

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

In Senate Chamber
Thursday
June 11, 2015

Senate called to order by President Pro Tempore Garrett P. Mason of Androscoggin County.

Prayer by Reverend Mary E. Baard, First Parish Church, United Church of Christ in Brunswick.

REVEREND BAARD: Good morning. I'd like to just take a moment of personal remembrance. I was here last year, in the 1990s, when my father, Charles Begley of Waldoboro, served two terms in the Senate and in the 1980s I was down the hall in the House with my mother, Jeanne, who served three terms in the House. I'm very glad to be with you all today and I thank you for your service to the State of Maine.

I invite us to take a moment of silence to center our spirits in whatever manner is appropriate for you and your tradition. Spirit of Life, whom we call on by many names, yet is beyond all names; who is beyond the scope of our imaginations, yet is as close as our every breath, bless this gathering with patience for the process, with compassion for one another, with perspective for the long haul, with wisdom for the living of these days. Give us openness of mind and lightness of heart so that in the midst of serious work we may not take ourselves too seriously. Bless us and inspire us, that our lives may be a blessing in the world, for the good of all creation. May it be so. Amen.

Pledge of Allegiance led by Senator Paul T. Davis, Sr. of Piscataquis County.

Reading of the Journal of Wednesday, June 10, 2015.

Doctor of the day, David Scaccia, DO, MPH of Kittery.

Off Record Remarks

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

COMMUNICATIONS

The Following Communication: S.C. 432

**STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE PRESIDENT**

June 11, 2015

Honorable Heather J.R. Priest
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Priest:

Pursuant to my authority under Senate Rule 201.3, I am pleased to appoint the Senator from Androscoggin, Senator Mason to serve as President Pro Tempore. With this appointment Senator Mason will serve as President Pro Tempore for the start of the regularly scheduled session on June 11, 2015.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Provide Incentives To Foster Economic Growth and Build Infrastructure in the State by Encouraging Visual Media Production" (EMERGENCY)

H.P. 699 L.D. 1004

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-326)** (4 members)

In House, June 9, 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-326)**.

In Senate, June 10, 2015, on motion by Senator **MCCORMICK** of Kennebec, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

Senator **MCCORMICK** of Kennebec moved the Senate **INSIST**.

Senator **MIRAMANT** of Knox requested a Roll Call.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Knox, Senator Miramant.

Senator **MIRAMANT:** Thank you, Mr. President. I'd just like to say that in this profession, unlike my previous, if I make a mistake it won't kill anyone. However, I did make one yesterday and I would like a chance to correct it if you would give me the benefit of that and that's why I stand. Thank you.

On motion by Senator **MIRAMANT** of Knox, 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 (#194)

YEAS: Senators: BAKER, BREEN, DILL, EDGECOMB, GRATWICK, HAMPER, JOHNSON, KATZ, LANGLEY, LIBBY, MCCORMICK, ROSEN, THIBODEAU, VOLK, WHITTEMORE, WILLETTE, WOODSOME

NAYS: Senators: ALFOND, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DUTREMBLE, GERZOFKY, HASKELL, HILL, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **MCCORMICK** of Kennebec to **INSIST FAILED**.

On motion by Senator **MIRAMANT** of Knox, the Senate **RECEDED** and **CONCURRED**.

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.

COMMUNICATIONS

The Following Communication: S.C. 430

**STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE GOVERNOR**

10 June 2015

The 127th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 626, "An Act Regarding Write-in Candidates in Municipal and City Elections."

This bill changes the way write-in votes are counted by allowing those votes to not be counted at all under some circumstances. On an issue as important as counting votes, I believe there should be a greater level of support demonstrated by the people's representatives. Consequently, I want to ensure that before it becomes a law, this piece of legislation should have the widest possible representation in Augusta. If we are going to change the way the people's votes are counted – or more importantly, choose not to count them at all – then this bill must have at least a two-thirds vote and a roll call to get by me.

For this reason, I return LD 626 unsigned and vetoed.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act Regarding Write-in Candidates in Municipal and City Elections

S.P. 219 L.D. 626

The President Pro Tempore laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#195)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, and 35 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

The Penobscot Marine Museum, in Searsport, which has received a \$40,784 grant from the National Park Service Maritime Heritage Grant Program for digitizing, rehousing, cataloging and publishing the *National Fisherman* magazine collection on its online database. *National Fisherman* magazine is the United States commercial fishing industry's publication of record. The collection provides unequalled documentation of American commercial fishing from the 1920s into the 1990s and has the largest number of twentieth century photographs in the field. When completed, this preservation project will offer the only publicly available online record of the history of modern fisheries. We extend to the staff and board of trustees of the Penobscot Marine Museum our congratulations and best wishes;

SLS 558

Sponsored by President THIBODEAU of Waldo.
Cosponsored by Representative: GILLWAY of Searsport.

READ.

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

Senator **THIBODEAU:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I've got a tremendous opportunity for each and every one of you this summer. As you're out going for a drive this summer and looking for a destination to head to, I would suggest to you that you head to Searsport, Maine. You'll find in Searsport the Penobscot Marine Museum, which is an absolutely fabulous place that was founded in 1936, the oldest marine museum in our country. The campus includes twelve buildings, all on Route 1 in Searsport, with a collection of artwork and archives, boat collections, and artifacts representing Maine's rich maritime history. I would encourage each and every one of you to take time this summer, go by and visit this location. Folks in Waldo County are very proud of it and, indeed, I think if you do take an afternoon and stop by, you'll understand why. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize in the rear of the Chamber Liz Lodge, Director of the Penobscot Marine Museum, and Kevin Johnson, the photo archivist for the project. Would they please rise and accept the greetings of the State Senate.

Matt Brown, of Madison, a sophomore at Madison Area Memorial High School, who has won the 2015 Class C State Wrestling Championship in the 285-pound weight class. Matt is the first state champion in the 12 years of the program at the school. Despite struggling with injury during the season, he improved greatly. Matt entered the tournament as the number 4 seed. We extend to Matt our congratulations and best wishes;

SLS 564

Sponsored by Senator WHITTEMORE of Somerset.
Cosponsored by Representatives: FARRIN of Norridgewock, McCABE of Skowhegan.

READ.

On motion by Senator **WHITTEMORE** of Somerset, **TABLED** until Later in Today's Session, pending **PASSAGE**.

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 (1/20/15) matter:

JOINT ORDER - Expression of Legislative Sentiment
Recognizing Charles S. Colgan of South Portland
SLS 40

Tabled - January 20, 2015, by Senator **MILLETT** of Cumberland

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

(In Senate, January 20, 2015, **READ.**)

At the request of Senator **MILLETT** of Cumberland, Joint Order **READ.**

THE PRESIDENT PRO TEMPORE: 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 rise this morning to recognize and celebrate the distinguished career of Professor Colgan to date and his many contributions to the state of Maine. We can't overstate the central role Professor Colgan has played in the economic planning, analysis, and discussion for our state. Certainly, many businesses and policy makers anticipated and relied upon his annual economic forecast that he issued every year since 1992. Professor Colgan's expertise and insight has been brought to bear on a wide array of issues. A quick review of titles gives us some insight into the breadth of his expertise. *Charting Maine's Future, an Action Plan for Promoting*

Sustainable Prosperity and Quality Places; The Contribution of Working Waterfronts to Maine's Economy; An Analysis of the Economic Impacts of the Proposed Affordable Housing Program for Maine; Energy Efficiency, Business Competitiveness, and Untapped Economic Potential in Maine; Maine's Aging Economy and Economy of Aging; Maine's Changing Economy. The Professor, I will note, has even made the on-line A.Z. Quotes website. While he may be retiring from U.S.M., Professor Colgan will continue to bring his formidable intellect and experience to important issues as Director of Research for the Center for the Blue Economy at Middlebury Institute of International Studies at Monterey and Editor and Chief of the Journal of Ocean and Coastal Economies. Thank you, Professor Colgan, for all that you have done to help Maine and help advance its economy and we wish you all the best in the next step in your illustrious career. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize in the rear of the Chamber Charlie Cogan of South Portland. Would he please rise and accept the greetings of the Senate.

Senate at Ease.

Senate called to order by President Pro Tempore
GARRETT P. MASON of Androscoggin County.

Off Record Remarks

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Establishing the Study Commission To Ensure Integrity in the Use of Service Animals (EMERGENCY)

H.P. 591 L.D. 872

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-370).**

Signed:

Senators:

DILL of Penobscot
SAVIELLO of Franklin

Representatives:

HICKMAN of Winthrop
BLACK of Wilton
CHAPMAN of Brooksville
DUNPHY of Old Town
EDGECOMB of Fort Fairfield
KINNEY of Knox
MAREAN of Hollis
McELWEE of Caribou
NOON of Sanford
SAUCIER of Presque Isle

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 Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-370).**

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (H-370) **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 Establish Training Standards for Persons Investigating Domestic Abuse Complaints"
H.P. 981 L.D. 1437

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

Signed:

Senators:

BURNS of Washington
GERZOFKY of Cumberland

Representatives:

FOWLE of Vassalboro
CHENETTE of Saco
DAVITT of Hampden
GERRISH of Lebanon
LAJOIE of Lewiston
NADEAU of Winslow
THERIAULT of China
TIMMONS of Cumberland

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

Signed:

Representatives:

LONG of Sherman
WARREN of Hallowell

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

Reports **READ**.

On motion by Senator **ROSEN** of Hancock, the Minority **OUGHT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Create the Cellular Telephone Labeling Act"

H.P. 602 L.D. 883

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

Signed:

Senators:

WOODSOME of York
MASON of Androscoggin

Representatives:

DION of Portland
GROHMAN of Biddeford
HIGGINS of Dover-Foxcroft
O'CONNOR of Berwick
RYKERSON of Kittery
WADSWORTH of Hiram

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-343)**.

Signed:

Senator:

HILL of York

Representatives:

BABBIDGE of Kennebunk
BEAVERS of South Berwick
DeCHANT of Bath
DUNPHY of Embden

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 Majority **OUGHT NOT TO PASS** Report, in 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 PRO TEMPORE: The Chair recognizes the Senator from York, Senator Hill.

Senator **HILL**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I'm speaking against this motion. I have to admit when this bill first came in I thought I was in a certain position and I was impressed by the public hearing. It was well organized. People had come from around the country, from Washington, from various places in Maine. All sorts of professionals in the field of emissions, doctors, etcetera. There was evidence from the U.S. There was evidence from Europe. It struck me that there were some points that really caught my attention and I started looking at this in a different way because I know this has been before us many times. One of the things that struck me was that the evidence says there is no link to brain cancer. Well, we've all heard that, but also the evidence showed that it takes about 40 years for brain cancer to develop. The other part of the evidence there was, "Well, we're using more cell phones than ever but yet the incidents of brain cancer is not going up." If you do the math with the 40 years, you start to question that information.

Additionally, they talked about a lot of testing being done and I thought that was intriguing. I'm a person who likes to go evidence-based and on the facts. They talked about all this testing being done to heads and I said to myself, "Who would volunteer for this, given what it could be?" I asked the question, "How do you do the testing? Who is volunteering for this testing that you're doing thousands of times over?" We were told that they use mannequins who have a brain that's created, or devised, or built that are similar to human brains. I just thought, "That just doesn't sit well with me. I'm not sure I'd consider that as appropriate testing." They weren't even talking about testing on animals, not that I'm proposing we should do that but mannequins, I don't know, it didn't feel right.

We then talked about the constitutional issues, and you know there are First Amendment issues with regards to labeling. I respect that. I'm not sure that even I, as an attorney, can always say, "Okay, that's where the conversation has to end, it's a First Amendment protection." I think what I want to share with you is

that I feel that this topic, the conversation, needs to go on. There are questions. I'm sure the doctors who are in the room today are going, "Oh my God, what is she saying?" I'm sure the attorneys and anyone from perhaps the Attorney General's Office is saying, "What is she saying?" because we did have a letter saying First Amendment concerns and commerce clause concerns.

