRICK** of Oxford, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Eliminate Sales Tax Exemptions for Snowmobiles and All-terrain Vehicles Purchased by Nonresidents for Use in the State"
H.P. 492 L.D. 720

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-42)**.

Signed:

Senators:

HASKELL of Cumberland
MILLETT of Cumberland

Representatives:

GOODE of Bangor
KNIGHT of Livermore Falls
LIBBY of Lewiston
MAREAN of Hollis
MOONEN of Portland
TIPPING-SPITZ of Orono

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

Signed:

Senator:

THOMAS of Somerset

Representatives:

BENNETT of Kennebunk
BROOKS of Winterport
JACKSON of Oxford
STANLEY of Medway

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-42)**.

Reports **READ**.

Senator **HASKELL** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **THOMAS** of Somerset, 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 Somerset, Senator Thomas.

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, snowmobiling and ATVing have become one of the biggest tourists attractions that rural Maine has to offer. If you want an eye opener, come with me to Kokadjo in Northern Piscataquis County some Saturday in January or February or come to Shin Pond in Northern Penobscot County and watch local people working to serve these visitors lunch or dinner. See what these visitors spend to rent a cabin for the weekend or what they spend in the stores up there. Tourist's dollars that tax paying people need if they are going to be able to live and operate their businesses in these remote places. Under current law a person from out-of-state can buy a snowmobile in Maine and register it here without paying sales tax. This bill would change that so people would have to pay sales tax on a new sled. That could be as much as \$750 on a new sled. Instead of buying their sled here in Maine, they can stop on the way here and buy it before they get here. Buy the sled without paying sales tax, still come to Maine snowmobiling, and register the sled here. If they decide to they can go somewhere else to snowmobile if they don't feel like they are wanted here. Other Northern New England states and Canada offer good snowmobiling as well as we do. I must have gotten an e-mail or a phone call from every snowmobile dealer in the state of Maine about this bill and they all hate it. These dealers have had a hard time to stay in business the last few years with the slow economy and not the best weather conditions. They all know that not only will lose the sled sales but they are going to lose taxable sales on accessories and parts and service business. That's business they can't afford to lose. If the dealers lose that revenue then so does the State on those taxable sales. A lose-lose proposition for

everyone involved. Please help me kill this bill and keep as much of this business in Maine as we can. Thank you.

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

Senator **HASKELL:** Thank you Mr. President. Colleagues of the Senate, while I have also received a great amount of correspondence from the snowmobile dealers, I think that what the bill sponsor had said in his testimony was extraordinarily important. That is that this is a matter of fairness. If that sales tax is not paid by the out-of-stater, guess who picks up the slack? It's the rest of us. These are people who buy sleds with a sales tax of \$750. I can't do the math, but that's probably a \$15,000 piece of equipment. To think that the sales tax on that is going to stop them from buying it from the dealer that they want to do business with, the dealer that they want to have be first in line to provide service to them when they are snowmobiling, I think that that amount of money is not going to make that kind of a difference. When the people, the rest of the people in the state of Maine, have to pick up that tab, I don't think that's fair. We talk all the time about how important our tourism industry is. When they come here and they purchase those items in the store they are paying sales tax on it, the same as people in the state of Maine are paying. When they go out to eat in the restaurants they are paying the same meals tax that all the rest of us are paying. We don't say people from out-of-state don't have to pay that meals tax. We'd have a flood coming through the doors of people who would say, "Wait a minute, you can't do that. We need that revenue." Here's a place where the Maine tax payers are being asked to subsidize a very specialty oriented piece of equipment and the purchase of that piece of, mind you, recreational equipment. We're not talking about business equipment here. We're talking about recreational equipment. I think that that sales tax ought to be paid by the people from out-of-state just the way it's paid when a dealer in Southern Maine, Northern Maine, or on the New Hampshire border collects that tax from that hardworking guy in their community. They ought to be collecting it from the person who comes here from out-of-state. I would encourage you to support the Majority Ought to Pass Report. Thank you, Mr. President.

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

Senator **PATRICK:** Thank you Mr. President. I was wondering if I could pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **PATRICK:** Thank you Mr. President. I was wondering if anyone could tell me how many snow machines purchased by out-of-staters that take them immediately when they purchase it across state lines?

THE PRESIDENT: The Senator from Oxford, Senator Patrick poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Somerset, Senator Thomas.

