

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

In Senate Chamber
Tuesday
May 21, 2013

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

Prayer by Chaplain Warren Doersam, Chestnut Street Baptist
Church in Camden.

CHAPLAIN DOERSAM: Thank you. It's an honor to be here. I just want to say that my avocation and my vocation are the same. I minister to men and women in prison. If you would bow with me this morning please. Our Father, who art in heaven, holy is thy name. You, who continue to watch over us and who rules and reigns the universe. There is much to understand about Your ruling over our nation and the world and in our country. In Moore, Oklahoma, which was just devastated by a monstrous tornado with the death toll rising. Please comfort the parents and loved ones who will be trying to put their lives back together after they deal with their losses. It seems selfish after praying for those folks to give You thanks, Lord, for keeping us safe here in Maine. We also must pray for the loss of another teenager in our state. May we teach our children how to be safe and may the Lord be with the family and friends of this teenager. Here now, today, You have blessed us with new opportunities in this group of dedicated men and women Senators to help in overseeing the governing of our great state of Maine. This Legislature has much potential to create great opportunities for the future. May You, O Lord, help these Senators and also the House of Representatives to bring this to fruition. May each one walk in the ways of righteousness, along the paths of justice. As it says in Proverbs, the righteous person leads a blameless life. Blessed are their children after them. May this group of dedicated Senators continue to seek out what is best for the people of Maine. May they listen intently to their constituents and carry those ideas and thoughts back to the drawing board to help plan for tomorrow. Also, that if person here today were to give an account one day to You, Lord, that they would be able to say that he or she had the right motives for their actions and decision making. As the Scriptures say, we will all stand in judgment before You, Lord. If I have learned one thing in life it is that just because I had an idea doesn't make it right. Let us also remember that we will give an account of our lives to our Maker. May this Body seek wisdom for their proposals and actions. It is a foolish thing to forsake wisdom for wisdom will protect them. If they love wisdom, wisdom will watch over them. As they are just and righteous in their choices and faithful in their service, they will be blessed. I pray this group, who have been voted into office by the people, will live up to their calling as elected officials. This is a tall order to uphold. Lord, these folks have a long task ahead of them, so I pray that they hold on tightly to the earnestness and dedication that they have come with for this service to the people of Maine. As leaders in our government, they are given the ability to choose and, preferably, to make wise choices. May they do what is right so as the truth

will prevail. Let the choices of these Senators display quality, character, and integrity. May these ladies and gentlemen continue to show us, the people, that we can trust them and continue to trust and believe that they will lead our state in growth and in the best direction for our prosperity and benefit for all. I pray that our government leaders will live and vote their conscience, for in not doing so they will recognize so by their conscience. I pray that You will give them safety and strength while they carry out their duties and protect their families. Father, as for our Senators, may they truly decide today who they will choose to serve and serve well. When all is said and done, may each one of them be a bright shining lamp to us, who they represent. May they do what is right before the God who reigns and rules the universe and holds it all together. May they have an exciting term in servitude to Maine and be all that is best for Maine as they go forward and as they work together to bring about the best for our great state. May their desires to produce what Maine needs be for the best of all and to put Maine back on top, while showing respect and dignity for their fellow man. May our legislative Body work together, Father, as I pray that they will bring about great results for You as You oversee this Body and for those of us who live here. I pray these things now in the name of our Lord Jesus. Amen.

Pledge of Allegiance led by Senator David E. Dutremble of York
County.

Reading of the Journal of Monday, May 20, 2013.

Doctor of the day, Doug Collins, MD of North Yarmouth.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Restore to Jimmy J. Soucy the Right To Maintain Existing Structures on Property in Sinclair"

S.P. 95 L.D. 262

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass** (6 members)

In Senate, May 16, 2013, on motion by Senator **JACKSON** of Aroostook, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Comes from the House, Reports **READ**. The Minority **OUGHT TO PASS** Report **FAILED**. The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

On motion by Senator **GOODALL** of Sagadahoc, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Sent down for concurrence.

Joint Resolutions

The following Joint Resolution:

H.P. 1111

**JOINT RESOLUTION
MEMORIALIZING THE PRESIDENT OF THE
UNITED STATES AND CONGRESS OF THE UNITED STATES
TO ADOPT THE VETERANS REMEMBERED
FLAG IN HONOR OF ALL VETERANS**

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, there are flags for all branches of the Armed Forces of the United States and there is a flag for prisoners of war and those missing in action, but there is no flag to honor the millions of former military personnel who have served our nation; and

WHEREAS, a flag is a symbol of recognition for a group or an ideal, and veterans compose a group, certainly represent an ideal and surely deserve their own symbol; and

WHEREAS, the estimated 20,400,000 veterans, affiliated and unaffiliated with veterans' organizations, who have served in our nation's military compose a significant portion of our nation's population; and

WHEREAS, there is now a flag that has been designed and created to honor the veterans of the United States called the Veterans Remembered Flag, and displaying and flying a Veterans Remembered Flag would honor the lives of millions of individuals who have served our country in times of war, peace and national crisis; and

WHEREAS, a Veterans Remembered Flag would memorialize and honor past, present and future veterans and provide an enduring symbol to support tomorrow's veterans today; and

WHEREAS, displaying and flying a Veterans Remembered Flag would fill the need for a flag honoring all veterans who have served in our nation's armed forces; and

WHEREAS, the symbolism of this unique flag's design would be all-inclusive, would pay respect to all branches of the military

and to the history of our nation and would honor those who have lived, and died, serving our nation; and

WHEREAS, the design of the flag honors the founding of our nation through the 13 stars that emanate from the hoist of the flag and lead to the large red star that represents our nation and the five branches of our nation's military, the Army, the Navy, the Air Force, the Marines and the Coast Guard; and

WHEREAS, the white star on the flag symbolizes veterans' dedication to service, the blue star on the flag honors all the men and women who have served in our nation's military and the central gold star on the flag memorializes those who have fallen defending our nation; and

WHEREAS, the blue stripe that bears the title of the flag honors the loyalty of veterans to our nation, flag and government, and the green field on the flag represents the hallowed ground where fallen veterans rest eternally; now, therefore, be it

RESOLVED: That We, your Memorialists, request that the President of the United States and the United States Congress work together to support adoption of the Veterans Remembered Flag to honor our nation's veterans; 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 and to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

The following Joint Resolution:

H.P. 1112

**JOINT RESOLUTION
IN SUPPORT OF THE STATE OF ISRAEL**

WHEREAS, the Charter of the United Nations recognizes the continued validity of rights granted by the League of Nations in 1922 to states or peoples that already existed under international instruments and this action was affirmed by both Houses of the United States Congress; and

WHEREAS, the State of Israel declared its independence and statehood on May 14, 1948 and the United States immediately recognized the State of Israel's independence and was the first country to do so; and

WHEREAS, the establishment of the State of Israel as a modern homeland for the Jewish people followed the extermination of more than 6 million European Jews during the Holocaust; and

WHEREAS, since the country's establishment, the Israeli people have built one of the world's most dynamic cultural, economic, agricultural and intellectual societies while confronting constant terrorism, the immense pressures of imminent war, constant missile barrages, economic boycotts and ostracism from much of the international community; and

WHEREAS, in spite of these adversities, the State of Israel has established a strong democratic political system that guarantees its people freedom of speech, freedom of the press, fair and open elections and respect for the rule of law for Jews and Arabs alike; and

WHEREAS, at great financial and social cost, the State of Israel has welcomed millions of immigrants from around the world and has made great strides in assimilating these immigrants into Israeli life and society; and

WHEREAS, the United States and the citizens of Maine share democratic values, common strategic interests and bonds of friendship and mutual respect with the State of Israel, which is our greatest friend and only true ally in the Middle East; and

WHEREAS, Maine has had connections with the State of Israel since 1866, when families from Jonesport, Maine established a colony in Jaffa, and in 2004 the houses built by the colonists from Jonesport, Maine were restored to commemorate this historic colony and, for those efforts, a couple from Maine was awarded the Maine Preservation Award; and

WHEREAS, Maine has economic ties to the State of Israel, had nearly \$11 million in exports of goods and services to the State of Israel in 2011 and over \$207 million since 1996 and there exists a potential for many more research and business ties through available Israeli grants; and

WHEREAS, the 4,000-year history of the Jewish people and their land is documented in great detail in the Jewish Torah and throughout the Christian Bible; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to:

1. Reaffirm the strong bonds that have connected the people of Maine and of the United States to the people and State of Israel;
2. Commend the people of the State of Israel for their remarkable achievements in building a successful democratic nation and strong economy despite constant opposition and adversity;
3. Express our outrage regarding all terrorist acts perpetrated against the Israeli people, especially the bold and blatant declaration by the enemies of the State of Israel to destroy the small country, the same enemies who declare they will destroy the United States; and
4. Express strong support and a steadfast commitment to the security, welfare and survival of the sovereign State of Israel and

recognize its right to secure its borders and to act in self-defense to protect its citizens from acts of terrorism.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 359