I feel that we have to remember we were told over the years that Agent Orange was okay, for any of you who were around during the Vietnam War. We were told that tobacco was okay. Now we're finding out even second hand tobacco is killing us. We were told asbestos was okay. Many of you have it in your buildings, commercial and in your homes. Try to find somebody who can remove it in a way that you can even afford to have it removed. I want to share with you that recognizing the First Amendment concerns and also recognizing the big question marks about where this is really going over time. There was an offer to have it be a disclosure, as opposed to a warning, on the cell phone. I thought one of the House members on the committee made an excellent point when he pulled out the information on what the cell phone companies themselves are saying. They are not saying it on the outside of the phone, but if you are tricky enough to figure out how to get into those many layers, and I must confess I'm not one of those people, to find out where the warning is that's in the little book that tells you to go in the phone to read it, here's what you would hear. All of those who have Apple phones listen up. "iPhone SAR measurement may exceed the FCC exposure guidelines for body worn operation if positioned less than five-eighths of an inch from the body. When using iPhone near your body for voice calls or for wireless data transmission over a cellular network, keep the phone at least five-eighths of an inch away from the body and only use carrying cases that don't have metal." If you are a Blackberry guy here's what it says. "Use hands free operation if it is available and keep the Blackberry device at least .98" away from your body, including the abdomen of pregnant women and the lower abdomen of teenagers when the Blackberry device is turned on and connected to the wireless network." Finally, I know some hold that new Samsung. Samsung says, "For body worn operation, this phone has been tested and meets FCC RF exposure guidelines when used with an accessory that contains no metal and that positions the mobile device a minimum of 1.5 cm from the body."

Given that, you will see that I ended up on the Ought to Pass as Amended Committee Report and I hope you will follow my light. Thank you, Mr. President.

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

Senator **WOODSOME:** Thank you, Mr. President. I, too, like Senator Hill, was impressed with the testimony. We spent a lot of time with this in committee. We allowed extra time. We allowed extra time for people to be flown in and the testimony was compelling. Yet there is no proof that the situation exists. Certainly I have all kinds of compassion for the people who have suffered brain damage and other cancer caused issues, but there is no proof. I asked the good Senator Hill if she changed her lifestyle with the use of her cell phone since she has come to this conclusion. Most of us have not and will not, so I ask you to follow my lead.

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

Senator **HILL:** Thank you, Mr. President. I realize a question has been made through the Chair. I would like to answer it. The answer is yes, and that's exactly why I wanted to share the information that had been brought forward to us from the cell phone companies themselves. When I use my phone I have it in my hand. I always put it on speaker so that I don't have to put it up to my ear. Thank you.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, cell phones are incredibly dangerous and you shouldn't be using them as you are driving down the road. Something that this Body agreed with but, unfortunately, the other Body did not agree with. I think that really the question here, Mr. President, is what the standard is. Should we label things as dangerous unless there is proof that they're not or should we not require danger labels unless there is some proof that they are? I wasn't smart enough to go to medical school, so I don't have any idea what the science is of these things so I look to the experts to give some guidance. Dr. Dora Ann Mills, who was the former Director of our own CDC, said, "At this point in time we believe the preponderance of evidence does not suggest or find brain cancer or other cancer risk associated with the use of cell phones." The U.S. Federal Communications Commission has said, "All cell phones must meet the FCC's RF exposure standard, which is set at a level well below that at which laboratory testing indicates, and medical and biological experts generally agree, adverse health effects could occur." The U.S. Food and Drug Administration has said, "The scientific evidence does not show a danger to any users of cell phones from RF exposure, including children and teenagers." The National Cancer Institute has said, "A new analysis by NCI researchers has turned up no evidence to support a link between cell phone use and brain cancer in the United States." The World Healthcare Organization has said, "A large number of studies have been performed, to date no adverse health effects have been established as being caused by mobile phone use."

I understand that there are those who are concerned with this. I know that there hasn't been a number of decades which have passed since cell phones have been in use. It may well turn out that some danger is found, but we've got to be careful about crying wolf here as well. I just think that we've got to be very careful about labeling things as potentially dangerous when they're not because at a certain point people will stop paying attention to danger labels. I also note, Mr. President, that no other state in the country, not one, has a requirement similar to this. I think that, as citizens, we've got, at a certain point, to put our trust into these national organizations and our own CDC that studies these things and base our votes on those kinds of reports. I urge people to vote for the pending motion. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you, Mr. President. Certainly Maine has been a leader on other things and I think that this is one of

them that we should, once again, be a leader on. This bill, as amended, is requiring only disclosure and this is a case where the manufacturers, themselves, choose to provide information on what they consider safe for the use of their own devices and yet I would ask; how many of you know what it says in your own? Have you read your own warning in your cell phone? Are you aware? With absence of a disclosure on the outside that says here's what it is or here's where it is, how many of you have read the safety advice for your own phone?

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

Senator **CUSHING:** Thank you, Mr. President. I rise briefly to reflect on this issue, which we have had before us repeatedly. I respect the thoughtful way in which all of my colleagues have addressed this. I would like to reflect on the fact that this issue, to me personally, is a matter of whether we're going to inflict upon the consumers, and those who manufacture the products that we use in our daily lives, more requirements or are we going to judge citizen's competent to recognize and study, on those same devices at times, the information related to any health matters? I would concede that I have a cellular device, have had it for many years, use it frequently. Many times I try to be responsible as the good Senator from Kennebec offers. I use it in hands-free mode in the car. Importantly, when we're talking about the disclosures in society that we have created, we are not creating the responsibility for people to think properly and I think for us in Maine to take this step would be imprudent, again, at this point because we have national standards that are being thoughtfully weighed by other deliberative bodies as well as the companies who, themselves, have children and family members who use the devices and the products that they create and I think we have to be respectful of the fact that these are individuals who are responsible members of our society too. With that, I would respectfully ask that we move forward to the vote and move on this issue. Thank you.

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, just two very brief remarks. One is the major reigning pattern of medical care is "first do no harm". I think that's when you go to see your physician that's what you want most of all, that you not be harmed. Second of all, there's informed consent. You should know what it is you're getting into, what medicines do and what they don't do. I view this as being appropriate in this situation. We wish to be absolutely certain we do no harm and I think by giving disclosure, and I think that's a very important word here, we can make sure that if people do have harm they will have known about their options beforehand. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Kennebec, Senator Cyrway.

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'd just like to say that Senator Hill brought up a good example about tobacco being okay and then they put labels on it and whatever on some of these products. I know, from my experience on using a cell phone, I can't hold it to

my ear more than two minutes and it does bother my ear. I keep it away and I put it on speaker phone and that sort of thing. I have a problem with putting labels on only because they don't put labels on marijuana and they say that's okay. That's a medicine? Come on. Anyways, this is what I'm saying, so let's be real. We have to use our commonsense on this. Thank you.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from York, Senator Woodsome to Accept the Majority Ought Not to Pass Report, in 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 (#196)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGEComb, GERZOFsky, HAMPER, KATZ, LANGLEY, LIBBY, MCCORMICK, ROSEN, SAVIELLO, THIBODEAU, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senators: GRATWICK, HASKELL, HILL, JOHNSON, MILLETT, MIRAMANT, PATRICK, VALENTINO

27 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator **WOODSOME** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Maximize the Benefits of Renewable Energy in Maine" (EMERGENCY)
H.P. 904 L.D. 1329

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 as Amended by Committee Amendment "A" (H-347)**.

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 AS AMENDED** 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 PRO TEMPORE: The Chair recognizes the Senator from York, Senator Hill.

Senator **HILL:** Thank you, Mr. President. I rise to speak against this motion. Again, we had an interesting series of public hearings on this and I think that the problem here is that this basically guts the Wind Act. What it does is it prohibits the PUC from directing distribution and transmission utilities to enter into long-term contracts for the purchase of energy and energy capacity unless they are considered firm capacity resources. In other words, they can't be intermittent or non-dispatchable resources. In plain language, it means they can't be wind, they can't be solar PV, can't be solar thermal, and some hydro. What it does mean is that long-term contracts would look to oil, coal, nuclear, natural gas, and geothermal. In addition, this bill allowed the DEP to change an applicant's fee and move the cap up to \$1 million per project. According to the DEP, on average they've only had to charge about \$100,000. Finally, it takes away the presumption for wind that it benefits the environment and greenhouse gases. Totally, in my opinion, this is inconsistent with Maine's long-term policy of

THE PRESIDENT PRO TEMPORE: We're having some technical issues. Stand by. The Senator may proceed.

Senator **HILL:** Thank you, Mr. President. I will assume that was a solar flare and not strategy. At any rate, what I was wrapping up to say is that I think that gutting the Wind Act is very inconsistent with what the people of Maine are looking for in terms of supporting wind power. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from York, Senator Woodsome to Accept the Minority Ought to Pass as Amended 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 (#197)

YEAS: Senators: BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGECOMB, HAMPER, LANGLEY, MCCORMICK, ROSEN, SAVIELLO, THIBODEAU, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senators: ALFOND, BAKER, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFOSKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **WOODSOME** of York to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE, PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-347) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure Safe Drinking Water for Maine Families"

H.P. 796 L.D. 1162

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-333)**.

Signed:

Senators:

HASKELL of Cumberland
McCORMICK of Kennebec

Representatives:

GATTINE of Westbrook
BURSTEIN of Lincolntonville
HAMANN of South Portland
HYMANSON of York
MALABY of Hancock
PETERSON of Rumford
STUCKEY of Portland
VACHON of Scarborough

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

HEAD of Bethel
SANDERSON of Chelsea

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-333)**.

Reports **READ**.

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

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

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, when less than half the people in the state of Maine who own private wells are getting a water test that's a problem. It's a serious public health problem because one in ten wells in our state are contaminated with levels of arsenic that are above the national safe drinking water threshold. We know that arsenic can cause skin, bladder, and lung cancer, along with lower IQ scores. A study of Maine school children, right here in Kennebec County, researchers found that arsenic in drinking water can lower a child's IQ score five to six points, enough to require special education services. We need to take action. People don't act on a threat they don't know about. Arsenic is tasteless, colorless, and odorless. Without significant outreach to Maine communities, people will continue to unknowingly be exposed to this toxic chemical. Right now the Maine CDC is already doing outreach and education activities in three selected communities to increase testing for arsenic in private well water. The good news is that CDC's now piloted programs are already proving effective. By using multiple forms of communications at once, like PSAs, flyers to peoples' homes, and a front page story in a local newspaper, testing rates have gone up. We know what's working and we can build on it. The

Maine CDC does not step out on matters that they don't believe are of critical importance to our state. The bad news, however, is that this effort is funded by a temporary grant. That funding is going to expire long before we get our testing rates for arsenic anywhere near where it needs to be. It's clear we need an ongoing effort to reach out to Maine people until we significantly improve this testing rate. That's why this bill sets up the Private Well Safe Drinking Water Fund. There is a \$10 fee that supports this fund and it's paid only by those who use the public lab to get a water test. If you use a private lab there is no fee. Even with this extra \$10 the public lab will still be the cheapest option for water testing and this lab can waive all costs for a water test for anyone who can't pay. This fund can be used to broaden public service announcements, send information to peoples' homes, and get the word out on radio, with the newspaper, and at town hall offices. In my committee we saw support not only from health advocates and parents who found arsenic in their wells but also private businesses who became supporters of the bill. Beau Mears, CEO at Northeast Laboratories, and Rebecca Lebranche, who is the Director of A & L Laboratories, have both said that Maine water businesses can't get enough people to test with just their own advertising. These labs also feel that the \$10 fee will help level the playing field between their businesses and the public health lab. We have a bill before us that puts us in the right direction to increase testing for arsenic in private well water and I think it's time that we begin to do that. Because of the information that CDC has already provided, we're able to begin to locate some areas where arsenic is more prevalent. These are the areas that should be focused on and we should begin to get the information out to people that their wells should be tested and their kids protected. I urge you to reject the Ought Not to Pass Report. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise today to speak in favor of the motion of Ought Not to Pass on this legislation. I'll just say, first and foremost, this is one of a few bills that are coming before this Body related to the problem of arsenic, which is a real problem. Of course there are other bills. There will be the time and place to talk about them. I can't talk about them right now other than to say that I think there are potential solutions to this problem which we may have an opportunity to consider at a later point and I don't think that this particular legislation fixes the problem. What this bill does is it creates a new fee to fund education efforts to make people more aware of the problem of arsenic. There's already a lot of education that is done on arsenic. You talk to any Maine realtor and you ask them about the information they have to hand out every time they are selling a house and you learn about one of the many ways people are educated about arsenic. I don't think what we have is a deficiency of education on this issue and I don't think that \$40,000 which is funded by creating a new fee is going to fix this problem. It's not a deficiency of education. There are other factors at play here. Not only, as mentioned, is there the education on arsenic that is mandated by the State, but you also have businesses in the free market who have a profit motive to encourage people to test their wells. You've got private labs. You've got businesses that make profit by selling the products to filter arsenic out of the water. If they can't do it, if the current education that we're already doing isn't fixing this problem 100%,