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I can't tell the good Senator from Oxford

how many, but I can tell him that if they decide to do that, and buy the snowmobile on the way home and take it home with them, they will pay no tax. They bring it back to Maine and license it and there's no tax. The only way that they would pay taxes is if they decide to leave it here, if they decided to go snowmobiling here rather than in New Hampshire or Vermont.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Haskell to Accept the Majority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#48)

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **HASKELL** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-42) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Resolve, To Equalize Tolls on Highways in the State
H.P. 570 L.D. 819

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

Signed:

Senators:
MAZUREK of Knox
COLLINS of York
VALENTINO of York

Representatives:

THERIAULT of Madawaska
GILLWAY of Searsport
McLEAN of Gorham
NUTTING of Oakland
PARRY of Arundel
PEOPLES of Westbrook
POWERS of Naples
TURNER of Burlington
VEROW of Brewer

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-66)**.

Signed:

Representative:

WERTS of Auburn

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

Reports **READ**.

On motion by Senator **MAZUREK** of Knox, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Senate

Ought to Pass As Amended

Senator GERZOFISKY for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend Provisions Relating to the Department of Corrections To Clarify Certain Enforcement Powers"

S.P. 135 L.D. 355

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-38)**.

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

READ ONCE.

Committee Amendment "A" (S-38) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Update the Maine HIV Advisory Committee"

S.P. 39 L.D. 88

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-32)**.

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec
HAMPER of Oxford

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
MALABY of Hancock
McELWEE of Caribou
SANDERSON of Chelsea
SIROCKI of Scarborough

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

Signed:

Representative:

STUCKEY of Portland

(Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Reports **READ**.

On motion by Senator **CRAVEN** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-32) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

House

Resolve, Directing the Family Law Advisory Commission To Study and Report on the Uniform Parentage Act and Other Similar Laws and Proposals

H.P. 291 L.D. 419

Bill "An Act Regarding Fire Escapes for Certain Buildings"

H.P. 571 L.D. 820

Bill "An Act To Repeal a Specialized Form of the Generic Crime of Theft by Unauthorized Taking or Transfer"
H.P. 614 L.D. 887

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

Bill "An Act To Allocate the Balance of Funds Not Expended by the Task Force on Franco-Americans" (EMERGENCY)
H.P. 572 L.D. 821
(C "A" H-50)

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

House As Amended

Bill "An Act Regarding Pharmacy Provider Audits"
H.P. 39 L.D. 44
(C "A" H-45)

Bill "An Act To Allow an Operator of a Motor Vehicle To Show Proof of Insurance by Electronic Means"
H.P. 108 L.D. 133
(C "A" H-52)

Bill "An Act To Amend the Charter of St. Mark's Home for Women in Augusta"
H.P. 169 L.D. 208
(C "A" H-48)

Bill "An Act To Provide a Tax Exemption for Tobacco Sold to an Adult Member of a Federally Recognized Indian Tribe for Cultural, Spiritual or Ceremonial Purposes"
H.P. 173 L.D. 212
(C "A" H-43)

Bill "An Act To Eliminate the Requirement That the Department of Agriculture, Conservation and Forestry Provide Technical Services for Direct-marketing Agricultural Products"
H.P. 198 L.D. 289
(C "A" H-40)

Bill "An Act To Exempt Persons 70 Years of Age and Older from Jury Duty at Their Discretion"
H.P. 219 L.D. 310
(C "A" H-49)

Resolve, Directing the Department of Health and Human Services To Amend Its Rules Governing the Use of Certain Antipsychotic Drugs by Children Enrolled in MaineCare
H.P. 243 L.D. 338
(C "A" H-51)

Resolve, Directing the Maine Turnpike Authority To Place Signs Directing Motorists to Oxford Casino
H.P. 282 L.D. 407
(C "A" H-39)

Resolve, To Allow Maine Drivers To Use Bioptic or Telescopic Spectacles When Driving Class C Motor Vehicles and When Testing for a Class C Driver's License
H.P. 383 L.D. 564
(C "A" H-38)

Senate

Resolve, Concerning Rights-of-way over Eastern Road in Scarborough
S.P. 113 L.D. 280

Resolve, Directing the Bureau of Insurance To Amend Its Rules Pertaining to Medicare Advantage Plans (EMERGENCY)
S.P. 196 L.D. 506

Bill "An Act To Change the Budget Approval Process for Alternative Organizational Structures"
S.P. 211 L.D. 521

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

Sent down for concurrence.

Senate As Amended

Bill "An Act To Amend the Maine Workers' Compensation Act of 1992"
S.P. 9 L.D. 1
(C "A" S-31)

Bill "An Act To Improve Community Mental Health Treatment"
S.P. 38 L.D. 87
(C "A" S-33)

Bill "An Act To Improve Funding of Agricultural Development Projects"
S.P. 120 L.D. 287
(C "A" S-36)

Bill "An Act To Increase Elementary School Applied Learning Opportunities"
S.P. 150 L.D. 370
(C "A" S-37)

Bill "An Act To Expand the Types of Vehicles on Which a Sportsman Registration Plate May Be Displayed"
S.P. 170 L.D. 438
(C "A" S-28)

Bill "An Act To Support Community Health Centers through Tax Credits for Dentists and Primary Care Professionals Practicing in Underserved Areas"
S.P. 172 L.D. 440
(C "A" S-24)

Bill "An Act To Restore Eligibility and Funding for Drug Programs for the Elderly and Disabled"

S.P. 219 L.D. 629
(C "A" S-25)

Bill "An Act Regarding the Sexual Assault Forensic Examiner Advisory Board"

S.P. 308 L.D. 883
(C "A" S-26)

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.