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

May 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 Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

- | | |
|----------|---|
| L.D. 189 | An Act To Establish a Central Concealed Handgun Permit Database |
| L.D. 685 | An Act To Require Investigation and Prosecution of Assaults by Law Enforcement Officers against Unarmed Individuals |

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. 360

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

May 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 Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 746 Resolve, Directing the Department of Health and Human Services To Provide an Exception to the 60-day Limit on Out-of-state Services under the MaineCare Section 21 Waiver Program
- L.D. 1161 An Act To Ensure Regulated Safe Access to Medical Marijuana
- L.D. 1166 An Act Regarding Records Retention by Mental Health Practitioners

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

Sincerely,

S/Sen. Margaret M. Craven
Senate Chair

S/Rep. Richard R. Farnsworth
House Chair

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

The Following Communication: S.C. 361

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

May 15, 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. 293 An Act To Ensure Parity in the Collective Bargaining Process among State Institutions of Higher Education
- L.D. 1179 An Act To Create the Brunswick Landing Job Increment Financing Fund
- L.D. 1420 An Act To Return to Building Code Requirements in Effect Prior to the Adoption of the Maine Uniform Building and Energy Code

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. 362

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON TAXATION**

May 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 Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1326 An Act To Prevent Youth Tobacco Use (EMERGENCY)
- L.D. 1406 An Act To Reduce Youth Smoking and Improve Public Health by Increasing Revenue from the Cigarette Tax to the Fund for a Healthy Maine and To Pay Debts Owed to Health Care Providers (EMERGENCY)
- L.D. 1478 An Act To Avoid Potential Loss of Revenue by Municipalities and the Unorganized Territory from Donated Property

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

Sincerely,

S/Sen. Anne M. Haskell
Senate Chair

S/Rep. Adam A. Goode
House Chair

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

SENATE PAPERS

Bill "An Act To Support Maine Businesses by Authorizing Certain Brewing Partnerships"

S.P. 590 L.D. 1548

Presented by President ALFOND of Cumberland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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.

Off Record Remarks

ORDERS

Joint Resolution

Joint Resolution in Memoriam:

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

Melissa Krueger, of Waterville, whose career was spent working for organizations that served others. Ms. Krueger was born in Franklin, New Hampshire and lived most of her life in Maine. She helped start New Hope for Women in Rockland and worked at Outward Bound in Rockland. After she moved to the Waterville area, she ran the Sexual Assault Center in Waterville. For the past 13 years, Ms. Krueger has served as program director for the Maine Children's Trust in Augusta. She will be greatly missed and long remembered by her loving family, her many friends and those whose lives she touched;

SLS 365

Sponsored by Senator LACHOWICZ of Kennebec.
Cosponsored by Representatives: BECK of Waterville,
LONGSTAFF of Waterville.

READ.

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

Senator **LACHOWICZ:** Thank you Mr. President. Today I'd like to speak about a good friend of mine, Melissa Krueger. Melissa Krueger was a Waterville resident. She was my sister's best friend. She was a long time employee of the Maine Children's Trust. Melissa was funny. Actually she was hilarious. Just two months ago, she died of cancer. Every day when I left here and would go to her house to help my sister and her family take care of Melissa, I was struck with the grace that she approached this illness, even as she knew she would not be living much longer. I would even like to thank, even though he is not sitting in his chair, the good Senator from Franklin, Senator Saviello. One of the things Melissa wanted to do in her life was to go to Australia. She never got the chance. Senator Saviello helped me set up a visit to the DEW Animal Kingdom where Melissa was able to hand feed a kangaroo. I would like to take this moment to recognize a good friend, my sister's best friend, a mother, a treasured coworker, a sister, and an all-around outstanding person. Thank you very much.

ADOPTED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Elaina Madigan, Jan Clarkin, Cathy Morrill, Diane Stuart, and Kathy Parks. They are all here for Melissa Krueger. Would they all please rise and accept the warm greetings of the Maine State Senate.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (5/20/13) matter:

JOINT ORDER - Expression of Legislative Sentiment
Recognizing Peter Ackerman of Augusta
SLS 353

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

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

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

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

Senator **KATZ:** Thank you very much Mr. President. Men and women of the Senate, when somebody finishes third in the entire country in a very competitive contest I am proud to be able to say he's one of my constituents. A family that I know well, that is a family of wonderful achievers. Peter Ackerman is a junior at Cony High School. He was a C-Span Student Cam winner. Peter's documentary is entitled College, America's Gateway. It is about student loans and was selected for third prize in the high school category. This is a C-Span competition across the country in which there were 1,893 films submitted. Peter got a third place in his category. A total of 3,753 students took part in the competition. What happens when you win is you're posted to C-Span. Look up under Peter Ackerman and you can see his. You also get the C-Span bus to come to Augusta, where they were this morning at Cony High School. Our congratulations to Peter Ackerman. He's here today with his family, Mr. President. We offer him our best wishes in whatever he does following high school. Thank you.

On motion by Senator **KATZ** of Kennebec, the Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Peter Ackerman of Augusta. He is the guest today of the Senator from Kennebec, Senator Katz. Peter is accompanied by his parents, Anne-Marie Buschardt and Francis Ackerman, and his two sisters. Will they all please rise and accept the warm greetings of the Maine State Senate.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow a Setoff of a Third-party Bailor's Property under Certain Conditions"

H.P. 1007 L.D. 1419

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

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

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Exempt Members of the Penobscot Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs from Special Training Requirements for Archery and Trapping" (EMERGENCY)
H.P. 215 L.D. 306

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

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

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Recodify the Land Surveyor Licensing Laws"
H.P. 906 L.D. 1267

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

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

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Allow Certain Military Personnel To Administer Oaths and Perform the Duties of a Notary Public"
H.P. 1089 L.D. 1516

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

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

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

The Committee on **TRANSPORTATION** on Bill "An Act To Amend the Laws Governing Weight Tolerance for Certain Vehicles"

H.P. 1065 L.D. 1484

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Make Changes to the Potato Marketing Improvement Fund"

H.P. 9 L.D. 5

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-198)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-198)**.

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

READ ONCE.

Committee Amendment "A" (H-198) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect Elders and Vulnerable Adults from Exploitation"

H.P. 346 L.D. 527

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-189)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-189)**.

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

READ ONCE.

Committee Amendment "A" (H-189) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 232 L.D. 323

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-191)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-191)**.

Report **READ**.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Protect the State's Property Rights in Maine State Museum Research" (EMERGENCY)

H.P. 717 L.D. 1019

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-188)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-188)**.

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

READ ONCE.

Committee Amendment "A" (H-188) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Laws Relating to Secession by a Municipality from a County" (EMERGENCY)

H.P. 1004 L.D. 1408

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-197)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-197)**.

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

READ ONCE.

Committee Amendment "A" (H-197) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act To Require the Collection of Sales Tax by any Business Making Sales to Persons in Maine"

H.P. 251 L.D. 346

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-194)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-194)**.

Report **READ**.

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

The Committee on **TAXATION** on Bill "An Act To Clarify Tax Increment Financing"

H.P. 382 L.D. 563

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-193)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-193)**.

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

READ ONCE.

Committee Amendment "A" (H-193) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act To Ensure Access to Information in the Property Tax Abatement and Appeals Process"

H.P. 491 L.D. 719

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-190)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-190)**.

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

READ ONCE.

Committee Amendment "A" (H-190) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act To Exempt from Sales Tax the Sales of Adaptive Equipment To Make a Vehicle Handicapped Accessible"

H.P. 978 L.D. 1370

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-192)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-192)**.

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

READ ONCE.

Committee Amendment "A" (H-192) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Authorize the Suspension of a Concealed Handgun Permit"

H.P. 152 L.D. 191

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

Signed:

WILSON of Augusta

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 To Pass**.

Signed:

Representative:

CASAVANT of Biddeford

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.

Representatives:

DION of Portland
CASAVANT of Biddeford
LAJOIE of Lewiston
LONG of Sherman
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-187)**.

Signed:

Representatives:

KAENRATH of South Portland
MARKS of Pittston

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 **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Ensure Landfill Capacity and Promote Recycling"

H.P. 971 L.D. 1363

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-182)**.

