

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

The Honorable Darek Grant
Secretary of the Senate
3 State House Station
Augusta, ME 04333

In Senate Chamber
Wednesday
June 12, 2013

Dear Secretary Grant:

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

With reference to the Senate's action whereby it insisted and
asked for a Committee of Conference on the disagreeing action
between the two branches of the Legislature on the Bill, "An Act
to Ensure Accountability in State Contracts" (S.P. 406) (L.D.
1169)

Prayer by Senator John L. Tuttle, Jr. of York County.

I have appointed as conferees on the part of the Senate the
following:

SENATOR TUTTLE: Thank you. Before I begin the prayer I'd
like to thank all of you personally during my family's time of
sorrow, for my father-in-law, the cards, the letters, the calls,
everything you sent to me. I want to thank you and I want to
extend from my family in Sanford to my family in the Maine State
Senate a thank you from the bottom of my heart.

Senator Colleen Lachowicz of Kennebec
Senator Stan Gerzofsky of Cumberland
Senator Troy Jackson of Aroostook

In the name of the Father, the Son, and the Holy Spirit, our
Father who art in heaven, hallowed be thy name. Thy kingdom
come, thy will be done on earth as it is in heaven. Give us this
day our daily bread and forgive us our trespassers as we forgive
those who trespass. Lead us not into temptation but deliver us
from evil. Finally, God is good, God is great, now go forth and
legislate. In the name of the Father, Son, and Holy Spirit.

Sincerely,

S/Justin L. Alfond
President of the Senate

READ and ORDERED PLACED ON FILE.

Pledge of Allegiance led by Senator Edward J. Mazurek of Knox
County.

The Following Communication: H.C. 198

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

Reading of the Journal of Tuesday, June 11, 2013.

June 10, 2013

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

Doctor of the day, Lani Graham, MD, MPH of Freeport.

Dear Honorable Members of the 126th Legislature:

Off Record Remarks

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 1044, "An Act To Amend the Laws Governing Prosecution of
Individuals Possessing a Controlled Substance under Certain
Circumstances."

COMMUNICATIONS

The Following Communication: S.C. 462

The intent behind this law is noble – we want to encourage those
overdosing on drugs to seek medical treatment. However, those
using illegal drugs or inappropriately using prescription drugs do
not check the law books in these cases. I am concerned this bill
may create an unnecessary barrier for drug enforcement when
drug use remains a significant scourge on our state.

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE PRESIDENT**

June 10, 2013

Additionally, Maine prosecutors have the ability to exercise
discretion on possession charges already. If they believe that a
drug charge is unjust, it is within their purview to decline to
prosecute. And, as recognized throughout our nation's history,
the ultimate protection of the citizenry lies with the jury. Because

of these protections inherent in our Constitutional system, this bill is not necessary and, with the drug problems rampant in our state, I cannot support it.

For these reasons, I return LD 1044 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Amend the Laws Governing Prosecution of Individuals Possessing a Controlled Substance under Certain Circumstances
H.P. 735 L.D. 1044

Comes from the House, 97 members having voted in the affirmative and 47 in the negative, the veto of the governor was Overridden and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

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

Senator **GRATWICK:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, I wish to speak briefly to this topic. L.D. 1044, "An Act to Amend the Laws Governing Prosecution of Individuals Possessing a Controlled Substance Under Certain Circumstances." In essence this is a Good Samaritan law. I strongly urge us to vote in favor of this law. Specifically, if someone has an overdose, or is witness to an overdose, this gives them permission, the ability, to dial 911 to get help for that victim without them risking prosecution. The unfortunate fact is that overdoses and drugs are a scourge in our state. They are, alas, a fact of life. More narcotics, benzodiazepines and other medications, are killing people than our traffic accidents. The sooner you dial 911 the sooner you get help and the better off it is. There are numerous instances in which early intervention has been of great help. Specifically, one that I think is well known, a mother of three children made very bad choices. Drugs. Overdosed. Was comatose for several days. Was finally rejuvenated and was brought back. She has now been sober for two years. Kids are doing very well. Graduating from high school with high honors. Kids going to Outwards Bounds. In other words we preserve people's lives. This is a Good Samaritan law that will allow people to do the right thing. That is if I have had an overdose I can call the police without feeling that I would be prosecuted and likewise my friend is not going to abandon me at that time. They are going to call 911. This does not, and I would underline the word not, mean that people are free from prosecution for other crimes they have committed related to drugs. It simply is a way to save people's lives. It is not condoning drugs. It's not condoning other other illegal activities. It is, indeed, the right thing to do. There are eleven other states that have Good Samaritan laws like this. They have worked very well. I would strongly urge people to vote in favor of L.D. 1044. Thank you, Mr. President.