I don't know why we think that just throwing more money at the problem is going to fix it. I think there are other solutions we can talk about and I know in future legislation we may have an opportunity to talk about those future solutions. I don't think anyone here in this Body would say that arsenic is not a problem that we should be concerned about. We absolutely should be concerned about it and we absolutely should consider taking actions to help resolve this problem, but, as I said, creating a new fee, to just throw more money at the problem, isn't going to fix it. I would encourage the Chamber to follow my light and vote Ought Not to Pass on this. Thank you very much.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you, Mr. President. I'd like to speak to several of the points made because I'm strongly in opposition to the pending motion. I'm going to start by telling you what motivates me to be so strongly in opposition. I learned, when I was out meeting constituents some time ago, of one constituent who had a well, had it drilled on the property, and had been living there for a number of years. It wasn't until after a series of difficult health issues was finally tracked down to being caused by arsenic that, in testing, they figured out that it was their well that was doing it to them. I would submit that not only on the basis of that experience but also because of Columbia University's 2013 study on treatment that found that as many as 15% of treatment installations are currently not working to prevent unsafe arsenic levels. The study also found that 3,607 out of 17,620 households with unsafe drinking water are exposed to arsenic routinely for one of three reasons that ongoing education would address: 2,731 were unaware that they were drinking arsenic in their water, unaware; 139 had installed treatment systems that were currently failing to work to protect them; 737 were aware but were choosing to drink it anyways. There is now a study being designed in Waldo County Maine to further examine that group. All of these points to the need for people being more aware of the importance of testing their well, of the significance of arsenic as a factor in health and adverse health, and of the importance of not only installing something to treat the water but ensuring that it is going to be an appropriate treatment system and that it is maintained correctly so that it continues to work as it should. I would also submit that this is not just throwing money at a problem. I've just explained to you why the education that this would support is exactly what we need next so that in our free market people can make an informed decision when they know what the dangers are and what choice they want to make to solve it, whether it's drinking bottled water instead of their well water or trying to get it treated. There are other bills that will provide opportunities to help people with treatment of their arsenic, but public safety is not a free market responsibility. We don't ask people to hire their own cops. We don't ask people to hire their own State Police. We don't ask people to hire their own experts to provide the function that Maine's CDC provides. This is one of the roles, appropriately, of government. We should be informing people of the risks that we know have real cost to our economy, have real cost to their lives, and we should be helping them live better lives through acting on that knowledge. I ask you to join me in voting against the pending motion. Thank you.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Penobscot, Senator Dill.

Senator **DILL:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion. Many of you may know that in my other job I'm Pest Management Specialist at the University of Maine and one of my roles there is to teach pesticide safety education. Arsenic, some of you, as I look around this room, probably many of you, remember Paris Green and Lead Arsenate and maybe used those. Those were pesticides, very toxic, which are now banned, which contained arsenic. Arsenic was also used in pressure treated lumber. CCA was the material that was used. It's no longer allowed for residential or general use for consumers, again, due to concerns of toxicity and other hazards associated with arsenic. Arsenic is naturally occurring in Maine, strongly associated with granite. Arsenic is an element; therefore it is not or cannot be broken down into other materials. Once it's there, it's there. It stays with us. Unfortunately, because of pesticide use and naturally occurring arsenic, Maine has plenty of this element around. Locally, in my district, one in five wells in Enfield has arsenic levels above the safe drinking water standard. Old Town, where I live, one in ten wells has been found unsafe. Strong scientific evidence shows that exposure to arsenic is linked to bladder, lung, and skin cancers and it can do damage to developing brains. A study of 272 Maine children in Kennebec County showed exposure to arsenic in well water was linked to lower IQ scores. I grew up in Kennebec County, so maybe that explains something. In my district in Penobscot County only 41% of the people with private wells are getting their water tested. Statewide only 45%. There are way too many families who are drinking unsafe water without knowing about it. I want to commend the Senator from Franklin County who brought this bill forward. This wasn't yours? I commend you anyways. This is for low income families to treat their wells, addressing one of the many problems that are associated with it. The other side the problem is simply lack of awareness. The percentage of people who test their well water shouldn't be down at 45%. We should be at 100%. This bill significantly raises awareness among Maine residents with private wells. It's earned the support of the business community.

The bill is funded, as you have heard, through a \$10 amount collected when the public health lab tests and the funds will be directed to the Safe Water Drinking Fund. I would quote from the Kennebec Journal that I think you all have. "Arsenic, colorless, odorless, and naturally occurring in bedrock that is prevalent in Maine, has been linked to a number of cancers, as well as poor fetal development, and other health issues. It also impairs cognitive function, lowers IQs, and raises instances of behavior and attention problems in students." It was suggested, or mentioned, that education, or throwing more money at this problem, may not work. Well, in 2013 Columbia University did a study, through the Superfund Research Program, in Maine where they looked at households that had been notified three to seven years previously that their well water contained high amounts of arsenic. After being informed of the risk, having their water tested and results shown to them by the research, 43% of the households installed a treatment system and 30% of them took other protective actions. That's 73% through this educational program. Let's make this the year that we take an important step towards keeping Maine people safe from exposure to arsenic by tackling the problem in two ways; making treatment more affordable and making sure every Mainer knows to test their well water. Please vote against the Ought Not to Pass. Thank you.

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

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, thank you, Senator Dill, for the credit, but it wasn't me. I also have some personal experience with this as I have actually paid for the testing for some of my constituents to make sure that they were there. However, I'm a man of action, not of education, at this point in time. We already know this. We have some bills that have come up before us, thanks to my other good friends on the other side of the aisle, that will be funded, and, with my friends on this side of the aisle, that will actually put the filters on the system. There is no need for this bill. Let's just move forward and take care of the problem. Thank you very much, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Brakey to Accept the Minority Ought Not 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 (#198)

YEAS: Senators: BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, EDGECOMB, HAMPER, ROSEN, SAVIELLO, THIBODEAU, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senators: ALFOND, BAKER, BREEN, DAVIS, DIAMOND, DILL, DUTREMBLE, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, VALENTINO, VOLK, WHITTEMORE

13 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILED**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-333) **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 **JUDICIARY** on Bill "An Act To Make Changes to Laws Governing Condominiums Regarding the Display of Signs"

H.P. 658 L.D. 955

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-382).**

Signed:

Senators:

BURNS of Washington
JOHNSON of Lincoln
VOLK of Cumberland

Representatives:

HOBBINS of Saco
EVANGELOS of Friendship
GUERIN of Glenburn
HERRICK of Paris
McCREIGHT of Harpswell
MONAGHAN of Cape Elizabeth
MOONEN of Portland
WARREN of Hallowell

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

Signed:

Representative:

GINZLER of Bridgton

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-382).**

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (H-382) **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 **JUDICIARY** on Bill "An Act To Make Confidential the E-mail Addresses of Applicants for Department of Marine Resources Licenses"

H.P. 709 L.D. 1026

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

Signed:

Senators:

BURNS of Washington
JOHNSON of Lincoln
VOLK of Cumberland

Representatives:

HOBBS of Saco
EVANGELOS of Friendship
GINZLER of Bridgton
HERRICK of Paris
McCREIGHT of Harpswell
MONAGHAN of Cape Elizabeth
MOONEN of Portland
SHERMAN of Hodgdon
WARREN of Hallowell

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

Signed:

Representative:

GUERIN of Glenburn

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Allow Maine Residents To Personally Import Medications as Permitted under the Federal Food, Drug, and Cosmetic Act" (EMERGENCY)

H.P. 968 L.D. 1422

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

Signed:

Senators:

VOLK of Cumberland
CUSHING of Penobscot

Representatives:

AUSTIN of Gray
CAMPBELL of Newfield
LOCKMAN of Amherst
STETKIS of Canaan
WARD of Dedham

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

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast
BATES of Westbrook
FECTEAU of Biddeford
GILBERT of Jay
MASTRACCIO of Sanford

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

Reports **READ**.

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** 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 Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, To Study Understaffing in State Agencies

H.P. 763 L.D. 1103

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-380)**.

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

MARTIN of Sinclair
BABBIDGE of Kennebunk
BEEBE-CENTER of Rockland
BRYANT of Windham
DOORE of Augusta
EVANGELOS of Friendship

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

Signed:

Senators:

WHITTEMORE of Somerset
WILLETTE of Aroostook

Representatives:

GREENWOOD of Wales
PICKETT of Dixfield
TUELL of East Machias
TURNER of Burlington

Comes from the House with 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-380)**.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Selection Process for the Treasurer of State

H.P. 966 L.D. 1419

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

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

MARTIN of Sinclair
BABBIDGE of Kennebunk
BEEBE-CENTER of Rockland
BRYANT of Windham
DOORE of Augusta
EVANGELOS of Friendship
GREENWOOD of Wales
TUELL of East Machias

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-366)**.

Signed:

Senators:

WHITTEMORE of Somerset
WILLETTE of Aroostook

Representatives:

PICKETT of Dixfield
TURNER of Burlington

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Joint Resolution, Making Application To The Congress Of The United States Calling A Convention Of The States To Propose Amendments To The United States Constitution To Impose Fiscal Restraints, Limit Federal Power And Impose Term Limits

H.P. 804

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

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

MARTIN of Sinclair
BABBIDGE of Kennebunk
BEEBE-CENTER of Rockland
BRYANT of Windham
DOORE of Augusta
TUELL of East Machias
TURNER of Burlington

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-365)**.

Signed:

Senators:

WHITTEMORE of Somerset
WILLETTE of Aroostook

Representatives:

EVANGELOS of Friendship
GREENWOOD of Wales
PICKETT of Dixfield

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

Reports **READ**.

Senator **WHITTEMORE** of Somerset moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

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

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

Senator **BRAKEY:** Thank you, Mr. President. I rise to speak in support of this document, H.P. 804, because we have the greatest Constitution the world has ever seen and the longest surviving one. This is because we allow the people to amend it in order to make the necessary corrections as experience under our government warrants. For the most part, amendments have been very positive for our nation and our Constitution. Without the amendment process found in Article V, we would have never had the Bill of Rights. Although the Bill of Rights were promised to the states in exchange for ratification, the impetus to have them proposed came from the mounting pressure applied by the states of Virginia and New York as they submitted an Article V Resolution calling for a convention to propose them which ultimately led to James Madison proposing them in Congress instead. Our history also has proven that if an amendment causes unforeseen problems that the correct measure is to repeal it, as we saw the 21st Amendment repeal prohibition. The 18th Amendment demonstrates how an amendment can expand the power and the authority of the federal government and the 21st Amendment has proven that an amendment can limit that power and authority.

Today we are experiencing a run-away federal government that has exceeded its authority and it's time that the states have a conversation about limiting that authority. Congress is broken and it has demonstrated that it is unwilling to take the necessary actions to correct the problems of our country. Thankfully the Framers were wise enough to understand that Congress would exceed the power granted to it under the Constitution and so they gave the states the authority to propose needed amendments in case Congress refused to do so. Unfortunately, the states were, for a long time, basically forgotten about this check that they have against the overreach of the federal government and it's time for us to finally use it, not only for the people of Maine but also for the entire nation.

