

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

In Senate Chamber
Tuesday
June 2, 2015

Senate called to order by President Michael D. Thibodeau of
Waldo County.

Prayer by Pastor Susan Reisert, Old South Congregational
Church, United Church of Christ in Hallowell.

PASTOR REISERT: Good morning. Today I share with you
some ancient words, words of wisdom from the prophet Isaiah. I
invite you to pray with me, or just to listen.

Is not this the fast thy choose to lose the bonds of injustice,
to undue the bonds of the yoke, to let the oppressed go free, and
to break every yoke? Is it not to share your bread with the hungry
and to bring the homeless poor into your house? When you see
the naked, to cover them and not to hide yourself from your own
kin. Then your light shall break forth like the dawn and your
healing shall spring up quickly, then you shall call and the Lord
will answer. You shall cry for help and He will say, "Here I am." If
you remove the yoke from among you, the pointing of the finger,
the speaking of evil, if you offer your food to the hungry and
satisfy the needs of the afflicted then your light shall rise in the
darkness and your gloom be like the noon day. The Lord will
guide you continually and satisfy your needs in parched places
and make your bones strong and you shall be like a watered
garden, like a spring of water, whose waters never fail. Amen.

Pledge of Allegiance led by Senator G. William Diamond of
Cumberland County.

Reading of the Journal of Monday, June 1, 2015.

Doctor of the day, Senator Geoffrey M. Gratwick, MD of
Penobscot County.

Off Record Remarks

The Chair noted the absence of the Senator from Piscataquis,
Senator **DAVIS**, and further excused the same Senator from
today's Roll Call votes.

ORDERS OF THE DAY

Out of order and under suspension of the Rules, the Chair laid
before the Senate the following Tabled and Later Assigned
(6/1/15) matter:

JOINT ORDER - Expression of Legislative Sentiment
Recognizing David L. Silvernail of Portland
SLS 514

Tabled - June 1, 2015, by Senator **MILLETT** of Cumberland

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

(In Senate, June 1, 2015, **READ**.)

The Joint Order was **READ**.

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

Senator **MILLETT:** Thank you, Mr. President. Ladies and
gentlemen of the Senate, I'm so pleased to be able to rise today
to recognize Dr. Silvernail's passion, dedication for education and
education research over his distinguished career. As a citizen
legislature, it is critical that we have a resource like the Maine
Education Policy Research Institute from which we can receive
top quality, Maine specific, data and analysis. Under Dr.
Silvernail's stewardship, MEPRI has become a first rate research
institute and stalwart resource for the Department of Education
and the Education Committee. As a member of that committee, I
have to come to rely on and appreciate Dr. Silvernail's thorough
preparation, professionalism, deep knowledge, and eternal
patience as he walks us through the intricacies of education
funding, policy, and evaluation. We are going to miss his
presence greatly, but I know that he leaves MEPRI in a strong
position with the education community and it's poised to continue
its excellent work. I'm so pleased that he's able to be with us
here today, along with his wife, Judy, and his colleague, Amy
Johnson.

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 join my esteemed colleague from the
Education Committee in honoring Dr. Silvernail and his work. We
are so fortunate, on the Education Committee, to have this
research arm attached to us because good decisions have to be
made based on facts and not anecdotes. His work over the
years, and I'd like to point to some that have been really important
to me, on studies on schools that are beating the odds, those
schools that are high performing and highly efficient, and then to
dig down into there and find out why they are. That kind of
information is critical as we make our decisions on the future of
education in Maine and knowing that those folks from MEPRI and
Dr. Silvernail are there and providing that for us, the benefits of
which I would wish that every committee would have that ability
assigned to them as well. We wish him well and we know that
he'll be missed in the future and hope in his future he can get out
and play a little golf or do something a little bit more fun. Thank
you, Mr. President.

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

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I rise also to congratulate Dr. Silvernail and also to thank him. During the brief period that I had the opportunity, over three years, to work at the Finance Authority of Maine, I had an opportunity to come in contact with Dr. Silvernail and some of the extraordinary research that he did for us. I think what's key about the work that he did, as professional and in-depth, and Maine focused as it was, is that he always did more than he was asked to do. He always went the extra step to make sure that everything that you needed was included and that the statistics that you had asked for were actually the ones that you got. That's not always true with research. It has been such a boon to our state and his personal commitment as well as his professional commitment will be sincerely missed. Thank you, Mr. President.