Signed:

Senator:

GRATWICK of Penobscot

Representatives:

WELSH of Rockport
AYOTTE of Caswell
CAMPBELL of Orrington
CHIPMAN of Portland
COOPER of Yarmouth
GRANT of Gardiner
HARLOW of Portland
McGOWAN of York
REED of Carmel

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

Signed:

Senators:

BOYLE of Cumberland
SAVIELLO of Franklin

Representative:

LONG of Sherman

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-182)**.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect Farm Animals from Noise from the Discharge of Fireworks or Explosives"

H.P. 306 L.D. 456

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

Signed:

Senators:

GERZOFSKY of Cumberland
DUTREMBLE of York
PLUMMER of Cumberland

Representatives:

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

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-182) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Inform Persons of the Options for the Treatment of Lyme Disease"

H.P. 416 L.D. 597

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-184)**.

Signed:

Senators:

CRAVEN of Androscoggin
HAMPER of Oxford
LACHOWICZ of Kennebec

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-185)**.

Signed:

Representatives:

DORNEY of Norridgewock
PRINGLE of Windham

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-184)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-184)**.

Reports **READ**.

Senator **CRAVEN** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-185)** Report, in **NON-CONCURRENCE**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-184)** Report, in **NON-CONCURRENCE**.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Nullify the Federal Patient Protection and Affordable Care Act of 2010"

H.P. 472 L.D. 680

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

Signed:

Senators:

VALENTINO of York
BURNS of Washington
TUTTLE of York

Representatives:

PRIEST of Brunswick
BEAULIEU of Auburn
CROCKETT of Bethel
DeCHANT of Bath
MONAGHAN-DERRIG of Cape Elizabeth
MOONEN of Portland
MORIARTY of Cumberland
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 "A" (H-186)**.

Signed:

Representatives:

GUERIN of Glenburn
PEAVEY HASKELL of Milford

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Early Voting and Voting by Absentee Ballot

H.P. 131 L.D. 156

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-127)**.

Signed:

Senators:

TUTTLE of York
PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth
BEAULIEU of Auburn
FOWLE of Vassalboro
KINNEY of Limington
LONGSTAFF of Waterville
RUSSELL of Portland
SAUCIER of Presque Isle
SCHNECK of Bangor

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

Signed:

Senator:

MASON of Androscoggin

Representatives:

GIFFORD of Lincoln
JOHNSON of Eddington

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the **RESOLUTION PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-127)**.

Reports **READ**.

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

On further motion by same Senator, 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 Androscoggin, Senator Mason.

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, I rise in opposition to the current motion. The subject of early voting has come up many times over the past few years and during the Legislatures that I've been a part of. I've always wondered why. We have a proud history of electoral involvement. We always have a high turn-out rate no matter if it's a gubernatorial or Presidential election year. I fail to see how this

will increase our participation rates. We already have early voting in this state. We just call it by a different name. We call it absentee voting. During the absentee process, I'm sure most of us know it well, any citizen, regardless of the reason why, can go to their town office, they can request a ballot by mail over the phone or through the mail, they can vote in the privacy of their own home, or they can get the full election day experience at the town office. The only difference is that it's put into an envelope, secured in the town vault, and put into the ballot box on election day and no one is the wiser. On early voting, clerks would have to set up every day for a specified period of time just as if it were Election Day. They would also have to staff the early voting procedures. At the end of the day they'd have to print the tape, seal the machines, secure the ballots overnight, and do it all over again the next day. It's just a fact that with human involvement and doing the same procedures over and over again that there is human error. No one is blaming anyone. It's just the way that it works. There will be increased human error with the handling of the ballots many many times. It's just the way that happens. There is nothing in here to address registration requirements. It's the same registration requirements that we have on Election Day now. Once that ballot is in the box, which is the fundamental difference between early voting and absentee voting, you can't get it out. It counts towards the total. Who's to say that someone couldn't go and register and sign an affidavit in different towns and vote multiple times? There is nothing saying that they can't, other than that it's against the law but we can talk about the law for lawbreakers later. The other part of this is that it's permissive. If this is truly the best way to vote than why are we making it permissive? Why don't we make it so that every municipality in the state of Maine has to do early voting? Why don't we mandate it? I can tell you that my towns, the tiny communities that I represent in this Senate, couldn't afford to staff an operation like this. That leaves it to the big cities; the Portlands, the Watervilles, the Augustas, and the bigger cities in our state. Mr. President, I would hope that the members of the Senate would vote against this Constitutional Resolution. Quite frankly, I am not interested in creating an election season. It's called an Election Day for a reason. Thank you, Mr. President.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, my understanding is this is not mandatory. It is voluntary. Currently the Maine Constitution prescribes that elections of the Governor and the Legislature be held on the Tuesday following the first Monday of November. As written, this Resolution proposes to amend the Constitution of Maine to require the Legislature to authorize the process to allow qualified voters to vote at polling places in or outside the city, town, or plantation. We had testimony from the Town Clerk's Association and many people from around the state who see this being done in other states and it's really improved voter turn-out. Maine historically has been one of the better states in voter turn-out and this will continue, I think, that collaboration. We feel that true early voting provides for more convenient voting. It eliminates long lines at the polls and reduces pressure on election officials. The current system of absentee voting and the presence of a clerk is very labor intensive, as we heard from the public hearing, and has proven to be a burden to local election officials. The bill will expand the access for people with disabilities, mobility

impairments, and limited access to transportation to get to the polls for voting. This Resolution will allow for expansion of the right to vote and have elections better reflect the will of the citizenry. Early voting pilots in this state have proven that this is change that should be made to make voting as accessible and painless as possible. As you've heard from the good Senator from Androscoggin, Senator Mason, there were concerns that the present bill was unclear on how the process could be designed to allow voters to cast a ballot in a district. Based upon recommendations of the Secretary of State it has been amended. I think that those concerns have been met. Thank you, Mr. President.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise today in strong support of the pending motion. What we are doing today is we're giving the citizens of Maine an option; an option to weigh into our political process and to alter the Constitution to give them greater access to the ballot box, and to give them the opportunity, for overwhelmingly the polling shows that they want to have greater opportunity. Overwhelmingly we've seen through these pilot projects that they turn-out in large numbers. If we can put into the system an opportunity to allow people greater access to the ballot that's something we should all be in support of. Even if you are not in support of it, why wouldn't you let the people decide? That's what this bill does. Let the people of Maine decide. Put it to the voters. That's what we are debating. That's why we got elected, to represent our constituents. Something so fundamental as voting. Who are we to make the judgment? Let the people decide. Thank you, Mr. President.

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

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, I will be very brief. I just wanted everybody to consider that if, indeed, we think that is that valuable that we expand voting day to the week, two weeks, a month, or whatever this Body would ultimately decide as an appropriate time to be able to vote, I think we ought to fund it appropriately as well. Right now this bill would create an inequity. Communities that have the resources, that have the money available, more affluent communities would be able to fund a voter program such as this where some of our smaller rural communities that don't have the same resources available to them wouldn't be able to make that same decision. I think everybody in this state deserves an opportunity to vote, but on an equal basis. When we get ready to fund this then maybe we ought to take and think about expanding, but not until. Thank you, Mr. President.

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

Senator **GRATWICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise in strong support of this. I will simply note that Bangor, for the last four years, has had early voting. It was one of the early three test cases in the state of Maine. It has been exceedingly successful. People use it for many different reasons, but particularly because there are not

long lines and they can fit it into their work schedules more easily. I think that the number of people voting has certainly gone up. I will note finally that they have been able to do it with two less election workers. It has indeed saved money. There has not been that great flood of people on Election Day. I do not regard Bangor as one of those affluent communities. Bangor is strapped, as are many communities here. It's been a cost saving measure for them. Thank you, Mr. President.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I want to rise in support of the motion. Being from what is quite possibly one of the more rural districts of the state, I actually think that this is good for rural areas. If there is an issue with funding we can put this out to the voters and if they decide to that then we'll come up with a possible funding scheme. Quite honestly, before the changes that were enacted in the 125th Legislature, taking away absentee balloting after Thursday of the week prior to voting, it actually made it quite hard in rural areas for people that I know to be able to get in to do their absentees when they used to do them on Saturday. The clerk would come in because the clerks in the rural areas know the people personally. They would call on Saturday and she'd say, "Ya, I'll go in so you can vote." Then we made it illegal for clerks to actually do that for rural areas. I actually think that this ability for people to come up with ways to do early voting would allow places like I represent, where clerks would go in to help out people that work in the logging industry that were gone all week and weren't available to be there on Tuesday, or weren't available to be there Monday through Friday but were happy to go in on Saturday. We took that ability away from them with the law passed last year. I think that this Resolution going out to the voters would actually allow rural areas to let the people vote and I believe that's what the people in this state want. They want to be able to have easier access to voting. I think the fraud thing is a myth that people keep throwing out to try and confuse people. We haven't seen any fraud and I don't think that the people in the state of Maine are trying to perpetuate any fraud. I actually support this. I think it is good for rural areas. I would say that I'm probably more of a rural Senator than anyone in this Body.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, some communities, such as mine, consolidated their voting from seven polls down to one to save some money. Part of that reasoning, that night when I went in front of the town council, was because of early voting and for the opportunity that we were giving up here to our municipalities to have different ways of people being able to vote. Along came the 125th and kind of changed some of that and, by God, the people changed that. I don't think there is anything that we can do in this Body to make it easy enough for people to come out and vote. I know that some people are afraid of the people coming out to vote. I'm not. I always thought it was the greatest thing in the world to go out during a campaign just to try to get people to vote. Before I was ever elected I was out trying to get people out to vote. Early voting made a big difference and it will continue to make a big difference, but the only way it should be done is

sending it out to the voters so then we can have it permanently and not being able to come in from one Legislature to another and changing some of the rules that we go by. Last year we certainly did, and talking about wild vans of people floating around from community to community, that I've never seen, certainly dried up the vote, to make the vote smaller. Maine leads the nation.