I'd like to note, because I know there are often times a lot of concerns raised about what might happen at a Convention of States, and I'll say up front that when I first encountered this idea I shared many of those concerns. The one thing that really sold me on this was the realization that the authority we would be giving to a Convention of States is no greater than the authority that the Congress has every day they are in session. Every day that Congress is in session they, themselves, can propose amendments and we haven't had a slew of amendments adopted to the Constitution because there are checks in place. For example, Congress has introduced over 11,500 amendments to the U.S. Constitution, but the states have never been allowed to introduce one amendment under Article V. Although hundreds of Article V resolutions have been submitted by the states to Congress calling for a convention to propose amendments, they have never met the necessary two-thirds on the same amendment or topic. Many of our issues today would have been resolved decades ago if the states were successful in calling some of those amendment conventions. The time has come for us, the legislators of Maine, to exercise our constitutional authority and propose amendments that will rein in this out of

control federal government and bring some fiscal sanity to our nation. H.P. 804 allows Maine to join other states in calling a meeting to propose amendments exactly as Congress can do any day of the week. The convention is limited to the topic of the call and the convention cannot make any changes to the Constitution. It can only propose amendments that still need to be ratified individually by three-fourths of states, that's 38 states, exactly as all the other 27 amendments have been ratified in the past. In Federalist 85, Alexander Hamilton stated the following in regards to Article V, "We may safely rely on the disposition of the state legislatures to erect barriers against the encroachment of the national authority." May we, the Maine Senate, take those words seriously today and vote in favor of H.P. 804. Thank you very much.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Androscoggin, Senator Libby.

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, we have debated this issue earlier this year and I just want to remind the Body that I think we have some disagreement over the extent to which this convention can modify its own charge, create its own rules, throw out the rules that already exist. A Constitutional Convention like this we've seen once in our history, and that was in 1787 and 1789 when the delegates to this convention were asked to review the Articles of Confederation. That was their charge. It was clearly spelled out. The Articles of Confederation were thrown out in their entirety and the U.S. Constitution was adopted in its place. It is obviously conceivable that that same situation with these delegates could happen again. I think there's a great deal of question and concern there and until we have those answers I would strongly urge the Body to reject the current motion. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Somerset, Senator Whittemore to Accept the Minority Ought to Pass as Amended 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 (#199)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGECOMB, HAMPER, KATZ, LANGLEY, ROSEN, SAVIELLO, THIBODEAU, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **WHITTEMORE** of Somerset to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-365) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Joint Resolution, Making Application To The Congress Of The United States Calling A Constitutional Convention To Propose An Amendment To The United States Constitution Regarding The Status Of Corporations As People And The Role Of Money In The Election Process
H.P. 956

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

Signed:

Senators:

WHITTEMORE of Somerset
WILLETTE of Aroostook
LIBBY of Androscoggin

Representatives:

MARTIN of Sinclair
BABBIDGE of Kennebunk
BEEBE-CENTER of Rockland
BRYANT of Windham
DOORE of Augusta
GREENWOOD of Wales
PICKETT of Dixfield
TUELL of East Machias
TURNER of Burlington

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

Signed:

Representative:

EVANGELOS of Friendship

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

Reports **READ**.

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

Senate

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Expand the Local Foods Economy"

S.P. 459 L.D. 1284

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

Signed:

Senator:

EDGECOMB of Aroostook

Representatives:

BLACK of Wilton
EDGECOMB of Fort Fairfield
KINNEY of Knox
MAREAN of Hollis
McELWEE of Caribou
NOON of Sanford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-239)**.

Signed:

Senators:

SAVIELLO of Franklin
DILL of Penobscot

Representatives:

HICKMAN of Winthrop
CHAPMAN of Brooksville
DUNPHY of Old Town
SAUCIER of Presque Isle

Reports **READ**.

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

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

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen, this bill is something that Maine needs to build our local foods economy. One of the difficulties in growing our agricultural economy and our local foods in Maine, no pun intended, is the difficulty because of the narrow margins for

businesses to make a go of starting a new distribution or food processing, food hub, business, livestock or poultry slaughter, or processing grains, other things that are part of that, ideally, short food chain between the producer that needs to, on the smaller scale we operate in Maine, make a reasonable return on their efforts and those in Maine who would benefit greatly from having that riper, fresher, local produce, local foods that we know where it came from and how it was raised, and still to be able to afford that. We need to be adding value to what we produce in the state of Maine within Maine's economy. This bill is the opportunity to do just that. The department argued that we have the ability to do this already. Part of that is true and part of it isn't. The technical assistance that can be provided for grants, but what that can't do is to help people put together a business plan. It can help them with market evaluations, because that's within the scope of what that funding statute around the funding of the agriculture marketing loan fund and the agriculture development fund are all about. That's important, as is the rest of the focus of this bill on the quality of what we're trying to create for a local foods infrastructure because many of the businesses that have started up and failed in this endeavor, like the processing located in Belfast that failed last year, because, with the narrow margins, they need to have an excellent understanding of the market and they need to have a good business plan if they are going to succeed. On top of that, access to funding is not easy because of the margins, because of what is available for capital and what the possible returns are in agriculture. This bill is attempting to address both of those concerns to ensure that the business opportunities to boost our local foods economy that we would support with this program would be prepared to succeed and would be prepared to do so in a way that would provide an expansion of the market for our producers and a good value in return for their labors. That's really important because, and I know you've heard me say this before, Maine has an opportunity, a big opportunity, to be part of producing more than half of the food New England consumes instead of only about 10% today. Why wouldn't we help this problem, this stumbling, that's happening in Maine around growth of our local foods economy? Well, we should and that's what this bill is all about.

We heard from lots of people on this issue in the last legislature and we, in this Body, passed a bill slightly narrower than this 33-0. It's not changed. The reasons for doing that have not changed. Maine's farming is growing. The most recent two censuses, over five years it grew about 8%, the number of acres in farming. What hasn't developed to go with that is that we have the infrastructure to ensure that those farmers will get a decent return and that their business will succeed and Maine people will benefit because of it. For that reason I ask for your support for this bill. Follow me in voting in opposition to the pending motion. Thank you.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Kennebec, Senator Cyrway.

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I have a degree in agriculture and I grew up on a farm, 80 acres of vegetable farming and we had 500 acres and 110 head of cattle. I know what farming's about and it's about hard work, it's about dedication, heart, and working hard to get where you want to get. The University of Maine has a lot of technology. They've also had a farm on the premises. Agriculture, as you know, has gone down for many years and now

it's kind of like on the rise a little bit. Certainly it probably will never be to what we used to have. Every other house was a farm. Now a lot of the acreage has been sold off for residential. There was a time when tourism was more important than farms. It was paid off, paid farmers a certain amount to get their livestock, to get rid of their dairy cows because of surplus milk. I can remember that. I remember a whole lot of different avenues they took to reduce farming. Now they want to do a survey and hire more help to tell the farmers how to market. This is not what I think that we need. We really need somebody, or we need the help, to put money towards farming. I think that this bill really does not do a lot. Thank you.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Edgcomb 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 (#200)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, HAMPER, KATZ, LANGLEY, MCCORMICK, ROSEN, SAVIELLO, THIBODEAU, VOLK, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **EDGEComb** of Aroostook 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.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Hunters Whose Religion Prohibits Wearing Hunter Orange Clothing To Instead Wear Red" S.P. 538 L.D. 1430

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

Signed:

Senator:
DUTREMBLE of York

Representatives:
ALLEY of Beals
COREY of Windham
CRAFTS of Lisbon
HILLIARD of Belgrade
LYFORD of Eddington
MARTIN of Sinclair
REED of Carmel
SHORT of Pittsfield
WOOD of Greene

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-244)**.

Signed:

Senators:
DAVIS of Piscataquis
CYRWAY of Kennebec

Representative:
SHAW of Standish

Reports **READ**.

Senator **DAVIS** of Piscataquis moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from York, Senator Dutremble.

Senator **DUTREMBLE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise before you in opposition to this motion, not for the reasons one would think. It's been said through e-mails that the opposition is due to religious beliefs and it has nothing to do with religion whatsoever. My opposition to this is everybody knows what hunter orange is. We had a bill earlier this year that wanted hunter pink, which we defeated. Now we want to go to hunter red. The Department of IF&W is concerned with what the visibility of that red would be at dusk and dawn. We have a lot of issues whether it would be safe for hunters or not. I don't think we should be opening the door to changing these colors without any study or any more information. I would urge you to vote against the pending motion. Thank you.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you very much, Mr. President. I appreciate the comments of my good friend, Senator Dutremble. However, I don't agree with him as far as what the intent of the bill is. It is about religion. It is about, as we all know, the Amish community. They have numerous locations throughout the state.

They are called the Gentle People for the reason that they are just that. They are very law abiding, honest, government supporting people. They do hunt. However, as I said earlier, they are called the Gentle People but they are also called the Plain People. They wear very plain clothing and the fluorescent orange that they are required to wear is an offense to them. Therefore, in many cases, I believe, they simply don't hunt. They don't pursue the activity that they want to. This bill would allow them to do this only on their own land. It would not allow them to do it anywhere else. Just their own land. I don't believe that the government's interest in this is enough to prohibit them from doing this, as I said, on their own land. Thank you. I urge you to follow my light.

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

Senator **HASKELL:** Thank you very much, Mr. President. I will not be supporting this motion. As most of you know by now, I am a hunter myself and I also know a little bit about hunter safety, having lived with the person I've lived with for a long time. However, I want to tell you that I also know something from having raised my son, who's colorblind. One of the things I learned is that the colorblindness runs mostly in men and that the most common form of colorblindness is the red/green colorblindness. It's not a color that people who are colorblind can easily see. This is a very unsafe bill. Since we introduced hunter orange in this state, and maybe some folks who were here haven't heard the statistics, the significant drop in the number of accidents when we required hunter orange has made this a much safer sport by a very large percentage. I think we should not back off from the safety perspectives at this point. Thank you.

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

Senator **CUSHING:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I respect that there was careful deliberation as this committee and many of the other committees that serve us do. I think that we must reflect on the fact that this does have implications to people who hold strong values and it was designed to respect the concerns of the department by allowing them the right, within their own property, to abide by the laws but abide by them in the tendance that also respects their faith. I hope you will reflect on that as we consider this issue. Thank you, sir.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Piscataquis, Senator Davis to Accept the Minority 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 (#201)

YEAS: Senators: BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, GRATWICK, HAMPER, KATZ, LANGLEY, MCCORMICK, PATRICK, ROSEN, SAVIELLO, THIBODEAU, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

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

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **DAVIS** of Piscataquis to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-244) **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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Laws Governing the Issuance of Bonds and To Effectuate the Issuance of Bonds To Support Maine's Natural Resource-based Economy" S.P. 508 L.D. 1378

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-247)**.

Signed:

Senator:
LIBBY of Androscoggin

Representatives:
MARTIN of Sinclair
BABBIDGE of Kennebunk
BEEBE-CENTER of Rockland
BRYANT of Windham
DOORE of Augusta
EVANGELOS of Friendship
TUELL of East Machias

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

Signed:

Senators:
WHITTEMORE of Somerset
WILLETTE of Aroostook

Representatives:
GREENWOOD of Wales
PICKETT of Dixfield
TURNER of Burlington

Reports **READ**.

Senator **WHITTEMORE** of Somerset moved the Senate **ACCEPT** the Minority **OUGHT NOT 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 PRO TEMPORE: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you, Mr. President. Some members of the Body may have heard this story before but when I got out of law school I went to clerk for a judge in the state of Maryland. In the courtroom where he sat was near the jury box. The last row of the jury sat up against a wall which was painted plaster. When the jurors would leave you'd see kind of imprinted on the wall where people had rested their heads for years and years and years. It was like the ghosts of the jury there. It always really impressed me because the fact is that the jurors who were sitting today were influenced by the way the jurors had acted in the past. What they did in a particular case would be read about and would be applied in the future. I think of that here today because I think that what we do here today, Mr. President, in the very same way will set the stage for what happens in our future.

I think the principle here in this legislation is very, very simple. When Maine voters have spoken at the ballot box no one, including a Governor, should have the right to veto their decision. That's it. I could sit down right now. If you agree with that principle, as I believe you do, that should be the end of this. We talk a lot in this Chamber about the three branches of government, but what goes unsaid, I think, is above all three branches of that government is the people of the state of Maine who send us here.