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

Senator **PLUMMER:** Thank you Mr. President. Men and women of the Senate, L.D. 1044 was not a good bill when it came to us. Several members of the Criminal Justice Committee made attempts to improve the bill. It is still not a good bill. I am happy that the Chief Executive thoroughly read this bill and saw its flaws. This bill would allow a person to give or sell drugs to another person and then, when the person overdoses, the provider, acting as a Good Samaritan, could escape the responsibility for providing the drugs. I just can't conceive of any person that would be irresponsible enough to do this. I had other words picked out to describe the person who would do this but my seatmate advised me it probably would not be appropriate for the Senate. I can't imagine anyone looking down and seeing their friend laying there on the floor, seeing that brother or sister laying there, and saying, "Sorry, but I can't call for help because if I do I might get in trouble." That just doesn't enter my mind, how a person could do that. How they could walk away. That person needs to be arrested. They need to be incarcerated. They need to get help. They need to get cleaned up. Remember, if we give the supplier of the drugs a pass this time next time it could be your son or daughter, grandchild, brother or sister that they victimize and is laying there in that situation. I urge you to sustain this veto.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, trying to expect a drug addict, people that are high on drugs and are going down their own rabbit hole, to act like we would, to act in a rational way, is, I think, absurd. Understand the condition these people are in, to see one of their friends lying on the floor dying, it's too much that they can even comprehend. They can't even control what they are doing and to expect them to turn around and make a call to save a life, especially if in their mind they are so fearful of the repercussions of making that simple act of not only kindness but of humanity. We have to, at times, understand that people are going through difficulties. We have to encourage them to sometimes do the right thing. If we're going to say, "Because you're high and they're high and they're dying and you're not, you make the call and we're going to throw you in jail," that's not getting people to willingly want to help as much as they want to, but they are very very fearful. Ladies and gentlemen, please. This is one of those instances where it's really the right thing to do. It's really difficult for us to sometimes put ourselves in those shoes, but it's the right thing to do. I would hope that you would give this bill a second life and overturn the Governor's veto on this and override. Thank you very much, ladies and gentlemen.

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

Senator **GRATWICK:** Thank you very much Mr. President. This is an issue of great importance to me. It is a medical question of saving lives and I would respectfully disagree with what's been said by my colleague. Alas, people do walk away. It's just all too often that police come too late. People who are using drugs are a different breed. All too often their friend walks away and they

leave their previous friend to die. This does happen. People die that should not be dying. They should have that chance. Second, you are most assuredly not immune to prosecution for the other things that you've done in the drug world. This means just that the reporting, you will not be prosecuted for that, but most assuredly can be prosecuted for all the other heinous things that I think that people do in the drug field. I'm very very much against drugs and work in that field as well. I think that this is, nonetheless, a way to save people's lives and that's what we're here for.

Off Record Remarks

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

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

A vote of yes was in favor of the Bill.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#247)

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

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

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, and 21 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish the Right To Hunt and Fish H.P. 930 L.D. 1303

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-420)**.

Signed:

Senators:

DUTREMBLE of York
BURNS of Washington

Representatives:

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

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

Signed:

Senator:

HASKELL of Cumberland

Representative:

MARKS of Pittston

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-420)**.

Reports **READ**.

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

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and gentlemen of the Senate, it's always a solemn event when we consider changing the Constitution, but this time I believe this change is necessary. Very wealthy and powerful outside organizations have come into the state of Maine and proposed yet more legislation to hamper our hunting and fishing rights. We all know there have been referendums in the past that have tried to restrict our rights on bear hunting and that referendum was failed by the people. The people voted not to allow that to happen. Right now all our hunting and fishing is done by biologists at the Department of IF&W. They use biologists to determine what is the right avenue for hunting and fishing. It's not