Senate at Ease.

Senate called to order by the President.

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

Senator **GERZOFSKY:** Thank you Mr. President. With a pure heart and humble intentions I will continue to say that the more we can do to encourage Maine voters to vote the better off, as a state, we will always be. Try and work on building more voter participation, more confidence in their vote, is what this Legislature should be about and is about. We will be able to send this out to the voters and let the voters decide, as they did last session. They decided. With a pure heart and humble intentions I thank the Body for its patience. I thank the Senate President for allowing me to speak.

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

Senator **SHERMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm in the fortunate position of not having to run again. Thank the Lord. The issue is not about early voting, for me, it's about early campaigning. As in the last four times around, people are starting to campaign probably as we are standing here. People are raising money. The voting part doesn't bother me. Going door-to-door about two months before the election and people saying, "What the heck are you guys doing?" Billions of dollars worth of flyers go out. You are telling me that you are going to have early voting and not have early campaigning? How many of you going door-to-door, a question through the President's chair, how many of you had people say, "Boy, I'm happy to see you for the fifth time or sixth time?" I don't think so. I think the campaigning should be limited in some way. We can't do that, obviously, because of freedom of speech and that sort of thing. It's kind of odd, sitting here and listening to people talk about early voting when you are really talking about early campaigning in my mind. Thank you very much, Mr. President.

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

Senator **MASON:** Thank you Mr. President. I think that a couple of points need to be expressed once again. There is all this excitement over expanding access to voting and making sure that people can vote. No one is debating the access to the ballot box. That's not what is at debate here. They all have the same access right now. They have absentee voting. They have the Election

Day. They have all of those things. They can get their absentee ballot. They can vote at home. They can vote at their town office. That is not what is at debate here today. What we are debating, quite simply, is a rural versus urban issue. If this is to pass, there is unequal access to the ballot as this Constitutional Resolution is written right now. The larger communities that have the money to fund an early voting program will be able to have it. Communities that don't have the money to fund it will not. It's an unequal access to the ballot. There will be confusion amongst communities. Somebody moves from one to the other. They will be able to vote here with early voting over here, but not early voting over there. It's not uniform. Our voting system should be uniform. I'd also like to point out the fact that there is a lot of confusion and there a lot of citizens who think that they have early voting now. Maine does not have early voting. The reason that we have this Constitutional Resolution in front of us today is because we have to change the Constitution to allow it. The Constitution allows for Election Day, not election week, election month, or election season. It allows for Election Day. That's why this is in front of us. I just wanted to express those points again, Mr. President. No one is trying to deny the vote. We're trying to create a process that is not fair amongst communities. Thank you.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I'd like to respond to early comments by the good Senator from Androscoggin. On one hand it's not about access, but on the other hand it is. Ultimately, what this really is only about is letting the people decide. Maine voters are overwhelmingly in support of greater access to the ballot. What this bill does is puts the question to the voters of Maine. All these concerns, whether they are valid or invalid, will be addressed following the question posed to the citizens of Maine. We would then come back and address these concerns. I have no doubt that voters speak, and they speak loudly and in large numbers, and when they are given the chance to vote this Legislature will take the appropriate steps. We heard from the good Senator from Aroostook in his words, and I concur, that he is arguably the most rural Senator in this Body. This is good for his district. It's good for my district. It's good for the most urban districts. Let the question go to the voters. By voting against the pending motion you are denying the opportunity for the people of Maine to speak on this question. That's what you are doing if you vote in opposition. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Tuttle 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 (#86)

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

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

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **TUTTLE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-127) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Laws Concerning Absentee Ballots"

H.P. 855 L.D. 1211

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

Signed:

Senators:
TUTTLE of York
MASON of Androscoggin
PATRICK of Oxford

Representatives:
LUCHINI of Ellsworth
BEAULIEU of Auburn
FOWLE of Vassalboro
JOHNSON of Eddington
KINNEY of Limington
LONGSTAFF of Waterville
RUSSELL of Portland
SAUCIER of Presque Isle
SCHNECK of Bangor

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

Signed:

Representative:
GIFFORD of Lincoln

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

Reports **READ**.

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

Senate

Ought to Pass

Senator CRAVEN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Grant the Commissioner of Health and Human Services and the Commissioner's Designees the Independent Authority To Issue Adjudicatory Subpoenas"
S.P. 223 L.D. 633

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

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.

Ordered sent down forthwith for concurrence.

Ought to Pass As Amended

Senator JACKSON for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Directing the Commissioner of Agriculture, Conservation and Forestry To Conduct an Internal Review of the Snowmobile Trail Fund (EMERGENCY)
S.P. 195 L.D. 505

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-102)**.

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

READ ONCE.

Committee Amendment "A" (S-102) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Senator MILLETT for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Update and Revise the Laws Governing the Maine Arts Commission"
S.P. 382 L.D. 1100

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-98)**.

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

READ ONCE.

Committee Amendment "A" (S-98) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Senator BOYLE for the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Update and Simplify Maine Gasoline Requirements"
S.P. 478 L.D. 1359

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-107)**.

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

READ ONCE.

Committee Amendment "A" (S-107) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Senator CRAVEN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Laws Governing Certain Human Services Licensing and Certification Requirements"
S.P. 511 L.D. 1417

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-104)**.

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

READ ONCE.

Committee Amendment "A" (S-104) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Senator TUTTLE for the Committee on **VETERANS AND LEGAL AFFAIRS** on Resolve, To Create a Task Force on Maine's Ethics and Transparency Laws (EMERGENCY)
S.P. 420 L.D. 1222

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-97)**.

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

READ ONCE.

Committee Amendment "A" (S-97) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, To Provide a Pesticide Spraying Notification Process
S.P. 493 L.D. 1391

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

Signed:

Senators:

JACKSON of Aroostook
SHERMAN of Aroostook

Representatives:

DILL of Old Town
BLACK of Wilton
CRAY of Palmyra
MAREAN of Hollis
SAUCIER of Presque Isle
TIMBERLAKE of Turner

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-101)**.

Signed:

Senator:

BOYLE of Cumberland

Representatives:

HICKMAN of Winthrop
JONES of Freedom
KENT of Woolwich
NOON of Sanford

Reports **READ**.

Senator **JACKSON** of Aroostook moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Require a Warrant To Obtain the Location Information of a Cell Phone or Other Electronic Device"

S.P. 157 L.D. 415

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

Signed:

Senators:

- VALENTINO of York
- TUTTLE of York
- BURNS of Washington

Representatives:

- PRIEST of Brunswick
- BEAULIEU of Auburn
- CROCKETT of Bethel
- 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 "A" (S-106)**.

Signed:

Representatives:

- DeCHANT of Bath
- GUERIN of Glenburn
- MONAGHAN-DERRIG of Cape Elizabeth
- MOONEN of Portland
- MORIARTY of Cumberland

Reports **READ**.

Senator **VALENTINO** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act Relating to the Sales Tax Exemption on Depreciable Equipment Used in Commercial Wood Harvesting"

S.P. 272 L.D. 734

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-99)**.

Signed:

Senators:

- HASKELL of Cumberland
- MILLETT of Cumberland

Representatives:

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

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

Signed:

Senator:

- THOMAS of Somerset

Representatives:

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

Reports **READ**.

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Allow Media Motor Vehicles To Be Equipped with Amber Auxiliary Lights"

S.P. 123 L.D. 327

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

Signed:

Senator:

- COLLINS of York

Representatives:

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

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

Signed:

Senators:

MAZUREK of Knox
VALENTINO of York

Representative:

THERIAULT of Madawaska

Reports **READ**.

Senator **MAZUREK** of Knox moved the Senate **ACCEPT** the Minority **OUGHT TO PASS** Report.