Let's talk about bonds for a minute. As you know, the Maine Constitution is clear. The people do not entrust major borrowing decisions to the Legislature, the Chief Executive, or to the Judicial Branch. That power is reserved to the people. For major borrowing through bonds, a Legislature must first approve a ballot question by a two-thirds vote and then survive any potential veto by the Chief Executive. Then and only then the question goes on the ballot and the people, from Kittery to Fort Kent, get to decide. If the people say no there are no bonds issued. If the people say yes we do borrow the money. Under Article IX, Section 14 of the Maine Constitution bonds are issued within five years of the date of voter approval, although the Legislature can extend that period for an additional two years. It's really a pretty clear and unambiguous process and it's been that way for almost 200 years.

Why is there a problem today? Maine law, 5 MRSA Section 145, says the following: that bonds "must bear the facsimile of the signature of the Governor and must be signed by the Treasurer of

State or the Treasurer of State's Deputy and attested by the Commissioner of Administrative and Financial Services or such agent as the Commissioner may designate." The Chief Executive must sign the bonds, or at least bear his or her facsimile signature. That's it. This is simply a ministerial function, not a discretionary one. Let me suggest an analogy. Hundreds of times this year we have heard the President from the rostrum say the following, "These bills are passed to be Enacted and will be signed by the President and presented by the Secretary to the Governor for approval." This is simply a ministerial act by the President of the Senate who must sign the document confirming the Enactment. He really doesn't have any choice. Even if the President didn't like the bill, didn't vote for the bill, and thinks it's the worst piece of legislation of the session, he simply must sign it. The requirement that the Chief Executive sign the bonds fits into exactly the same category. As far as our research can determine, no previous Chief Executive has ever, ever attempted to hold up issuance of bonds approved by the voters by refusing to sign them. In other words, in 195 years no Chief Executive has ever attempted to interfere with the will of the people in this way.

What does this bill do? It makes clear that once the people have spoken at the ballot box and approved the borrowing the Chief Executive must authorize issuance of the bonds and his signature will not be required. The bill sets out appropriate exceptions to the general rule, as it should, and it basically says that, as contained in Section 1 of the bill, and it talks about how if the Treasurer makes a certain finding then the bonds are not issued. If the Treasurer finds that the debt service on the bonds will be greater than the amount budgeted, no bonds. If the Treasurer finds that the issuance of the bonds would have an adverse impact on the credit rating of the state, no bonds. If the Treasurer finds that the delay in issuance of the bonds will likely result in a lower interest rate, no bonds. If the Treasurer finds that the project is not proceeding for one reason or another, than bonds will not be issued. Lastly, if the Treasurer finds that alternative funding sources for the project approved by the bonds was available, then the bonds don't have to be issued either.

You will see that this bill specifically mentions the bonds for the Lands for Maine's Future, projects which have already been approved by the people. This is because we need to make clear that the bill will apply to already approved projects and not just ones that are ratified by voters in the future. The five year window for those bonds is closing and the clock is ticking. Many worthwhile projects are being held up. They affect the districts of 20 of us here in this Body. I'm sure you'll hear from those who follow me about those projects. As worthy as those particular projects are, in my view, the principle is a much larger one. It's trying to horse trade with issues, but it ought to be off limits to do so with an issue that's already been decided in no uncertain terms by the people. I worry if we allow the Chief Executive to seize this power that we set a terrible precedent going forward for every Democrat or Republican who may follow. Today the idea is that voter approved land conservation projects in Portland or Augusta should not be collateral damage to a disagreement about cutting trees in Aroostook County. What if the next Chief Executive is a Democrat and he or she won't spend voter approved bond money to pave roads unless the Legislature passes Medicaid expansion? Do any of us want to see that kind of precedent?

I will say, Mr. President, that one of those projects is here in my district. If you look out the window over there, it's called Howard Hill and it provides a beautiful backdrop to this Capitol.

That land, by the way, is owned by one of my former law partners. I just want everybody to understand that. He is willing, as part of this package, to sell that parcel to a conservation group for significantly less than the appraised value. There is no profit to be made there. I hope you will all view this as a bi-partisan, good government bill. I'm going to sit down in a moment, Mr. President, and I'm looking forward to hearing anybody get up in this Chamber and make a principled argument against the concepts in this bill. This is one of those moments of truth for each of us. What kind of government do we want here in Maine? What kind of standard of conduct will we expect from our leaders? Who's will will ultimately prevail in civic discourse? The will of the people or the will of a temporary occupant of the Blaine House? Those words are from a recent ad which I think captured the essence of this question. These are pretty heavy questions and we get to decide. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Cumberland, Senator Breen.

Senator **BREEN:** Thank you, Mr. President. I rise today to speak against the pending motion of Ought Not to Pass. As the good Senator from Kennebec mentioned, there are a number of amazing projects around the state that are waiting for LMF funding. There are three in Senate District 25, but I'm just going to focus on one called the Knight's Hill Preserve and Blueberry Pond. This is a 215 acre parcel that straddles the line of the town of Cumberland and the town of North Yarmouth, including pristine and beautiful 40 acre pond. The Knight family spent decades putting together the various parcels that make up this 215 acre spectacular site. For decades the Knight family opened the property to the public, including to many local Scouting groups, so that folks could use the parcel year-round for hunting, fishing, snowmobiling, birding, cross country skiing, skating, dog walking, snowmobiling. There is also a host of numerous rare plant and animal species that reside in this parcel. I won't innumerate them all. With the recent passing of the Knight family patriarch, the next generation of the Knight family, as well as many people in the community, wants to preserve this parcel for generations to come. Many in the community grew up using it and want to make sure it's there for their children and their grandchildren. This is a classic case of the good of the Lands for Maine's Future program because through a very intense, competitive, and thorough process this group was awarded \$225,000 as part of the overall \$1.2 million price of the Knight's Hill Preserve. The other money that has come forward includes \$400,000 from individuals, folks in the community who've taken money out of their own pockets for this gem; \$300,000 from the Town of Cumberland, where folks are taking very, very precious local property tax dollars and putting it towards preservation of this gem; and \$100,000 from the Town of North Yarmouth for the same purpose. These funds were all leveraged with the understanding that LMF money would be coming forward. This is, in many ways, a business transaction where folks put their own money on the line with the faith that their approval of their LMF application will be honored and that the Chief Executive will honor the voters and put the bonds out on the bond market. The clock is ticking on closing this deal and the community that has worked for two years to put this deal together is waiting for a Chief Executive who refuses to honor the will of the people.

The thing I like about this, L.D. 1378, is that it does help implement the will of the voters, but it's also a very measured,

targeted, limited change. It doesn't vastly change the role of the Chief Executive. It changes it incrementally in a way that makes sure the voters' wishes are honored. I hope that you will join me in voting against the Ought Not to Pass and make sure the Knight's Hill Preserve in Senate District 25 is saved forever. Thank you.

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

Senator **LANGLEY:** Thank you, Mr. President. I, too, rise to oppose the current motion on the Floor. The good Senator from Kennebec, Senator Katz, asked a simple question. Do we have the right, as elected officials, to disregard the will of the voters in ways that are not prescribed or allowed in law? For me, the issue isn't about the issue of whether it's bonds or whether it's Lands for Maine's Future or about cutting wood up North. Really, to me, right along it's been about the issue of good government and the tools we use to govern. The withholding of the issuance of bonds is now a tool. It has been used. It's out of the woodshed, so to speak, and it's in play. It could be used, as the good Senator from Kennebec has said, in the future because if it works, if it's a tool that works, that will be a tool that will be used. It has not been used before and frankly, men and women of the Senate, I argue on behalf of the people that have not only voted to elect me to serve them but voted in support of the bonds at the ballot box. I would argue that this is not a tool for good governance. Ladies and gentlemen, I oppose the motion on the Floor and would submit that this tool should be retired from future use. Thank you very much.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Androscoggin, Senator Libby.

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, I rise in opposition to the pending motion. At the public hearing on this legislation the testimony was overwhelmingly in support of the bill. The only opposition that we heard was from the Office of the Chief Executive. The Office of the Chief Executive argued that this is an end-run piece of legislation that attempts to cut out the Executive Branch from making a decision on a financial matter that can, and does, have long-term implications on the State. The trouble with that sort of statement, though, is that under the current practice of the last several years the Chief Executive would argue that they have two bites at the apple: first on a veto of a bond issue through the legislative process and then, second, after voter approval a second opportunity to veto. I think for the folks who are in support of the measure that argument just doesn't pass the straight face test.

I would agree with the good Senator from Kennebec that the Governor's action after the voters have approved a bond is ministerial and not a discretionary action. Others at the public hearing argued that when citizens approve bonds at the ballot box it should be the last step in the political portion of the process. The bill that is the Majority Report of the committee allows the Governor to hold up the release of voter approved bonds for legitimate objectives, and we've heard them described before; waiting for favorable interest rates and the like. The bill does not allow the continuation of this practice as political leverage, which I think has been the crux of this issue. Others argue that the bill provides predictability and transparency in the process of issuing

bonds. The parties that plan to use bond funds deserve assurance that if they move forward in good faith that these bonds will be available as authorized in the bill and the public's vote. Many municipalities, as a result of the recent practice, have been adversely affected when bond funding for approved projects are held up.

With that, Mr. President, I appreciate your consideration. Thank you very much.

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

Senator **CUSHING:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I appreciate the thoughtful manner in which people have brought forward their positions on this issue. I'd like to weigh in in regards to my thoughts in support of the pending motion. I do not rise to debate the value of the named projects. I don't question whether these should or will proceed. That is a debate for another day. This is, in my mind, a question of respecting the process for using assets of the State of Maine for the benefit of its citizens and, ultimately, who has that authority when it comes to the final decision making. We must reflect on what that authority means in each branch of government and how it may be exercised. It's not about the individuals that are involved in this discussion at this time and this place. In my mind, it's about the idea of whether or not certain power should reside with certain branches of government. I respect that many have concerns and interests in the results of this debate. I also understand that we are facing some challenging times as we try to conclude this session. I ask you to step back for a moment and reflect the fact that we have a system of checks and balances that have worked very well in our country, our nation, and our state. Those allow for thoughtful discussion and a respect for the authority of the powers invested in each branch. This debate is not intended to discuss other legislation being considered here, although it occasionally has been alluded to. In my mind, what this debate is about, Mr. President, is whether or not we will respect and trust future Legislatures and Chief Executives to come to terms with the issue and not let the unfortunate nature of politics seep into the clear and direct issues that are before us. I thank you for the time to address this issue.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in support of the bill. I think it's a wonderfully crafted concept the Senator from Kennebec ably described earlier. Thus, I'm opposed to the pending motion. I'd like to talk for a moment about the role of the Chief Executive. That final authority is not one to determine whether to issue the bonds because that opportunity was already provided, to veto the bond bill in the first place. That would be whether to issue the bonds. It would be the same as the Chief Executive deciding once we had passed laws in this Body, once they had passed the Governor's signature, once they are to go to referendum and voted by the people, that the Governor can decide to cancel those laws or ignore them. That's not how the balance of powers works. The opportunity to determine whether it happens occurs with the Governor's opportunity to veto a bond bill in the first place. The authority the Chief Executive exercises on a bond which has been approved by the people is the timing of its

signature, the timing of issuance. The reasons why that decision might be made at one time or another to issue a bond are ably addressed in this bill, the reasons for delaying its issuance. We're not asking the Chief Executive to no longer issue, to no longer exercise that authority. What we are doing is making plain that that final authority does have that scope. The opportunity to veto, to say no to a bond, was before it went to the people for voting in the first place.

I wanted to point to a couple of examples in my own district what mayhem is caused by this political football at that stage of the bond handling. I have a number of projects that are very near and dear to the people of my district that have to do with conservation. We have a huge amount of beautiful, wonderful land that is enjoyed by the people who come there for that very reason, to enjoy it and live there. It's enjoyed by those who come to visit the area and it's part of our tourism attraction in the area. It's more than that as well because another example of what LMF is used for, that is being held up in my district, is working waterfront projects. The Priors in Bremen have Medomak Shellfish. They got their letter in November approving them for a working waterfront project. They've had a hard winter with all of the heavy ice on the Medomak River. It was very cold. We didn't get enough inches of snowfall in my district to declare a disaster and get them some assistance that way. I can tell you that I went there and witnessed firsthand the pilings pushed over at a 45° angle by the ice on the river and they are dealing with that and still trying to hold together what it will take to provide the match to follow through on that plan with this working waterfront bond funding held up. We shouldn't be doing that. We shouldn't be violating the trust of the people of the state of Maine who voted to do these things and say, "Oh, gee, sorry."