On motion by Senator **MILLETT** of Cumberland, **PASSED**.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Dr. Silvernail. Would he and his guests please rise and accept the greetings of the Senate.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Require the Prevailing Wage To Be Paid on All Public Works Projects for Which State Funding Is Used" S.P. 50 L.D. 117

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-140)** (7 members)

Minority - **Ought Not to Pass** (6 members)

In Senate, May 29, 2015, on motion by Senator **VOLK** of Cumberland, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-140)**, in **NON-CONCURRENCE**.

On motion by Senator **VOLK** of Cumberland, the Senate **INSISTED**.

Sent down for concurrence.

Non-Concurrent Matter

Bill "An Act To Preserve the Integrity of Maine's Shellfish Industry by Increasing the Penalty for Interfering with Permitted Harvest" S.P. 93 L.D. 255 (C "A" S-84)

In Senate, May 20, 2015, **PASSED TO BE ENACTED**, in concurrence.

In Senate, May 29, 2015, Bill and accompanying papers **RECALLED** from the Governor's Desk, pursuant to Joint Order, H.P. 983, in concurrence.

Comes from the House, Bill and accompanying papers **COMMITTED** to the Committee on **MARINE RESOURCES**, in **NON-CONCURRENCE**.

On motion by Senator **BAKER** of Sagadahoc, the Senate **INSISTED**.

Sent down for concurrence.

Non-Concurrent Matter

Bill "An Act To Authorize the Carrying of Concealed Handguns without a Permit"

S.P. 245 L.D. 652 (S "B" S-153 to C "A" S-119)

In Senate, May 29, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-119) AS AMENDED BY SENATE AMENDMENT "B" (S-153)** thereto.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-119) AS AMENDED BY SENATE AMENDMENT "B" (S-153)**, **HOUSE AMENDMENTS "A" (H-242) AND "B" (H-247)** thereto, in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Department of Health and Human Services To Hire Health Inspectors H.P. 491 L.D. 715

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-199)** (7 members)

Minority - **Ought Not to Pass** (6 members)

In House, May 28, 2015, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-199)**.

In Senate, May 29, 2015, on motion by Senator **BRAKEY** of Androscoggin, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

On motion by Senator **BRAKEY** of Androscoggin, the Senate **INSISTED**.

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Require Large Employers To Report Compensation Information"

S.P. 355 L.D. 1015

Report "**A**" - **Ought to Pass as Amended by Committee Amendment "A" (S-141)** (6 members)

Report "**B**" - **Ought Not to Pass** (6 members)

In Senate, May 29, 2015, on motion by Senator **VOLK** of Cumberland, Report "**B**" **OUGHT NOT TO PASS** **READ** and **ACCEPTED**.

Comes from the House, Report "**A**" **OUGHT TO PASS AS AMENDED** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-141)**, in **NON-CONCURRENCE**.

Senator **VOLK** of Cumberland moved the Senate **ADHERE**.

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

The Chair noted the absence of the Senator from Cumberland, Senator **BREEN**, and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#121)

YEAS: Senators: **BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DIAMOND, EDGEComb, GRATWICK, HAMPER, HILL, KATZ, LANGLEY, MASON, MCCORMICK, ROSEN, SAVIELLO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU**

NAYS: Senators: **ALFOND, DILL, DUTREMBLE, GERZOFKY, HASKELL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO**

EXCUSED: Senators: **BREEN, DAVIS**

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **VOLK** of Cumberland to **ADHERE** **PREVAILED**.

Sent down for concurrence.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Change the Individualized Education Program Notice Requirements" H.P. 742 L.D. 1081

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-209)** (6 members)

In House, May 28, 2015, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-209)**.

In Senate, May 29, 2015, on motion by Senator **LANGLEY** of Hancock, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

On motion by Senator **LANGLEY** of Hancock, the Senate **INSISTED**.

Senate at Ease.

Senate called to order by the President.

Senator **SAVIELLO** of Franklin requested and received leave of the Senate that members and staff be allowed to remove their jackets for the remainder of this Legislative Day.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act To Amend the Laws Governing the Membership of the Maine Commission on Domestic and Sexual Abuse"

H.P. 398 L.D. 574

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.