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 Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'd like to rise and explain a little bit about what this bill does. This bill was something that I was called and asked to put in for a couple of media organizations in Aroostook County. What they was doing, especially in more of the farming communities where the fields are and in the winter time the snow blows across them and visibility is low, is when they got to an off-site place where they went to film a news story or something like that they would pull their car over to the side of the road. On one of those days when the wind was blowing and it was hard for visibility, they would put one of those common amber lights on the hood of the vehicle so that the visibility was a little bit more. People had the opportunity to see the car alongside the road and not have an accident, striking it while they couldn't see it. They were told, after doing that for a while, that it wasn't legal, that they couldn't use amber lights alongside of the road. It is, as far as I know, perfectly normal to use amber lights on top of a personal vehicle that has a snowplow on it. Most of the people that I know in my area use them. Banks are high and gives people a little bit more of an opportunity to see someone backing out of a yard while they are plowing. It wasn't legal for these news organizations to use amber lights, which I thought was certainly appropriate if there is any chance at all that it would stop someone from having an accident. What this bill does is only allows them to use them, it doesn't force them to have to use an amber light. It only allows them to use the amber light once they stop, pull over to the side of the road. They can get out and

put a light on while they are parked alongside the road. After they leave they have to take the amber light off. It's not opening up the flood gates or anything like that. I think it's a very simple measure to help alleviate any safety concerns, that in the winter time when visibility is low, for someone that is parked alongside the road that's a news organization. There won't be a chance of another accident happening where another news organization might come and have to film that. Also in the evening time it's another time that it wouldn't be a bad idea to have one of these common amber lights that we all can use on our plow pick-ups as it is now. It's not mandatory, but I think it is a common sense measure to allow people to do this. I'd ask you to support the Minority Report.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, you can see by the report it came back from the committee as a 10-3 report, 10 for Ought Not to Pass. The committee deemed this frivolous. It wasn't necessary. In today's society, with the automobiles the way they are, we have four-way flashers to warn approaching motorists that there is something going on. They can put those on at any time they so choose. I've had to use them on occasions where I was alongside the road. When you get involved in a situation where there are multiple emergency vehicles along the roadside, tending a motor vehicle accident or whatever, when you approach this it's sometimes very confusing. The lights that most people recognize in the event of an emergency are either the flashing blues or flashing reds. That usually tells people that, in fact, there is an emergency ahead. For the media to have special attention, I just think it's not necessary. So did the majority of the committee. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Burns.

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I hate to speak against the good Senator from Aroostook, Senator Jackson, on this because I know what his intent is. He has good intentions. I spent a fair amount of time working up in his county on similar situations and the reason that we have limited yellow lights on the highway is so that people will pay attention to them. That's why we don't allow private pick-ups with plows to drive up and down the road with the yellow light going. You can only use them when you enter the highway or leave the highway for plowing purposes. Otherwise people would just get used to them. They would be of no value to DOT or anybody else who has them. I think it's very important that we limit the number of vehicles that we put these on. Otherwise they are of no value to anybody. I would support the Majority Report. Thank you.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just wanted to respond to the good Senator from Washington County. I think that's where many of the members that are on the 10 side are kind of getting confused. They cannot use these amber lights riding up and down the road.

The only time that they would be able to use the amber lights is when they pull over to the side of the road, are clearly off the side of the road. They can get out and put a light on the top of the vehicle. When they get back in they have to take the light off to take off from the scene. The idea that flashers, if someone else pulls up behind, another vehicle, and the flashers are blocked, it's just another step to making sure that there is every possible chance to be safe. Clearly, you probably wouldn't block the one on the roof. The other emergency vehicles, that wouldn't be the only time a news outlet might be stopped alongside the road. There may be other things other than emergencies that they would be there for. I can see a number of different reasons that this would work, but I just wanted to rise and make sure that people understood that this is not an expansion of people, law enforcement or whatever, that has the ability to have lights on their vehicles while riding up and down the road to try to get to emergencies. This is only in a very narrow case that someone pulls over to the side of the road and their vehicle is going to be subject to possibly becoming an impediment for motorists going up and down the road that can't see because of the inclement weather. With that, I would appreciate your support.

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

Senator **VALENTINO:** Thank you very much Mr. President. Members of the Senate, I rise also as one of those on the Minority Report. I can assure you nobody thought the bill was frivolous in committee. I thought it was very important to add that. I also wanted to note, going through my file folder, that there was no opposition to this bill at all. There was no fiscal note. It was something that we felt was a safety reason to have this on the vehicles. There is no harm. It is only once they are parked there that they can put on the amber light. It's really only a visibility thing. It's a safety issue. There were no opponents. It's certainly not frivolous. It's not expanding it. They can't use it to get to the scene. It's only if they are already at the scene. It's not like they can put the amber light on a mile away and try to navigate through parked cars and get in. It's only if they are there. There is no fiscal note. There is no harm. There is no impact. There was no opposition at all at the public hearing.

At the request of Senator **THOMAS** of Somerset, Reports **READ**.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Knox, Senator Mazurek to Accept the Minority Ought to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#87)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **MAZUREK** of Knox to **ACCEPT** the Minority **OUGHT TO PASS** Report, **PREVAILED**.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

SECOND READERS

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

Senate

Bill "An Act To Strengthen Maine's Hospitals, Increase Access to Health Care and Provide for a New Spirits Contract" (EMERGENCY)

S.P. 589 L.D. 1546

READ A SECOND TIME.

On motion by Senator **JACKSON** of Aroostook, Senate Amendment "C" (S-108) **READ**.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, very quickly. This amendment removes the Emergency Preamble off of the bill. While it removes the Emergency Preamble I certainly encourage everyone to support the amendment to the subsequent bill. With that, thank you very much.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I always look for opportunities to agree with my good friend from Aroostook, Senator Jackson. On this occasion I find that he's half right. Part of this should be dealt with immediately and part of it should wait and be more deliberative. Thank you, Mr. President.

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 Kennebec, Senator Flood.

Senator **FLOOD:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, I just rise to say, although it's not immediately illuminated by the fiscal note, by virtue of moving the bill to a standard bill rather than an emergency bill the assumption you would have to make from that is that the total value of the revenue bond borrowing by virtue of being a standard bill is \$5 million more than if the bill were passed in an emergency status. I just wanted to make sure the Body understood that. Thank you.

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

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, to clarify, the Appropriations Committee unanimously approved the amount that is reflected in this current fiscal note, which included that extra \$5 million, because it was not clear to us, nor is it still clear today, whether this bill was to pass as an emergency or as a regular bill, that the ultimate timing of the bond could depend on many factors. We preapproved unanimously the entire amount, including that extra \$5 million as a safeguard. That is the version that was approved by the Appropriations Committee, by the Veterans and Legal Affairs Committee, and yesterday by a majority of this Body. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Jackson to Adopt Senate Amendment "C" (S-108). 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 (#88)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **JACKSON** of Aroostook to **ADOPT** Senate Amendment "C" (S-108), **PREVAILED.**

On motion by Senator **MASON** of Androscoggin, Senate Amendment "B" (S-103) **READ.**

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, I'm still disturbed by yesterday's action. I think we are headed down a course that we are going to regret in the future.

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

Senator **GOODALL:** Thank you Mr. President. A Parliamentary Inquiry. Please advise the Body of what we are currently debating in this Body.

THE PRESIDENT: It is the Chair's understanding that what is in front of us is Senate Amendment "B" with a filing number of S-103. I would encourage the membership to limit its comments to what is in front of the Body. The Senator may proceed.

Senator **MASON:** Thank you Mr. President. I'd be happy to finish my sentence, Mr. President. Many said that we came here to work collaboratively and this is an opportunity for everybody to do so. We don't know what this will cost in the long run, this Medicaid expansion. Once we're in, we're in. We know that there are fundamental disagreements in how Medicaid services should be handled. Democrats, as indicated yesterday by multiple Senators on the other side of the aisle, want a universal socialist-style healthcare system like Great Britain and Canada. Republicans believe in free market options with limited government intervention. No one is here to say what is right or wrong. We had that debate yesterday. All Republicans want to know is how much this plan will cost. This amendment gets that answer. The Chief Executive is still negotiating with Secretary Sebelius and CMS. We still don't have the results of those negotiations, as we found out yesterday. If we are going to go down that path.

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

Senator **GOODALL:** Thank you Mr. President. A point of order. We are currently debating Amendment "B". Components of the debate articulated by the good Senator from Androscoggin are well beyond what is contained within this amendment. Can you please advise the members and the member from Androscoggin to restrain is remarks to Amendment "B".

Senate at Ease.

Senate called to order by the President.