I'm very much appreciative of the thought, of the wisdom, that the Senator from Kennebec put into the design of this bill, making clear that the final authority the Chief Executive exercises is not that veto authority at that stage. It's when to issue it so that it is in keeping with the money available in the budget to service those bonds, the value that can be derived in issuing a bond now versus at a more favorable price at a slightly later time, and whether the project is actually ready for it. These are very reasonable things and I am fully in support of the bill and in opposition to the pending motion. Thank you, Mr. President.

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

Senator **THIBODEAU:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I would suggest to you that many may not be pleased with the way that the Chief Executive chooses to use his veto power, but the fact of the matter is I don't think anybody here thinks it would be a good idea to transfer that power to another office, such as the Secretary of State's. We want to be very careful as we make decisions here based upon what may or may not be popular today as to how that affects our state in long-term. The votes that we take today will have a lasting effect and maybe it's in a positive fashion and then again maybe it's in a negative fashion. We are, by taking this authority away from the Chief Executive, changing what is a longstanding tradition in this state. I think we ought to be well aware of that as we make our decision. Thank you.

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

Senator **HILL:** Thank you, Mr. President. I respect all of the comments being made here today by the good Senators that I serve with and I would like to just stand and remind people that in the 126th Legislature the Executive Branch, in fact, did use this tactic of withholding bonds to attempt to force the Appropriations Committee in certain directions. It has not been the first time. Secondly, I also respect what the good Senator from Penobscot indicated, that we have to have respect for the process and, if we do have respect for the process, what we need to do is send these bonds forthwith. Thank you.

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

Senator **KATZ:** Thank you very much, Mr. President. I agree with the previous speakers. We need to have respect for the process. We need to be very careful in what we do. I think the major respect we owe is to the Maine Constitution that says in Article I, Section 2, that all power is inherent in the people. All free governments are founded in their authority and instituted for their benefit. I fail to see how passage of this bill is going to somehow lead to any potential negative consequences in the future. I stayed up last night trying to think of one and wasn't able to do so. Once again, I would just close as I began by saying that if you think that no one has a right to veto the clearly expressed will of the people at the ballot box then you will vote against the pending motion. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Somerset, Senator Whittemore to Accept the Minority 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 (#202)

YEAS: Senators: CUSHING, CYRWAY, DAVIS, EDGECOMB, HAMPER, MCCORMICK, THIBODEAU, WHITTEMORE, WILLETTE

NAYS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, DIAMOND, DILL, DUTREMBLE, GERZOFKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

9 Senators having voted in the affirmative and 26 Senators having voted in the negative, the motion by Senator **WHITTEMORE** of Somerset to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **FAILED**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-247) **READ** and **ADOPTED**.

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

Sent down for concurrence.

An Act To Permit Medical Marijuana Cultivation by Incapacitated Adults

H.P. 505 L.D. 752
(C "A" H-331)

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

ENACTORS

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

Acts

An Act To Restrict the Sale of Dogs and Cats in Pet Shops
H.P. 229 L.D. 335
(C "A" H-275)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#203)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, CYRWAY, DIAMOND, DILL, DUTREMBLE, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senators: BURNS, COLLINS, CUSHING, DAVIS, EDGECOMB, HAMPER, KATZ, LANGLEY, MCCORMICK, THIBODEAU, VOLK, WHITTEMORE, WILLETTE, WOODSOME

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

An Act Regarding Patient Information Under the Maine Medical Use of Marijuana Act

H.P. 384 L.D. 560
(C "A" H-330)

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

An Act Relating to Marijuana Testing Facilities
H.P. 728 L.D. 1059
(C "A" H-345)

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

Off Record Remarks

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

RECESSED until 3:00 in the afternoon.

After Recess

Senate called to order by President Pro Tempore **GARRETT P. MASON** of Androscoggin County.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Increase Investment in Maine"
H.P. 784 L.D. 1146
(C "A" H-325)

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-325)** (6 members)

In House, June 9, 2015, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

In Senate, June 10, 2015, on motion by Senator **MCCORMICK** of Kennebec, 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-325)**, in **NON-CONCURRENCE**.

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

On motion by Senator **MCCORMICK** of Kennebec, the Senate **INSISTED**.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **ROSEN** for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Regarding the Department of Corrections"

S.P. 542 L.D. 1440

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-251)**.

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

READ ONCE.

Committee Amendment "A" (S-251) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act To Ensure That Defendants Receive Proper Notification in Foreclosure Proceedings"

H.P. 83 L.D. 111

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-391)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-391)**.

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

READ ONCE.

Committee Amendment "A" (H-391) **READ** and **ADOPTED**, in concurrence.

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

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

COMMUNICATIONS

The Following Communication: H.C. 215

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

June 11, 2015

The Honorable Heather J.R. Priest
Secretary of the Senate
127th Maine Legislature
Augusta, Maine 04333

Dear Secretary Priest:

The House voted today to insist on its former action whereby it accepted the Majority Ought to Pass as Amended Report of the Committee on Education and Cultural Affairs on Bill "An Act To Make College More Affordable for Maine Residents" (S.P. 220) (L.D. 627) and Passage to be Engrossed.

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and **ORDERED PLACED ON FILE**.

Senate at Ease.

Senate called to order by President Pro Tempore **GARRETT P. MASON** of Androscoggin County.

ORDERS OF THE DAY

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

JOINT ORDER - Expression of Legislative Sentiment recognizing Matt Brown of Madison.

SLS 564

Tabled - June 11, 2015, by Senator **WHITTEMORE** of Somerset

Pending - **PASSAGE**

(In Senate, June 11, 2015, **READ.**)

READ.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Somerset, Senator Whittemore.

Senator **WHITTEMORE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, it's a pleasure to rise before you this afternoon to recognize a constituent of mine who is with us here today. Matt Brown is just about to complete his sophomore year at Madison High School, but in his couple of years at Madison he has already made history there. Matt is this year's 2015 Class C State Wrestling Champion in the 285 pound weight class. This championship is the school's first wrestling title since the program's inception in 2003. Entering the State Championship tournament at the number four seed, Matt pinned the top seed wrestler, which moved him to the finals where he went on to beat a competitor from Washington Academy. Although he had struggled all season with an injury, his hard work and perseverance paid off. Matt's friends, family, and coaches are extremely proud of his accomplishments this year, and rightfully so. We are bound to hear more success stories about Matt in the next two years at Madison High School. Thank you, Mr. President, for the opportunity to recognize this great champion athlete.

PASSED.

Sent down for concurrence.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize in the rear of the Chamber Matt Brown and his family. Would they please rise and accept the congratulations of the Senate.

The Chair laid before the Senate the following Tabled and Later Assigned (6/1/15) matter:

SENATE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Campaign Finance Reform"

S.P. 419 L.D. 1192

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-154)** (6 members)

Tabled - June 1, 2015, by Senator **MASON** of Androscoggin

Pending - motion by Senator **CYRWAY** of Kennebec to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report (Roll Call Requested)

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

On motion by Senator **CYRWAY** of Kennebec, 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 **HASKELL**, and the Senator from Cumberland, Senator **VOLK**, and further excused the same Senators from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#204)

YEAS: Senators: **BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGECOMB, HAMPER, KATZ, LANGLEY, MCCORMICK, ROSEN, SAVIELLO, THIBODEAU, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON**

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

EXCUSED: Senators: **HASKELL, VOLK**

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **CYRWAY** of Kennebec to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **PREVAILED.**

READ ONCE.

Committee Amendment "A" (S-154) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME.**

On motion by Senator **MILLETT** of Cumberland, Senate Amendment "A" (S-172) **READ.**

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 PRO TEMPORE: The Chair recognizes the Senator from Cumberland, Senator Millett.

Senator **MILLETT**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I'll be very brief. I offer this amendment to address what I'm sure is an oversight by including language that will allow a political action committee to voluntarily pledge to not spend money in any candidate's race, regardless of the means of financing. Thank you, Mr. President.

Senator **CUSHING** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-172).

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

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

Senator **PATRICK**: Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I stand in opposition to the Indefinite Postponement for the reason that I think the amendment actually was looking to correct something that, had it been in the bill, I would have been on the Majority Report because I think in fairness and for transparency and everything we ought to always look at both sides of the issue. For that reason, I will be voting in opposition to the Indefinite Postponement. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Cushing to Indefinitely Postpone Senate Amendment "A" (S-172). 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 (#205)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGECOMB, HAMPER, KATZ, LANGLEY, MCCORMICK, ROSEN, SAVIELLO, THIBODEAU, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

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

EXCUSED: Senators: HASKELL, VOLK

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **CUSHING** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-172) **PREVAILED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-154).

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/2/15) matter:

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect Patients from Sexual Exploitation"

H.P. 541 L.D. 792

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-221)** (6 members)

Tabled - June 2, 2015, by Senator **ROSEN** of Hancock

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 1, 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-221).**)

(In Senate, June 2, 2015, Reports **READ**.)

Senator **ROSEN** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

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

Senator **BURNS**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I saw this as a very reasonable bill. It pertains to the gross sexual assault and unlawful contact laws that are already in place. It prohibits the relationship or contact between certain medical professionals, psychologists, psychiatrists, licensed social workers, with a current patient or client. This bill would add onto that group of medical professions health care services providers to include physicians, osteopathic physicians, chiropractic physicians, physical therapists, physician's assistants, and nurses. As I saw the bill, if it's necessary and appropriate, which I believe that it is, to have the prohibition for the former group, I think it very much so fits the group that's been suggested in this bill. I don't see how you can justify one without the other. I understand the argument about the psychological sway that one group may have over the other, but if you look at any of these professions there is the opportunity there to exercise undue control and undue access to a patient or a client. I would strongly suggest that you reject the motion on the floor and support the Minority Report. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND**: Thank you, Mr. President. Ladies and gentlemen of the Senate, ordinarily I would definitely - in fact I'm a co-sponsor of this bill. Since the time it came to us, I have been doing some research on it because the difficulty with these types of bills is often times we can go too far. That's not our intention. The unintended consequences always scare me a little bit and the reason this reaches too far is because of a couple of reasons. One, because of the reference to spouse. In today's world spouse doesn't always define a relationship. Two, I think the list that has been referenced is not all that complete. I would ask you to think about those two items. I think it's a good bill and has all the intentions that are required of a bill of this type. I do think it should be rewritten and I think I would ask us to consider that before we pass this particular piece of legislation. Thank you, Mr. President.

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

Senator **GRATWICK**: Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I, too, rise in opposition to this bill. Having said that, I agree absolutely 110% with what this bill is trying to do, but I think this is actually an area of great concern to me. My wife is a psychologist. She works with the survivors of abuse. Something we, alas, talk about a great deal. This bill is incomplete. I think it's left out a number of different groups that should be in there. I think it should be much broader. LCPCs, mental health professionals, particularly a group of drug counselors should be in there, and I think we have to work on this. I really look forward to next session, to working across the aisle with other people to get a bill that's really good. I would much prefer to get a really good bill than pass a bill that's going to have to be amended and amended. I think we're on this road and so I think we can do much better than this. I applaud my colleagues for bringing this forward. Thank you.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Hancock, Senator Rosen to Accept the Majority Ought Not 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 (#206)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, COLLINS, CUSHING, CYRWAY, DIAMOND, DILL, DUTREMBLE, EDGECOMB, GERZOFKY, GRATWICK, HAMPER, HILL, JOHNSON, LANGLEY, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, VALENTINO, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senators: BURNS, DAVIS, KATZ, SAVIELLO, THIBODEAU, WHITTEMORE, WILLETTE, WOODSOME

EXCUSED: Senators: HASKELL, VOLK

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

Sent down for concurrence.

Senate at Ease.

Senate called to order by President Pro Tempore **GARRETT P. MASON** of Androscoggin County.

The Chair laid before the Senate the following Tabled and Later Assigned (6/3/15) matter:

Bill "An Act To Provide Lower Energy Costs to Maine Businesses and Residences by Carrying Out the Legislature's Intent Regarding Funding of the Efficiency Maine Trust"
H.P. 833 L.D. 1215
(C "A" H-113)

Tabled - June 3, 2015, by Senator **CUSHING** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, June 1, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-113)**, in concurrence.)