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase the Safety of Amusement Rides" (EMERGENCY)

H.P. 726 L.D. 1057

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-234)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-234)**.

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

READ ONCE.

Committee Amendment "A" (H-234) **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 **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Eliminate the Broadband Sustainability Fee"

H.P. 304 L.D. 465

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-219)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-219)**.

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

READ ONCE.

Committee Amendment "A" (H-219) **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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish a State Educational Medicaid Officer"

H.P. 406 L.D. 582

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-227)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-227)**.

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

READ ONCE.

Committee Amendment "A" (H-227) **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 Increase the State Earned Income Credit"

H.P. 79 L.D. 96

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-230)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-230)**.

Report **READ**.

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

The Committee on **TAXATION** on Bill "An Act To Reduce Student Loan Debt through an Expansion of the Educational Opportunity Tax Credit"

H.P. 617 L.D. 898

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-229)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-229)**.

Report **READ**.

On motion by Senator **HILL** of York, 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 (#122)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DIAMOND, DILL, DUTREMBLE, EDGECOMB, GERZOFKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: None

EXCUSED: Senators: BREEN, DAVIS

33 Senators having voted in the affirmative and No Senator having voted in the negative, with 2 Senators being excused, the **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-229)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-229) **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 Protect Patients from Sexual Exploitation"

H.P. 541 L.D. 792

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

Signed:

Senators:
ROSEN of Hancock
GERZOFKY of Cumberland

Representatives:
FOWLE of Vassalboro
CHENETTE of Saco
DAVITT of Hampden
TIMMONS of Cumberland
WARREN of Hallowell

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-221).**

Signed:

Senator:
BURNS of Washington

Representatives:
GERRISH of Lebanon
LAJOIE of Lewiston
LONG of Sherman
NADEAU of Winslow
THERIAULT of China

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-221).**

Reports **READ.**

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Authorize a Revenue Bond for a Student Loan Reduction Plan"

H.P. 533 L.D. 784

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-228).**

Signed:

Senators:
LANGLEY of Hancock
MILLETT of Cumberland

Representatives:
KORNFELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
HUBBELL of Bar Harbor
MAKER of Calais
McCLELLAN of Raymond
PIERCE of Falmouth
POULIOT of Augusta
STEARNS of Guilford
TIPPING-SPITZ of Orono

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

Signed:

Senator:
EDGECOMB of Aroostook

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-228)**.

Reports **READ**.

On motion by Senator **LANGLEY** of Hancock, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Establish Primary Energy Goals for the State"

H.P. 892 L.D. 1314

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

Signed:

Senator:
HILL of York

Representatives:
DION of Portland
BABBIDGE of Kennebunk
BEAVERS of South Berwick
DeCHANT of Bath
GROHMAN of Biddeford
RYKERSON of Kittery

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

Signed:

Senators:
WOODSOME of York
MASON of Androscoggin

Representatives:
DUNPHY of Embden
HIGGINS of Dover-Foxcroft
O'CONNOR of Berwick
WADSWORTH of Hiram

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

Reports **READ**.

Senator **WOODSOME** of York moved the Senate **ACCEPT** the Minority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**.

On motion by Senator **HILL** of York, 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 York, Senator Hill.

Senator **HILL:** Thank you, Mr. President. Mr. President and colleagues, I think this bill has a good sounding title and it's something we should be talking about, but my concern is this, the way it was worded this present legislation would eliminate technology oriented energy goals for the state of Maine and it would establish object oriented goals. Again, that sounds good too, but we need to look a little bit behind that language and remember what the people of the state of Maine want. When we were in committee we realized this needs a conversation, but it just can't be handled under the time constraints that we had there, so that resulted in an Ought Not to Pass report by many of us. What we found in the testimony we thought was compelling. One, this does need more time because it does little to provide clarity to Maine's energy goals. We also learned that it undermines the State's long-standing objective of utilizing renewable energy resources. Furthermore, the law already states, "It is the policy of the State to reduce electric prices for the State's electricity consumers and to reduce greenhouse gas emissions for the electricity generation sector." Perhaps even more compelling was the impact this would have by the testimony under "neither for or against." We heard, "The bill has enormous implications and should be studied before acting upon." "The removal of wind energy goals would negatively impact the construction industry, which is one of the strongest industries within the energy sector in Maine right now. In fact, it supports 1,560 jobs per year and is trending towards 4,000 jobs in 2015." "The language could cause confusion in applying Title 35 and reducing costs long-term for energy efficiency purposes could result in short-term increases in rates." It was interesting, as I said. I think this should be an on-going plan that is reviewed, but I think it should be given adequate time. What I found particularly of interest was the reference in the letter by the Director of Energy which said that the Executive Branch, in technology, is agnostic and focused on whatever technology provides results for the Maine ratepayer and the Maine environment. There are no parameters to that so we have no idea what direction it will take. One thing I am sure of is that the people of Maine are not agnostic about energy policy. They clearly want to see development of renewables. Thank you, Mr. President.