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

Senator **MASON:** Thank you Mr. President. I will be happy to finish that thought as well. If we are going to be on the path let's not go down it blind. This amendment presents a study group to find out what we're actually spending money on and how much

we're going to spend. Maybe the Chief Executive can get some retroactive Medicaid payments. Maybe he can get longer coverage of 100% over some of these categories. Maybe we can get a different deal. We don't know the answers to these questions. Because we don't know the answers we can use this study to find out some of what we need to know now and we can let the Chief Executive do what he needs to do in negotiating with the Obama administration. This amendment works towards these answers and give the Administration time to negotiate. I would hope members of the Senate would vote for the passage of this amendment. It's a good opportunity to work together. Thank you, Mr. President.

Senator **GOODALL** of Sagadahoc moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-103).

On further motion by same Senator, 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 Kennebec, Senator Katz.

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I would hope that we reject the pending motion in the interest of full debate within this Body so that the merits of this proposed amendment can be fully discussed. I don't anticipate it's going to be lengthy. It's an important question.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Sagadahoc, Senator Goodall to Indefinitely Postpone Senate Amendment "B" (S-103). 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 (#89)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **GOODALL** of Sagadahoc to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-103), **PREVAILED**.

On motion by Senator **MASON** of Androscoggin, Senate Amendment "A" (S-100) **READ**.

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

Senator **MASON:** Thank you Mr. President. I will save the Senator from Sagadahoc, Senator Goodall, his exercise for the day. I will just say that this amendment strictly removes the Medicaid provision that is in the current law. I hope that we can get this passed so that we set forth on what we agreed on initially. Thank you.

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

Senator **SAVIELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today to support this amendment. Yesterday I didn't speak because there were plenty of you who decided to speak for me. I am in support of both of these concepts; both of these ideas as individual ideas. It's unfortunate, and I think unnecessary, to link them. I'm greatly disappointed in that. If given the chance I will support the good Senator from Androscoggin's amendment. Thank you very much, Mr. President.

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

Senator **JACKSON:** Thank you Mr. President. Not to make anything light about this, but I was just going to tell the good Senator from Androscoggin that it was actually my turn and I do need the exercise.

Senator **GOODALL** of Sagadahoc moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-100).

On motion by Senator **MASON** of Androscoggin, 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 (#90)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **GOODALL** of Sagadahoc to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-100), **PREVAILED**.

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 Penobscot, Senator Cushing.

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, the matter before us certainly addresses two very important issues; the issue that has long been awaiting action, which is the overdue debt to our hospitals, but also the question of whether or not we're going to encumber the State with an obligation which we don't yet know the cost of. In a recent article in one of Maine's major dailies they indicated that in 2011 \$196 million in free care was provided to citizens of Maine. That's 4.5 times the amount that was provided in 2000. It's a 15.7% increase between 2001 and 2009. Mr. President, I think it's imperative that we, dealing with the budgetary crisis that we face in this state, recognize that we have an obligation to think of over a million Mainers who will be saddled with costs associated with this action if we don't take the time necessary. I would urge this Body not approve the pending motion. Thank you, Mr. President.

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

Senator **GERZOFSKY:** Thank you Mr. President. I have a question that anybody might answer. Don't we have an opt out provision in this or is that just something that was said? I thought that I saw someplace that there was an opt out provision if this was enacted and that we could opt out. Thank you very much.

THE PRESIDENT: The Senator from Cumberland, Senator Gerzofsky poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you Mr. President. I rise to answer the question and to share additional comments. Yes, in terms of opt out, we can always act through the Legislature to remove ourselves from this process.

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

Senator **THIBODEAU:** Thank you Mr. President. Are we not debating Indefinite Postponement?

THE PRESIDENT: The current motion in front of the Body is Passage to be Engrossed. The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, after just answering the question from the good Senator from Cumberland, I now just rise not to extend this debate but just to make sure we all do not have a lapse in memory from yesterday's long debate. It is clear to us that we're going to receive 100% funding for the first three years. It will then be reduced down over time to 90%. Medicaid expansion through the federal government is an opportunity to help Maine people, 70,000 people. The rate upon which the federal government has paid for this program has been 100% since 1965. In addition to that, it is shortsighted of us to say it's going to cost all of this money by the people of Maine, to make all these arguments,

when we know, in fact, that that is disingenuous due the fact that the opportunity for savings and paying for our bad debt and charity care, the debt upon which we are trying to pay off so desperately through this bill and of the renewal of the liquor contract. We have the opportunity to put the State's financial house under stronger footing. Why wouldn't we take that opportunity? We will see significant savings for the people of Maine, for the state government, and will provide better health outcomes. We don't want people going to the emergency room as a primary care physician. We want them to develop a relationship with their primary care doctor. We want them, actually better said, to have a primary care doctor. That's what this is about. At the same time it's better financially for us. Thank you, Mr. President.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I thank my good friend from Sagadahoc, Senator Goodall, for crystalizing the issue in my mind. He looks forward and sees a clear path. I look forward, Mr. President, and I see fog. He indicated it is clear that there is 100% funding for the first three years and then it goes down to 90%. I don't share, and many of us in this Chamber don't share, that certainty. Yesterday I referred in debate to a letter from Secretary Sebelius that used words like likely or apparently or probably. Certainly, in a court of law and also here in this Legislature, that shouldn't be enough before we make a decision of this importance. I am happy to hear his commitment to insuring that Maine receives significant savings. That's just what the Chief Executive is attempting to do in his negotiations with the federal government that are not yet complete. I think we share the same goals. If we think that there is a clear indication from the federal government about 100% funding for three years with a specific identification in black and white about just what populations we're talking about, I haven't seen it. Thank you, Mr. President.

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

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, just a couple of points that we don't want to forget. Medicaid expansion has grown by more than 80% over the past ten years. Medicaid now represents 25% of the State's budget. Ten years ago it was only 13%. In recent years the federal government has reduced its share of Medicaid, the cost of Medicaid. There is no guarantee in this bill that that trend won't continue in the future. We continue to talk about it costing the tax payers of this state not a dime to expand. The fact of the matter is that we're going to have to hire 93 new people and that the federal government is not going to pay 100% of their costs. I think it's unfortunate and unfair to the people of this state to provide them, or attempt to provide them, with a program that we know we can't fund. In three short years this program is going to cost us \$100 million new dollars. Ladies and gentlemen, we all know the budget shortfall and the tough decisions that we're facing now in this current budget. I'm not sure where we think we're going to have the resources in just three short years to come up with another \$100 million, and that's if the federal government delivers on their promise to pay 90%. Ladies and gentlemen, I think that we all recognize that the federal

government is cutting back at every level. They are funding this program through cuts to Medicare. They are funding this program through increased interest costs for students that are going to our colleges. I think we need to be very careful to make sure that we don't enter into something that our state can't afford both now and in the future. The federal match rate for the hospitals is also due to drop on October 1, 2013. That's an incredibly important date. We need to make sure that we have the money in place before then to pay Maine's hospitals or it's going to cost us millions of dollars more when that match rate drops. This is a very dangerous thing that we're doing here today. I think we all can anticipate the outcome and, I'm sure, why we are going through this exercise. Thank you, Mr. President.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, everyone in my district that I've talked to wants the hospitals paid. Period. They like the plan. We owe the hospitals money. We need to pay the hospitals. Really, when you stop and think about it, I think probably most of the people that we all represent in the whole state want the hospitals paid. If expanding Medicaid was such a good idea, why do we need to tie it to such a popular proposal? Why can't it stand on its own merit? Is it because it's not as good as we're being told?

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

Senator **GOODALL:** Thank you Mr. President. We hear a lot of statistics and we hear a lot of claims, but the law that was passed by the U.S. Congress and signed into law addresses the terms upon which Maine can benefit. What gets lost in looking at just numbers is the impact on people. My good friend and Senator and colleague from Kennebec talked about the fog. Just yesterday we heard from the Senator from Penobscot who talked about his patient, the lobsterman, who goes out every morning in the fog and all he wants to do is keep doing that. He can't afford his medical bills. We heard about our friends, our neighbors, our relatives. We heard about our colleagues and what access to a doctor really means. We all know that people using emergency rooms as their only line of healthcare is driving up costs. This bill addresses that because it gets people a doctor. This isn't just an ideal of Democrats in the Maine State Senate or Maine or the people of Maine. This is an ideal that has been playing out all across the country. Yesterday I quoted specifically from Governor Chris Christie's remarks, a Republican Governor, on how important it is for his state to accept these federal dollars. We can have a very narrow view or we can have a view that is in the best interest of the people of Maine and in the best interest of our budget. That's the question that we're voting on today. That's why we should vote in favor of Passage to be Engrossed. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed as Amended. 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 (#91)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "C" (S-108).**

Senate at Ease.

Senate called to order by the President.