(In House, June 2, 2015, **PASSED TO BE ENACTED.**)

PASSED TO BE ENACTED and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Senate at Ease.

Senate called to order by President Pro Tempore **GARRETT P. MASON** of Androscoggin County.

The Chair laid before the Senate the following Tabled and Later Assigned (6/3/15) matter:

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Remove the Municipal Mandate To Enforce the Maine Uniform Building and Energy Code"
S.P. 418 L.D. 1191

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-161)** (7 members)

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

Tabled - June 3, 2015, by Senator **MASON** of Androscoggin

Pending - motion by Senator **VOLK** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

(In Senate, June 3, 2015, Reports **READ**.)

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

Senator **PATRICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I was hoping somebody else would get up first and give his spiel because I have a very persuasive speaker following me I'm sure. I'm in opposition to this motion, Mr. President. I have sat on that committee and have debated MUBEC numerous times. What I believe this bill would do is do a lot of harm to what's already there. What I will say is at one point we had the codes, the municipal level of having code enforcement, was down to 2,000 and now we've moved it up to 4,000. That is actually detrimental to the whole cause because what it did was it made it so now people with 5,000 or people with 10,000 don't want to have to have codes. What we found is Maine's construction and building industry want consistency, consistent minimum statewide standards, minimum standards. That's what this building code actually does. It's minimum standards. Fire fighters, insurance agencies, and public health groups want equal protection for all Mainers. Realtors and developers don't want development drift as well. We had probably the most people testify in opposition to any one bill and I would say that is because, I think, the problem was solved in the past with MUBEC and the biggest problem was that we didn't have enough inspectors. What we do have now is we have all kinds of local municipal inspectors, State inspectors, and third party inspectors. That's probably why the Associated General Contractors of Maine opposed it. The Maine Contractors and Builders Alliance opposed it. The Home Builders and Remodelers Association of Maine opposed it. Maine Real Estate and Development Association opposed it. Maine Building Officials and Inspectors Association opposed it. State Farm Insurance opposed it. American Insurance Association opposed it. American Institute of Architect, the Maine Chapter, opposed it. Maine Association of Building Efficiency Professionals opposed it. Association of Construction Engineers opposed it. Structural Engineers Association of Maine opposed it. Indoor Air Quality Counsel and dozens more in housing construction and other fields. The thing I think, Mr. President, that does the harm is having the minimum standards, at least from the energy side of it, actually saves people money and when we don't adhere to at least the minimum codes this will actually cause those people who have less finances actually to spend more of their money on fossil fuels, oils, and such. I don't think that's what we need. I know we heard some testimony that some people wouldn't even be able to change their window on their own and stuff like that,

but I think the roll back is the wrong thing. As a matter of fact, I think there are those on my side of the aisle, some of them that happen to be contractors, would probably say that what we'd like to see is a totally unified building code statewide, in every municipality, now that we have so many building inspectors. With that, Mr. President, I would ask that the Body vote against the pending motion and move on to the Ought Not to Pass. Thank you.

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

Senator **THIBODEAU:** Thank you, Mr. President. I appreciate the opportunity to speak to an issue that is incredibly important to me and, quite frankly, to many of the constituents that I represent. Folks that have been here a while will remember just a few years ago that we had quite a debate in this Chamber about the implementation of MUBEC and the fact of the matter is it probably was one of the issues that I was most invested in during that period of time. As the good Senator from Oxford had mentioned earlier, many of these same organizations that currently oppose allowing this relief to communities between 5,000 and 10,000 were opposed to offering any relief to communities less than 4,000. After a long and hard-fought battle, we were able to offer that relief to some of our smaller communities. These are communities that many of us represent, where they just don't have the resources available to them to administer a program like this.

Quite frankly, many of the individuals that live in some of these communities, indeed, don't have the resources to build a home, make an addition to their existing home, under this code. I think all of us have been out and campaigned before and knocked on doors and met people that just live with some very limited means. Unfortunately, what may seem like a good commonsense decision to you and I when it comes to installing an energy efficient window is a bridge too far to people that don't have the resources available to them to make that purchase. I think the reality is that we have people that live in our districts that go to the second time around shop and pick up windows that somebody else has taken out of their home and they put it into their home. They are not thinking about a long-term investment. They are not thinking about whether they're going to save a lot of energy over the next decade and that the window would pay for itself. They're trying to add a room on because they've had an addition to their family. Often times these are younger families, just starting out. They just don't have the resources to move forward and do things as we, in Augusta, may like to have them do. I'd suggest to you that this is a bill about compassion. It's compassion for the folks that may be less fortunate than many of us here in this Chamber. I'd also suggest to you that this is a permissive thing. This is about local control. The communities with less than 4,000 already have this ability to not adopt the code. We have communities such as Dover-Foxcroft, Maine who have stepped forward and they've said, "Look, we need relief from this. It's an expensive program for us to administer and, quite frankly, many of the folks that live in our community don't want to have to live under this code."

They've literally, four years ago when this was all debated, MMA was on the other side of it. We found ourselves on opposite ends of the argument with Maine Municipal Association. Last fall, after the election, they actually came to me and asked me to present this bill. This is something that Maine Municipal

Association supports because they know that there are communities out there seeking relief from this code. The threshold will be different for communities above the 4,000 mark. The fact of the matter is they'll have to opt out. If they are a town meeting form of government then they'll have to take it to the town meeting and let the local folks vote on it at the town meeting. If they are a city council then the folks at the city council would have to opt out. That isn't for every community. If you represent a community, or live in a community, that doesn't need or desire that relief, we're not trying to force it on you and certainly realize that in some places in the state this is warmly embraced, but the reality is there are other parts of the state that want some consideration and this is an opportunity to give just a small amount of consideration to some folks that are really struggling financially. I'd ask you to support the pending motion. Thank you, Mr. President.

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

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise very quickly to say that I represent a number of towns that are 4,000 or more, but less than 10,000. In fact, all of my towns are bigger or smaller. I want to make it clear that, as I read the amendment, it's a town choice. The code still stays in effect if the town votes for it. It stays there. If they vote against it, it goes away. The State is about home rule. This just supports that process. Thank you very much, Mr. President.

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

Senator **PATRICK:** Thank you, Mr. President. If I forgot, neglected, I would request a roll call.

THE PRESIDENT: A roll call has been ordered. The pending question before the Senate is the motion by the Senator from Cumberland, Senator Volk 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 (#207)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGECOMB, HAMPER, KATZ, LANGLEY, MCCORMICK, ROSEN, SAVIELLO, THIBODEAU, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

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

EXCUSED: Senators: HASKELL, VOLK

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-161) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/8/15) matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Improve the Maine Administrative Procedure Act"

H.P. 922 L.D. 1354

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-301)** (6 members)

Tabled - June 8, 2015, by Senator **WHITTEMORE** of Somerset

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 5, 2015, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 8, 2015, Reports **READ**.)

On motion by Senator **WHITTEMORE** of Somerset, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "A" (H-301) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/9/15) matter:

SENATE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Focus Energy Laws on Energy Cost"

S.P. 521 L.D. 1400

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-217)** (6 members)

Tabled - June 9, 2015, by Senator **WOODSOME** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 9, 2015, Reports **READ**.)

On motion by Senator **WOODSOME** of York, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

Senate at Ease.

Senate called to order by President Pro Tempore **GARRETT P. MASON** of Androscoggin County.

On motion by Senator **HILL** of York, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Minority **OUGHT TO PASS AS AMENDED** Report.

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 PRO TEMPORE: The Chair recognizes the Senator from York, Senator Hill.

Senator **HILL:** Thank you, Mr. President. Ladies and gentlemen of the Senate, L.D. 1400 would repeal the renewal portfolio standard often referred to as RPS. We all know RPS is important because it encourages resource diversity through development of specific types of generating facilities, usually call renewables. It does this by creating a premium over the wholesale market prices for resources that might otherwise not be developed. Essentially, the mechanism provides financial support for renewables. In addition, the reason I am opposed to L.D. 1400, as presented in the Minority Report, is it also repeals the net energy billing which changes the policy for encouraging small renewable generation throughout our state. Also we had considerable testimony from industries around the state that the small renewable companies are actually being very successful and hiring many people. We had testimony from the Alliance for Solar Choice, from Reenergy LLC, from Brookfield Renewable Energy Group, from the American Lung Association, from the Natural Resources Council, the Maine Council on Churches, Maine Audubon, Assured Solar, and Maine Renewable Energy, as well as the Appalachian Mountain Club. This is about jobs as well as the environment.

Basically, the promotion of resource diversity and renewable resource development, along with the mechanisms in place right now, are fundamental to Maine's long-standing energy policy. L.D. 1400 would essentially repeal this. I ask that you vote in opposition to the Minority Report.

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

Senator **WOODSOME:** Thank you, Mr. President. This bill will lower the cost of energy. We hear that this is an anti-job, anti-wind, but this is a rate payer's bill. There are two factors you should consider. One is that the Maine renewable energy credit market is not driving the investment in renewable energy as it was intended. The bill would clarify the statutes surrounding long-term contracting authority, which is widely considered to be in a mess right now. Again, I repeat, this bill will lower the cost of energy.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Cumberland, Senator Alford.

Senator **ALFOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, yesterday my good colleague from Kennebec brought up a very troubling stat. I think we all saw it in the newspaper. Let me just remind you of that stat. Economic growth in Maine is stagnant at 47th in the nation. I'm going to go a little bit more into detail because I think it really drives home why this vote is important to all of us when we start thinking about what the good Senator from York said about businesses, small businesses. Maine's economy barely grew in 2014, with the state's output of goods and services edging up just .2% for the year, a performance both unexpected and unwelcome. "Overall it's very, very disappointing," said Michael Dolega, a senior economist with TD Bank. "I'm shocked on how bad it was." The negligible growth from \$54.6 billion in 2013 to \$55.8 billion in 2014 put Maine's economic growth 47th in the country and last in New England. Last year the nation's economy grew at 2.2%. Again, Maine's economy grew at .2% and New England's rate was 1.6%. Again, Maine's was .2%. Folks, we can talk about lowering energy costs, and let's do that as a Body, but I don't think it has to be a decision between deciding if our small businesses, businesses all across the state, doing solar, wind, doing tidal, or nothing. I think we can have both. I think that's what our long-term energy is about. It was a bi-partisan agreement many years ago to take this route. Right now I think it's just very dangerous that we are going to be, potentially, voting on a bill that would be hurting many small businesses. Hundreds and hundreds of families are going to be effected by this vote. Thank you very much, Mr. President.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from York, Senator Woodsome Accept the Minority 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 (#208)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, HAMPER, MCCORMICK, ROSEN, SAVIELLO, THIBODEAU, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

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

EXCUSED: Senators: HASKELL, VOLK

17 Senators having voted in the affirmative and 16 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 AS AMENDED** Report **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-217) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/9/15) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Start a Pilot Program for Medical Substitution Treatment in a Local Community Setting" S.P. 193 L.D. 524

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-203)** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - June 9, 2015, by Senator **CUSHING** of Penobscot

Pending - motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report

(In Senate, June 9, 2015, Reports **READ**.)

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

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

Senator **GRATWICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this is a bill that is good for rural Maine. I have three points that I'd like to make about it. The first is that, alas, for better or worse, we have a major problem with drugs in Maine and I'd like to talk a little bit about the role of Suboxone. Suboxone is a pill that's similar to Methadone but really not quite the same, but it helps people who have been addicted to a lesser degree. Often people who need greater treatment will go on Methadone, but Suboxone probably helps about half to two-thirds of the people who need treatment. It comes in a pill form. You can't abuse it. It has no market value. You can't get high on it. This is one of the medicines that the Governor has put a good

deal of reliance on, to try and get people off in two years. This is favored by him. The great benefit of Suboxone is that it allows you, you live off in rural Maine, to be treated close to home. It is an enormous value to being treated for your medical conditions close to home. Specifically, you maintain your family ties. You can keep a job. You don't have to drive as far. As I'm sure everybody's aware, impaired driving of people on Methadone is a big problem. We've seen fatalities due to that. I must admit, the thing that is most important about Suboxone, for me though, is you can get treated at home and you can remake your social network. If you live two hours away from Bangor or Portland or Lewiston and you've got to travel two hours with the same group of people back and forth in a taxi, two hours in and two hours out and an hour at the clinic, five hours, you're dealing with the same group of people. You're not getting a new group of friends. I think that having new social networks is extraordinarily important. One, Suboxone is a medicine that works. It can be given locally, at home.