ENACTORS

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

Emergency Measure

An Act To Allow Vehicles Engaged in Snow Removal or Sanding Operations on Public Ways To Use Preemptive Traffic Light Devices

H.P. 15 L.D. 11
(C "A" H-33)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with 3 Senators having voted in the negative, and 31 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.

Acts

An Act Relating to Vehicles Delivering Home Heating Fuel

H.P. 91 L.D. 109
(C "A" H-24)

An Act To Amend the Anson and Madison Water District Charter

H.P. 139 L.D. 179
(C "A" H-22)

An Act To Exempt Free Clinics from Licensing under the Charitable Solicitations Act

H.P. 166 L.D. 205
(C "A" H-26)

An Act Regarding the Membership of the Emergency Medical Services' Board

H.P. 207 L.D. 298
(C "A" H-35)

An Act To Waive Driver's License and Nondriver Identification Card Fees for Current and Recently Discharged Members of the Armed Forces

H.P. 247 L.D. 342
(C "A" H-34)

An Act Relating to Health Care Provider Liability Claims Reports

H.P. 304 L.D. 454
(C "A" H-25)

An Act To Repeal an Insurance Reporting Requirement

H.P. 422 L.D. 603

An Act To Amend the Laws Governing the Licensing of Technicians Involved in a Display of Fireworks or Special Effects

H.P. 590 L.D. 839

An Act To Amend the Law Regulating the Use of Explosives

H.P. 591 L.D. 840
(C "A" H-27)

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 Increase the State Earned Income Credit

H.P. 305 L.D. 455
(C "A" H-15)

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

Senator **JACKSON** of Aroostook rose to a **POINT OF ORDER** as to whether the motion was out of order.

Senate at Ease.

Senate called to order by the President.

THE CHAIR RULED THE MOTION FOR A ROLL CALL WAS OUT OF ORDER.

An Act To Amend Standards for Participation in Certain Public School Services by Students Who Are Homeschooled

H.P. 53 L.D. 61
(C "A" H-30)

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

An Act To Support the Maine Lobster Industry
H.P. 142 L.D. 182
(C "A" H-29)

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

An Act To Provide Funding to Soil and Water Conservation Districts
H.P. 252 L.D. 377
(C "A" H-21)

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

An Act To Increase the State Earned Income Credit
H.P. 305 L.D. 455
(C "A" H-15)

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

An Act To Increase Municipal Agent Fees for Licensing and Registration of Motor Vehicles
H.P. 280 L.D. 405

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#49)

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

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

24 Senators having voted in the affirmative and 11 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.

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

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Amend the Retirement Laws Pertaining to Participating Local Districts"

H.P. 1034 L.D. 1440

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

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

Bill "An Act To Align the Formation of Governing Boards of Career and Technical Education Regions with That of Other Public Schools"

H.P. 1035 L.D. 1441

Comes 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.

Bill "An Act To Establish a Pilot Natural Gas Utility District in Maine" (EMERGENCY)

H.P. 1036 L.D. 1442

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.

Bill "An Act To Make Convicted Drug Felons Ineligible for TANF Assistance"

H.P. 1037 L.D. 1443

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **CRAVEN** of Androscoggin, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

Bill "An Act Relating to Title Insurers Issuing Closing or Settlement Protection"

H.P. 1038 L.D. 1444

Comes from the House, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

On motion by Senator **GRATWICK** of Penobscot, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

Bill "An Act To Facilitate Children's Testimony"

H.P. 1039 L.D. 1445

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

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

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

PAPERS FROM THE HOUSE

Pursuant to Statute Criminal Law Advisory Commission

The **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Bail Code, Statutory Post-conviction Review, the Maine Criminal Code and a Related Statute"

H.P. 1032 L.D. 1438

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **GERZOFSKY** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218, in concurrence.

Pursuant to Statute Criminal Law Advisory Commission

The **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act To Repeal Certain Maine Criminal Code Provisions Addressing So-called Bath Salts Containing Synthetic Hallucinogenic Drugs and Instead To Define Them as Schedule W Drugs"

H.P. 1033 L.D. 1439

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **GERZOFSKY** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218, in concurrence.

Senator **CRAVEN** of Androscoggin 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**, until Thursday, April 25, 2013, at 10:00 in the morning, in memory of and lasting tribute to Jeffrey A. Pino of South Berwick.