Senator **GOODALL** of Sagadahoc moved the Senate **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-108).**

On further motion by same Senator, 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 (#92)

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

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

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **GOODALL** of Sagadahoc to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-108), FAILED.**

Sent down for concurrence.

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

Senate As Amended

Resolve, Directing the Public Utilities Commission To Develop a Plan To Reform Water Regulation

S.P. 173 L.D. 441
(C "A" S-94)

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 Strengthen Maine's Workforce and Economic Future
S.P. 41 L.D. 90
(S "A" S-83 to C "A" S-71)

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise briefly just to speak on item 7-1, L.D. 90. At time we have our disagreements within this Chamber, in this Legislature, and in this Institution. Also at time there are great examples of where we work together. In all seriousness, L.D. 90, An Act to Strengthen Maine's Workforce and Economic Future, is one of those. Together the Legislature collaborated with the private sector, small business owners, workers, policy experts, and the Administration to work on a piece of legislation that developed organically, one where we got ideas, proposals, from experts, to put Maine's workers and Maine's businesses under stronger footing to help improve our overall economy. Finally we addressed many issues that have been challenging for the Legislature over the years and really addressed the skills gap. We have done great work to address issues from within our higher educational institutions, the community colleges, and the University of Maine System and dealing with such things as credit transfer, dealing with helping our job training programs to rural Maine, and, most importantly, getting greater access to those high demand, high growth jobs. We heard individuals from Pratt Whitney say that the facility in North Berwick could be the largest

manufacturing facility for their company in the United States if they had the skilled workforce they need. This bill helps address that shortage. In addition to that, we took great steps forward to help in areas such as very skilled and highly trained foreign workers who are unable to get a job here. We took efforts to make sure they were bringing greater collaboration between all of our many programs in this state government. This is just part of the effort. This is an effort that is going to live on. It's been on that has been encouraged by business leaders and by educational leaders for us to focus on continually as we go forward as a Legislature, lasting much longer than the 126th. I just wanted to thank the good colleagues in this Chamber; the Senator from Kennebec, Senator Katz, the Senator from York, Senator Valentino, and the Senator from Cumberland, Senator Woodbury, as well as the Senator from Hancock, Senator Langley. Together, with the members from the other Chamber, we came together on a unanimous report, this report, that really helps set Maine up for a stronger future and a stronger workforce and, as a result, stronger businesses. Thank you, Mr. President.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I want to follow up on the remarks of the good Senator from Sagadahoc, Senator Goodall. Thinking back to the 125th Legislature with L.D. 1, which was an idea of leadership at that time to put together a special bi-partisan taskforce to deal with a specific issue which was plaguing the state, in that case the issue of over regulation of business, which resulted in a unanimous bill coming out of that L.D. 1 committee and passing unanimously in both houses. I commend leadership in this Legislature for doing the same thing and identifying an equally important subject, that is addressing the skills gap. The fact is that we have thousands of jobs unfilled in Maine, good paying and good advancement type jobs, because of educational resources are not matched up with those jobs, necessarily. Looking forward, the problem is even more daunting. We know we're going to have tens of thousands of high skilled jobs potentially available in Maine, but we're not turning out the people from our high schools, our colleges, or our community colleges to fill them. This is an effort to help connect those dots and make sure that we are aligning our resources appropriately to the opportunities. As the good Senator mentioned, issues of credit transfer and people's ability to be able to transfer their credits easily and seamlessly through the system. A recognition that we have 200,000 people in Maine who have had some post-graduate education but just need a little further push to get that degree or that certificate or that license. How can we try to incent them and let them know that they are close to the goal line and get them over? Trying to beef up our internship program that the Chamber of Commerce has recently embarked in. Targeting some additional funds to the Community Colleges, specifically targeted, as the Senator indicated, to high paying, high growth jobs. Also a recognition that we have many foreign workers in this state who have come here with degrees from other countries but aren't able to necessarily translate that into licenses and degrees in this country very easily and how we can try to make that more seamless as well. As the Senator said, I think this is a good start. It was a pleasure working with each and every Senator on this, on this committee. I particularly want to thank the good Senator from Sagadahoc for his excellent leadership. Thank you, Mr. President.

Off Record Remarks

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

Emergency Measure

An Act To Provide Revenue to Veterans' Organizations and the Maine Veterans' Memorial Cemetery System Care Fund from Table Game Revenue

S.P. 58 L.D. 169
(C "A" S-57)

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

Ordered sent down forthwith.

Emergency Measure

An Act To Appropriate Sufficient Funds for Indigent Legal Services

H.P. 271 L.D. 396
(C "A" H-123)

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

Emergency Measure

An Act To Amend the Charter of the Veazie Sewer District

H.P. 467 L.D. 675
(C "A" H-138)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with 1 Senator having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Emergency Measure

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2013-14

H.P. 867 L.D. 1228
(C "A" H-167)

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

Ordered sent down forthwith.

Emergency Resolve

Resolve, Directing the Public Utilities Commission To Examine Measures To Mitigate the Effects of Geomagnetic Disturbances and Electromagnetic Pulse on the State's Transmission System

H.P. 106 L.D. 131
(C "A" H-121)

On motion by Senator **THIBODEAU** of Waldo, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in concurrence.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the State Board of Education

H.P. 231 L.D. 322
(C "A" H-165)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with 1 Senator having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Emergency Resolve

Resolve, Extending the Time That the Commissioner of Administrative and Financial Services Has To Sell or Lease Property in Augusta

H.P. 667 L.D. 954
(C "A" H-135)

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

Ordered sent down forthwith.

Mandate

An Act To Allow Cooperative Housing Owners Who Are Blind To Qualify for the Property Tax Exemption

S.P. 401 L.D. 1164
(C "A" S-80)

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

Acts

An Act Regarding Adoption

H.P. 122 L.D. 147
(C "A" H-124)

An Act To Remove the Rangeley Plantation Sanctuary from the List of Wildlife Sanctuaries

S.P. 62 L.D. 173

An Act To Enhance Transparency in Government by Implementing a Waiting Period for Legislators before They May Register as Lobbyists

H.P. 144 L.D. 184
(C "A" H-115)

An Act To Eliminate Institute Councils for Mental Health Institutions

H.P. 214 L.D. 305

An Act To Exempt Persons Who Serve in the Armed Forces from the Requirement To Take a Hunter Safety Course To Obtain a Hunting License

H.P. 216 L.D. 307
(C "A" H-136)

An Act To Allow Nonprofit Organizations To Operate Snowmobiles as Trail-grooming Equipment

H.P. 239 L.D. 334

An Act Regarding Enrollment and Graduation Rates of First-generation Higher Education Students

H.P. 294 L.D. 422
(C "A" H-116)

An Act To Amend the State General Permit Process for Tidal Power To Remove a Conflict with a Federal Permit Requirement
S.P. 169 L.D. 437
(C "A" S-62)

An Act To Amend and Clarify Certain Education Laws
H.P. 335 L.D. 485
(C "A" H-149)

An Act To Remove the Disqualification from Obtaining a Liquor License for a Law Enforcement Officer Who Does Not Directly Benefit Financially

S.P. 198 L.D. 508
(C "A" S-60)

An Act To Amend the Laws Governing Service of Process in Eviction Actions

H.P. 400 L.D. 581
(C "A" H-140)

An Act To Require the Development of a Statewide Approach to Seaweed Management

H.P. 404 L.D. 585
(C "A" H-126)

An Act To Help Small Businesses and Promote Tourism by Allowing the Construction of a Deck over a River within a Downtown Revitalization Project

H.P. 415 L.D. 596
(C "A" H-137)

An Act To Include Archery Hunting Licenses among the Complimentary Licenses Issued to a Member of a Federally Recognized Indian Tribe, Nation or Band

H.P. 419 L.D. 600

An Act To Allow a Minor in the Police Explorer Program To Assist with Traffic Control at Civic Events

H.P. 424 L.D. 605
(C "A" H-130)

An Act To Allow the Adjustment of the Assessment Rate for the Rural Medical Access Program

S.P. 236 L.D. 645

An Act To Amend the Workers' Compensation Self-insurance Laws

S.P. 255 L.D. 706
(C "A" S-74)

An Act To Create Fairness in Political Party Enrollment Deadlines

H.P. 520 L.D. 769
(C "A" H-118)

An Act To Amend the Laws Concerning Scrap Metal Processors

H.P. 559 L.D. 808
(C "A" H-128)

An Act To Improve Organ Donation Awareness

H.P. 586 L.D. 835
(C "A" H-103)

An Act To Clarify When a Manufactured Home Becomes Residential Real Property

H.P. 605 L.D. 854

An Act To Establish Separate Geospatial Data Accounts for Use by the Maine Library of Geographic Information Board

S.P. 302 L.D. 877
(S "A" S-87 to C "A" S-64)

An Act To Improve the Unused Pharmaceutical Disposal Program

S.P. 306 L.D. 881

An Act To Clarify an Exemption to the Municipal Subdivision Laws

H.P. 680 L.D. 966

An Act To Amend the Charter of the Ashland Water and Sewer District

S.P. 351 L.D. 1026
(C "A" S-69)

An Act To Ensure Compliance with the Laws Governing Elections

H.P. 854 L.D. 1210

An Act To Revise Maine's Unemployment Compensation Laws

H.P. 884 L.D. 1250
(C "A" H-160)

An Act To Strengthen Maine's Assent Language for Participation in the Federal Aid in Wildlife Restoration Act

H.P. 904 L.D. 1265

An Act To Encourage High School Students To Complete Community Service

H.P. 917 L.D. 1290
(C "A" H-148)

An Act To Require the Secretary of State To Suspend a Person's License in Certain Instances Regardless of whether an Accident Report Has Been Filed

H.P. 923 L.D. 1296

An Act To Require Public Schools To Offer Instruction Related to Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator

H.P. 974 L.D. 1366
(C "A" H-164)

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

Ordered sent down forthwith.