Two, why is it not being used more frequently by doctors? Why do local doctors not give it? The fact is that people can give it. Local doctors in rural areas do not seem to give it for unclear reasons. That's what this bill is trying to find out. Is it because of reimbursement from the State, federal, or private insurance? Is it because of the stigma that doctors don't want a lot of addicts in their practices? They'd rather have a lot of little old men and little old ladies in their practices. We need to find this out. It's a medicine that can work, does work, and we need to know why.

In the testimony before HHS there was a good testimony by Dr. Flannigan, Kevin Flannigan, who's the medical head of MaineCare. He went over some points that have been handed out by Senator Brakey. I suspect Senator Brakey will come back to this. All I can say is these points that he raised the objection to Suboxone are all very valid and, in consequence, the bill is changed into a Resolve and I think that virtually all of the issues raised by Dr. Flannigan in his testimony were answered. The purpose of this Resolve is to find out why local doctors in rural communities are not doing it and then come up with a plan. There were thirteen different things on the Resolve and I think that in talking with people in the department they actually like plans like this. They like Resolves like this because it's a very finite task and it's really going to move us ahead.

I'd strongly urge people, particularly people from rural areas, to vote for this. It's going to allow us to figure out why doctors aren't giving it more easily, more frequently in local communities. It's going to allow us to do that more easily. It's going to keep folks off the road who are on Methadone. It's going to make life safer for them and it's going to give them a chance at getting their lives back again. Thank you, Mr. President.

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

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I was waiting for a response to the good Senator from Penobscot's testimony, Dr. Gratwick. I didn't hear it. I read that memo pretty carefully, that testimony from Dr. Flannigan. It appears to me, and from my past experience, that this project, or this proposal, is not needed. It's already available to any clinic that wants to perform this. We have one in my local area that works quite well. I have several FQHCs in my district. They could get into this if they wanted to. None of us want these folks on the road, traveling any further than they have to, but the

opportunity is already there. We would be recreating an opportunity that already exists currently under the law and, as I read the testimony, the Resolve would also require additional things from the department that would be out of their purview and their responsibility. I don't see the need for this. I think the availability is already there and I would support the motion.

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

Senator **BRAKEY:** Thank you, Mr. President. I appreciate the comments of my colleague, Senator Burns. I think he's absolutely right. These options for providing addiction services are already available as an option that many of these facilities can undertake. I would also just point out, I know that the bill is particularly focused on that there is a real situation. I know Bangor feels it acutely. In Bangor they have three Methadone clinics. That's more than any particular area. I'd point to I think just some things that were not really thought through in the drafting of the bill and the Committee Amendment, which is the alternative. For example, both in the bill and in the Committee Amendment it talks about trying to find, I'll read this, "Develop a plan for a pilot program for medication assisted recovery for individuals working to recover from addiction to opioids substances that is located in a rural community at least 30 miles from Bangor." It's trying to do something in the area of Bangor, but at least 30 miles from Bangor. A rural community 30 miles from Bangor, I mean, there's no end to that circle. I think these are just some of the places where this is not very well thought out. At least 30 miles from Bangor could be Standish for all we know. It could be up in Aroostook County. There are just some things, I think, in this proposal that have not been very clearly figured out. I don't think we're ready to move forward on this at this time. Thank you very much.

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

Senator **GRATWICK:** Thank you very much, Mr. President. I rise a second time. I thank my colleagues for their comments. Of the two that I would address first, one is that this is not needed. It's already in current law. The fact is that DHHS does a remarkable job, I think, with the resources they have, but the reality is that, even though the protocols are there, it's not working. It isn't working. I would refer you to the Bangor Daily News editorial that came out yesterday just for some specifics of how it's not working. Is it anybody's fault? The answer is no, but we have to face the facts that some of our programs, even though they sound great on paper, aren't working well. I would simply have you note near the bottom of the page that University of Maine graduate students surveyed to find out how many of the 112 doctors included on a list of people who can give this Suboxone, Buprenorphine, are actually doing it. It turns out there's a very limited number, someplace around six. There are only two in Aroostook, for instance. Only two places in Aroostook, otherwise you've got to go a long way. While it's very true that the wording is in place, nonetheless, the fact is that it's not working yet and we want to find out why. If we have laws here, I want to make sure they work. Second, with the good Senator from Androscoggin, I actually would disagree, respectfully. Indeed, it's written it should be at least 30 miles from Bangor. I suspect many people, where Bangor has a major problem with this, we've written this so that it

can be put into place fairly rapidly. There's to be one project during the first year and then it can be reproduced throughout the state if that works. I think it is very important to have a success and work from there. You could have it in Standish. On the other hand, there are about three or four communities represented by a number of Senators here in this room that are more than 30 miles away from Bangor, where their people come to Bangor every day. There are thousands of people that come in and out of Bangor from Ellsworth, from Houlton, from Dover-Foxcroft, from near Waterville. A thousand people out of Bangor every day and I think we want to keep those people off the roads. Once this works then I think we have a good plan that can be expanded to elsewhere in the state. Thank you again, sir.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Brakey to Accept the Minority 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 (#209)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, DAVIS, DILL, EDGEComb, HAMPER, KATZ, LANGLEY, MCCORMICK, ROSEN, SAVIELLO, THIBODEAU, WHITTEMORE, WILLETTE, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senators: ALFOND, BREEN, CYRWAY, DIAMOND, DUTREMBLE, GERZOFKY, GRATWICK, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO, WOODSOME

EXCUSED: Senators: HASKELL, VOLK

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/9/15) matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, To Establish the Commission To Study the Reduction of Unfunded and Outdated Municipal Mandates

S.P. 507 L.D. 1377

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-212)** (6 members)

Tabled - June 9, 2015, by Senator **CUSHING** of Penobscot

Pending - motion by Senator **WHITTEMORE** of Somerset to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report (Roll Call Ordered)

(In Senate, June 9, 2015, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#210)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGEComb, GERZOFsky, GRATWICK, HAMPER, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, THIBODEAU, VALENTINO, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senators: None

EXCUSED: Senators: HASKELL, VOLK

33 Senators having voted in the affirmative and no Senator having voted in the negative, with 2 Senators being excused, the motion by Senator **WHITTEMORE** of Somerset to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-212) **READ** and **ADOPTED**.

Under suspension of the Rules, **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.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend the Laws Governing Wind Energy Development Permitting" H.P. 540 L.D. 791

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

Signed:

Senators:
EDGEComb of Aroostook
DILL of Penobscot
SAVIELLO of Franklin

Representatives:
BLACK of Wilton
CHAPMAN of Brooksville
EDGEComb of Fort Fairfield
KINNEY of Knox
MAREAN of Hollis
McELWEE of Caribou

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-375)**.

Signed:

Representatives:
HICKMAN of Winthrop
DUNPHY of Old Town
NOON of Sanford
SAUCIER of Presque Isle

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

Reports **READ**.

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

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

ENACTORS

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

Acts

An Act To Enact the Student Information Privacy Act
S.P. 183 L.D. 454
(C "A" S-222)

An Act To Amend the Competitive Skills Scholarship Program To Allow for Participation in Early College and Career and Technical Education Programs

S.P. 300 L.D. 856
(C "A" S-224)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-380)** (7 members)

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

An Act To Make Damaging a Public Easement with a Motor Vehicle a Class E Crime

S.P. 377 L.D. 1074
(C "A" S-209)

Tabled - June 11, 2015, by Senator **WHITTEMORE** of Somerset

Pending - **ACCEPTANCE OF EITHER REPORT**

An Act To Clarify the Policy for Withdrawal of Life Support from Minors

S.P. 389 L.D. 1117
(C "A" S-232)

(In House, June 10, 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-380).**)

(In Senate, June 11, 2015, Reports **READ**.)

An Act To Amend the Maine Business Corporation Act

S.P. 405 L.D. 1136
(C "A" S-233)

Senator **WHITTEMORE** of Somerset moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

An Act To Allow the Release of Child Protective Records to Certain Providers of Child and Adult Services

S.P. 443 L.D. 1238
(C "A" S-231)

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

An Act To Amend the Licensing Laws of the Maine Fuel Board

S.P. 523 L.D. 1405
(C "A" S-229)

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Androscoggin, Senator Libby.

An Act To Merge the Maine Educational Loan Authority with the Finance Authority of Maine

S.P. 544 L.D. 1443
(C "A" S-223)

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, I rise in opposition to the pending motion. The bill before us would do a few things. It would collect and compile information concerning the staffing of all departments in the State. It would review any available studies comparing private sector positions and pay and comparable State positions and pay for comparable work and report its finding to the State and Local Government Committee in January 2016. We had a long public hearing on this bill. All of the folks testifying were in favor. We heard no opposition at the hearing, but there are a few points I just wanted to highlight. I think we all hear from time to time from constituents who are having issues getting timely service from any of the many departments throughout the State and I think that's a big impetus in looking at a study like this because we are consistently hearing of these issues around service and we also hear issues around employee retainment and recruitment. A labor market survey issued in January 2009, stamped Confidential, showed the State of Maine operations and maintenance workers are paid, on average, hourly rate wages about 21% less than comparable jobs in the private sector. You have to wonder if wages are, at this point, eight years through the recession, adding to the issues of understaffing and loss of employees to the private sector. The survey also showed that nearly across the board State workers are paid hourly wages less than their private sector counterparts compared to 250 Maine companies. A number of folks went on to provide their firsthand experience of working in State government and seeing with their own eyes the difficulty that these departments have in carrying out their mission with understaffed departments and bureaus. Of all the studies we're looking at in this legislative session, this certainly, I think, is worthy of consideration and I would ask you to vote against the pending motion so we can get to the Majority Report of the committee. Mr. President, thank you.

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

Ordered sent down forthwith.

An Act To Permit the Use of Firearm Noise Suppression Devices in Hunting and To Provide for a Chief Law Enforcement Officer's Certification for Certain Firearms

S.P. 333 L.D. 942
(C "A" S-218)

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, To Study Understaffing in State Agencies

H.P. 763 L.D. 1103

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Somerset, Senator Whittemore to Accept the Minority Ought Not 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 (#211)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, HAMPER, KATZ, LANGLEY, MCCORMICK, ROSEN, SAVIELLO, THIBODEAU, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

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

EXCUSED: Senators: HASKELL, VOLK

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **WHITTEMORE** of Somerset to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

Senate at Ease.

Senate called to order by President Pro Tempore **GARRETT P. MASON** of Androscoggin County.

Off Record Remarks

Senate at Ease.

Senate called to order by President Pro Tempore **GARRETT P. MASON** of Androscoggin County.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Establish Transportation Network Company Insurance"

H.P. 934 L.D. 1379

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-397).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-397).**

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

READ ONCE.

Committee Amendment "A" (H-397) **READ** and **ADOPTED**, in concurrence.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Secure the Maine Electrical Grid from Long-term Blackouts" S.P. 496 L.D. 1363

Report "A" - **Ought Not to Pass** (7 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "A" (S-215)** (5 members)

Report "C" - **Ought to Pass as Amended by Committee Amendment "B" (S-216)** (1 member)

In Senate, June 10, 2015, on motion by Senator **WOODSOME** of York, Report "A" **OUGHT NOT TO PASS READ** and **ACCEPTED.**

Comes from the House, Report "B" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-215), in NON-CONCURRENCE.**

On motion by Senator **WOODSOME** of York, the Senate **INSISTED.**

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Expand the Local Foods Economy"

S.P. 459 L.D. 1284

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-239)** (6 members)

In Senate, June 11, 2015, on motion by Senator **EDGECOMB** of Aroostook, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-239)**, in **NON-CONCURRENCE**.

On motion by Senator **EDGECOMB** of Aroostook, the Senate **INSISTED**.

Sent down for concurrence.

Off Record Remarks

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

Off Record Remarks

On motion by Senator **CUSHING** of Penobscot, **ADJOURNED** to Friday, June 12, 2015, at 10:00 in the morning.