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

Senator **WOODSOME:** Thank you, Mr. President. I wish to speak on L.D. 1314. This legislation will eliminate technology oriented energy goals for the state and establish objective oriented goals. Specifically, the language in this bill would establish the following as a primary energy goal for the state. "The Legislature declares that the primary energy policy of the State is to reduce electric rates and costs for the state's businesses and households as well as to reduce air pollution." Who would be against these goals? Our constituents do not care

about technology or what technology gets less results. They simply want lower energy bills and lower pollution. We should have policies that promote any technology that can lower costs and lower the pollution. Instead, we currently have a policy promoting indigenous renewable resources, such as wind energy goal of 2,000 megawatts installed capacity by January 1, 2015. We have about 450 megawatts installed today. That is basically a goal that simply says build more wind. We should be realistic with our goals rather than these ridiculous wind specific goals. Our energy goals should be inclusive of all technologies that result in progress for the Maine people. Improving the efficiency of natural gas power plants, installing wind, installing solar, installing biomass, or any new technology that innovators are pursuing today we should be promoting. Instead of managing specific technology choices, we should have a flexible policy that promotes all options to get the results that we are looking for to achieve lower costs and lower pollution. We should use everything that is available: biomass, wind, geothermal, solar, and, yes, natural gas; anything that can lower pollution and lower the cost for the Maine people. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Woodsome to Accept the Minority Ought to Pass Report, in Non-concurrence. 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 (#123)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, EDGEComb, HAMPER, KATZ, LANGLEY, MASON, MCCORMICK, ROSEN, SAVIELLO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, DIAMOND, DILL, DUTREMBLE, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO

EXCUSED: Senators: BREEN, DAVIS

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **WOODSOME** of York to **ACCEPT** the Minority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

READ ONCE.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Authorize Tribal-state Memoranda in the Eel and Elver Fisheries"

H.P. 862 L.D. 1262

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

Signed:

Senators:

BAKER of Sagadahoc
LANGLEY of Hancock
MIRAMANT of Knox

Representatives:

KUMIEGA of Deer Isle
ALLEY of Beals
BATTLE of South Portland
BLUME of York
HAWKE of Boothbay Harbor
PIERCE of Dresden
SAWICKI of Auburn
TUELL of East Machias

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

Signed:

Representatives:

DEVIN of Newcastle
McCREIGHT of Harpswell

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

Reports **READ**.

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

Senate

Pursuant to Joint Order

Senator LANGLEY for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish the Public Higher Education Systems Coordinating Committee"
S.P. 543 L.D. 1441

Reported that the same be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, pursuant to Joint Order 2015, S.P. 185.

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

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent down for concurrence.

Ought to Pass

Senator BRAKEY for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve the Quality of Life of Persons with Serious Illnesses"

S.P. 280 L.D. 782

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

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

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

Sent down for concurrence.

Ought to Pass As Amended

Senator SAVIELLO for the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Ensure That Collection Facilities Can Participate in the Architectural Paint Stewardship Program"

S.P. 370 L.D. 1044

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-157)**.

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

READ ONCE.

Committee Amendment "A" (S-157) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator SAVIELLO for the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Amend Environmental Permitting Standards"

S.P. 449 L.D. 1244

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-156)**.

Report **READ**.

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

Senator BRAKEY for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Support Home-based Care
S.P. 398 L.D. 1129

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-158)**.

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

READ ONCE.