An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations

S.P. 47 L.D. 126
(CC "A" S-63)

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

An Act To Make Permanent the Reciprocal Agreement between Maine and Other States Regarding a Snowmobile Weekend

S.P. 61 L.D. 172
(C "A" S-61)

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

An Act To Amend the Provision of Law That Requires the Trade Name or Brand of Malt Liquor To Be Displayed in Full Sight of a Customer on a Faucet, Spigot or Dispensing Apparatus

H.P. 238 L.D. 333
(C "A" H-120)

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 (#93)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator 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.

Ordered sent down forthwith.

An Act To Establish Maine Seniors Day

H.P. 379 L.D. 560
(C "A" H-132)

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 (#94)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator 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.

Ordered sent down forthwith.

An Act To Strengthen the Law Regarding Texting and Driving
H.P. 408 L.D. 589
(C "A" H-112)

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 (#95)

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

NAYS: Senator: SHERMAN

34 Senators having voted in the affirmative and 1 Senator 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.

Ordered sent down forthwith.

An Act To Increase Funding to Schools

H.P. 459 L.D. 667
(H "A" H-125)

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

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

Senator **CLEVELAND:** Thank you Mr. President. Even though I support the concept of increased funding for education, which I've done consistently throughout the years, this particular bill is particularly onerous to my communities, particularly the city of Auburn. It requires that the local community, notwithstanding the State's lack of support for public education, must come up with their 45% share of that educational cost. Let me just share with you what that means for the city of Auburn. The city of Auburn would have to come up \$2.7 million of additional funding for its educational program. This year alone the school committee had requested a budget that doesn't come up to the requirement but is a 7% increase to the property tax payers of Auburn solely to do that. Auburn currently has one of the highest mill rates in the state of Maine. It's not for the lack of asking our local voters to support it; it is just simply lack of the ability to come up with the amount of funds necessary. This is particularly true when the State of Maine fails to increase its support to education. This is true when the State of Maine is going to require an additional half of a million dollars' worth of cost for the city of Auburn to cover its share of the retirement fund in Auburn alone. The estimated increase, should the recommended school budget pass, and there is some doubt to that, and the municipal increase, all of which barely keeps the shop open with no new additional programs or services, to a medium valued home in Auburn next year would be an increase of \$300 already. It seems to me that when there was just a relatively small number of communities who haven't reached this goal, not for the lack or desire to do it or the will to support education, but simply because the local funds are not available to do it, it is a harsh penalty and I'll be voting against this L.D.

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I join my colleague across the river from me. Lewiston, as a result of this bill, will be losing \$2 million per budget cycle. With 41% of our student body living in poverty, it's a terrible blow to our community. We struggle as it is. As my friend, Senator Cleveland, has just said, we have never reached our 55% of school funding from the State of Maine. I think that the waiver that had been in place was a useful tool for us to get through the worst of this situation in our town. I will also be voting against this measure. Thank you, Mr. President.

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

Senator **MILLETT**: Thank you Mr. President. Ladies and gentlemen of the Senate, ten years ago the people of Maine demanded that the State pay 55% of public education. In 2008 the State got close with 54%. Since then we have slipped substantially. When the State doesn't meet its obligations local tax payers are forced to decide whether to increase property taxes or cut programs. This is something all of our communities have been struggling with and it is unfortunate. Just because the State isn't fulfilling its commitment, in my mind, it does not justify local districts doing the same. To do so only hurts our children and does nothing to advance the discussion among decision makers. Luckily, the majority of our committees are meeting, or even exceeding, the required contribution to public education and this bill would help the few dozen remaining districts pay their share over a number of years, thus giving them time to make their plans. This is the right thing to do for our schools and for our children. I urge you to support the bi-partisan majority vote of the committee and follow my light. Thank you.

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 to support my committee chair. A majority of us supported this slow increase over the next three years to get that back up to the 45% for the local share. Strong, strong advocates for kids and education in our committee. That's the message that won the day. Thank you very much.

THE PRESIDENT: The pending question before the Senate is Enactment. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#96)

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

NAYS: Senators: CLEVELAND, CRAVEN, DUTREMBLE, FLOOD, SHERMAN, VALENTINO

29 Senators having voted in the affirmative and 6 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.

Ordered sent down forthwith.

An Act To Expand the Sales Tax Exemption for Certain Public Libraries To Include Sales by Those Libraries or Their Supporting Organizations

H.P. 639 L.D. 915
(C "A" H-119)

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

An Act To Promote Fishing by Youth

H.P. 656 L.D. 932
(C "A" H-117)

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

An Act To Exempt the Sale of the United States Flag from the Sales Tax

H.P. 693 L.D. 979
(C "A" H-122)

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

An Act To Amend the Social Work Education Loan Repayment Program

H.P. 731 L.D. 1036
(C "A" H-111)

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

An Act To Support the Maine Downtown Center

S.P. 409 L.D. 1172
(C "A" S-59)

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

An Act To Further Reduce Student Hunger

S.P. 472 L.D. 1353
(C "A" S-70)

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

Resolves

Resolve, Directing the Department of Environmental Protection To Develop Quantitative Odor Management Standards
H.P. 116 L.D. 141
(C "A" H-144; S "A" S-89)

Resolve, To Provide Consistency in Rules of the Department of Education Regarding Visual and Performing Arts Requirements for High School Graduation
H.P. 138 L.D. 178
(C "A" H-156)

Resolve, Directing the Board of Dental Examiners To Amend Its Rules To Improve Access to Oral Health Care in Maine
S.P. 85 L.D. 249
(C "A" S-65)

Resolve, Directing the Workers' Compensation Board To Study Improving Protections for Injured Workers Whose Employers Have Wrongfully Not Secured Workers' Compensation Payments
S.P. 176 L.D. 444
(C "A" S-75)

Resolve, To Increase Awareness of Food Allergies in Public Schools
H.P. 465 L.D. 673
(C "A" H-158)

Resolve, Directing the Secretary of State To Study the Need for a State Regulatory Process for Scrap Metal Dealers
H.P. 560 L.D. 809
(C "A" H-147)

Resolve, Directing the Bureau of Insurance To Amend Its Rules Pertaining to 3rd-party Notice of Cancellation
H.P. 599 L.D. 848
(C "A" H-152)

Resolve, To Repeal the Requirement That the Department of Transportation Facilitate a Feasibility Study of an East-west Highway and Provide for Public Access to Certain Documents
S.P. 330 L.D. 985
(C "A" S-78)

Resolve, Directing the Workers' Compensation Board To Study the Issue of Addressing Psychological and Physical Harm to Employees Due to Abusive Work Environments
H.P. 845 L.D. 1201
(C "A" H-129)

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory
S.P. 508 L.D. 1414
(C "A" S-72)

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

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

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

SENATE PAPERS

Bill "An Act To Provide an Exemption for Incidentally Caught Lobsters" (EMERGENCY)
S.P. 591 L.D. 1549

Presented by Senator HASKELL of Cumberland.
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.

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

Senator **HASKELL** of Cumberland was granted unanimous consent to address the Senate off the Record.

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

Senator **THIBODEAU** of Waldo was granted unanimous consent to address the Senate on the Record.

Senator **THIBODEAU**: Thank you Mr. President. I would ask that today, as we adjourn, that we do it in memory and lasting tribute to the victims of Oklahoma and the terrible tragedy that has occurred there. Also in memory of the little girl from Glenburn, Nichole Cable.

Senator **GOODALL** of Sagadahoc 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 Wednesday, May 22, 2013, at 10:00 in the morning, in memory of and lasting tribute to Nichole Cable of Glenburn and the victims of the Oklahoma Tornado.