Committee Amendment "A" (S-158) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Allow Retail Liquor Licensees To Sell Alcoholic Beverages for On-premises and Off-premises Consumption at One Location"

S.P. 464 L.D. 1289

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

Signed:

Senators:

CYRWAY of Kennebec
COLLINS of York
PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth
DILLINGHAM of Oxford
GOLDEN of Lewiston
HANINGTON of Lincoln
KINNEY of Limington
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
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:

TURNER of Burlington

Reports **READ**.

Senator **CYRWAY** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **BRAKEY:** Thank you, Mr. President. I appreciate the opportunity to stand and oppose this motion. I have no illusions, considering the report that's in front of us, that this might be a lost cause. That being said, I think the sponsor of this bill, whoever that person may have been, was really onto something, because I happen to be the sponsor of this bill. I just want to highlight what this bill is attempting to accomplish. Currently, we have in Maine many local variety stores. I'll keep my comments brief. We have many local variety stores. Many of us may have these local variety stores in our own districts. Currently many of these stores have to make a choice. They can choose to apply for and receive a liquor license to sell liquor for carry-out, where someone buys a six-pack and takes it home with them, or they can choose to get a liquor license for on premise consumption. For many of these variety stores, they happen to be both a grocery store and a restaurant. Maybe you go there to get some of your groceries. Maybe you go there and buy a sandwich and have a meal. We ask them to choose. We say that they can have one liquor license or they can have the other but they can't have both unless they jump through huge bureaucratic hoops, including erecting walls and going through a lot of trouble in order to do both things. They can do either one or the other. If they can get both licenses individually, why can't they get them both together? Some people raised the concern of taxes. Some people say that alcohol that is purchased for taking home is taxed at a different rate from alcohol that is purchased for on-site consumption. We already allow our micro-breweries to do this and they found easy ways to do that. They just have a distinction and they tax them for whichever consumption you're doing. This would require that if alcohol is served on premises for on-premises consumption it would have to be served by an employee so you could easily make that distinction. Anyways, as I said, I have no illusions, considering the report that we're facing, that we're going to overturn this Ought Not to Pass Report, but I think this is a very important issue to some of my constituents. I imagine many of us have constituents who own these local variety stores, or work at these local variety stores, and I think it's an issue worth raising for this Body. I thank you, Mr. President, for the opportunity to speak.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#124)

YEAS: Senators: ALFOND, BAKER, BURNS, COLLINS, CYRWAY, DIAMOND, DILL, DUTREMBLE, GERZOFSKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, LANGLEY, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, VOLK, WHITTEMORE

NAYS: Senators: BRAKEY, CUSHING, EDGECOMB, KATZ, ROSEN, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

EXCUSED: Senators: BREEN, DAVIS

25 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **CYRWAY** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

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 Protect Older Adults from Financial Exploitation
H.P. 917 L.D. 1348
(C "A" H-196)

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

Mandate

An Act To Clarify the Law Governing the Collection of Unpaid Sanitary District Charges

S.P. 67 L.D. 192
(C "A" S-121)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 34 Members of the Senate, with no Senators 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.

Off Record Remarks

Acts

An Act To Eliminate the Minimum Age Requirement for a Junior Hunting License and Increase the Number of Times a Person May Hold an Apprentice Hunter License

H.P. 114 L.D. 156
(S "B" S-123 to C "A" H-105)

An Act Regarding the Reporting Standards for Child Abuse

H.P. 322 L.D. 483
(C "A" H-193)

An Act To Avoid the Inappropriate Use of Assessment Tools on Children before Grade 3

H.P. 361 L.D. 537
(C "A" H-198)

An Act To Increase Access to Health Care through Telemedicine

H.P. 443 L.D. 662
(C "A" H-194)

An Act To Improve the Veterans' Services Laws

H.P. 470 L.D. 694
(C "A" H-192)

An Act To Amend Maine's Motor Vehicle Statutes

H.P. 807 L.D. 1175
(C "A" H-191)

An Act To Preserve the Efficiency of Transportation Maintenance and Construction Activities

S.P. 450 L.D. 1245
(C "A" S-122)

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.

Off Record Remarks

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

On motion by Senator **ROSEN** of Hancock, **ADJOURNED** to Wednesday, June 3, 2015, at 10:00 in the morning.