because we don't like bears. I don't like fish. I don't like moose. I don't hunt. I'm in favor of hunters. If we didn't have a bear hunting program we would have more bears running wild in the city. I live in Biddeford. I shouldn't be seeing bears. I don't have to go too far to see a bear. Do I want to hunt them? No. A lot of people in the state of Maine that do and there are different methods that they use to support their living. The HSUS opposes any hunting of any living creatures for trophy or sport because it's animal trauma or suffering. They say that it will take away voter's rights on hunting and fishing. That is false. Citizens could still bring a people's veto on all legislation regarding fishing and hunting. Citizens could still use referendum on a wide variety of hunting and fishing policies. The only thing the referendum could not be used for is to take away the right to hunt and fish. There have also been claims that Maine is first in the country to consider such a constitutional change. This is false. Michigan is considering restricting their referendum process in response to efforts by lobbying groups. Idaho is also considering changing their referendum because of the efforts of rural farming communities. If L.D. 1303 is unsuccessful lobbying groups have stated they will bring new referendums targeting these issues. They are very wealthy. They are from outside the state of Maine and they should not have influence on what the state of Maine does.

What discourages me even more is when I ran I came to politics because, to be honest, I have to admit, I was tired of politics. Here I am. Funny, it's kind of like it just doesn't make sense. From a lot of people here I've heard the same thing. They are here for the people. That's why I'm here. I've heard from my constituents. I've heard from some, "Don't support that referendum" or "You'd better support that referendum." "Support 1303", "Don't support 1303." In the long run an outside lobbying group came in and took very well-known organizations such as the Sportsman's Alliance of Maine, the Professional Guide's Association, and others where they had meetings and said, "If you do not vote for my bill I guarantee you we will bring referendums against you that will cost you thousands of dollars to defeat." Is that what we've become? Is that what we're up against? I know one thing for sure, I don't want my hunting and fishing rights taken away because if I ever decide to go hunting or fishing I want to be able to do it from what the people of the state of Maine say, not from what outside lobbying groups say, thank you.

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues of the Senate, it sounded to me as though the debate today perhaps was regarding a bear referendum. I think if we want to discuss bears and bear hunting that's perfectly appropriate that we do that. However, that's not what this constitutional amendment does. I'm going to read you the language of the amendment that is proposed to be sent to the people. It says, "Do you favor amending the Constitution of Maine to provide that laws limiting hunting or fishing may not be proposed through a citizen initiative and that hunting and fishing and the taking of wildlife are a valued part of our heritage and must be forever preserved and regulated for the public good." What this proposal that people are going to be asked to vote on actually does is it limits the citizen initiative here in the state of Maine. We have allowed the citizen initiative here. Perhaps it

needs changes. Perhaps it needs to have a higher barrier. Right now we have a citizen initiative process and it's my opinion that that should not be restricted from any one group. Whether or not I agree with that group or don't agree with that group, if you want to look at multi-million dollar lobbying groups in this Chamber you don't have to go very far around the room to see more than one. You can see several. They are here and they are here on behalf of their constituents, their issues. I believe they have a right to do that. I believe they have a right to do that citizen initiative. I think it's fundamentally wrong to say that one group cannot have a right to that citizen initiative. If that group goes forward we can decide on the issue itself, but this bill restricts, in my opinion, a First Amendment free speech issue and it goes in contrary to our citizen initiative process to say that we do not allow one group just because we don't like what they stand for or what they are going to do. That's wrong and we should not allow it. The issue of this legislation in other states, there is a variety of hunting and fishing rights, constitutional amendments, across the state. I copied off a bunch of them last night. I read a group of them. I will admit that I did not read every single one of them. Most of them that I read talked about limitations and management and control, not about citizen initiatives, not about restricting citizen initiatives. That is different and that is what is in front of us here, the restricting of citizen initiatives. I would ask you to take a look at the page that I have provided to you and to please vote against 1303. This is a bad piece of legislation. Thank you.

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

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm sorry to have to disagree with my good colleague from Cumberland, Senator Haskell. This is a good piece of legislation. Long overdue, I believe. I'll tell you a little bit of why I think that's the case. I agree with the other Senator from Cumberland County, Senator Dutremble. Whether you hunt or fish or not, this is an extremely important heritage to this state. I will welcome the opportunity this summer to introduce him to fishing and maybe it will become part of his routine. It's been part of my routine almost all of my life. I grew up with it. Contrary to what some of you think, I didn't grow up in Washington County. I grew up right here in this county. I grew up with the idea of hunting and fishing as being a part of life. I didn't realize until probably I was in my teen years that everybody didn't do it. I thought everybody in the state did. Obviously they don't. The vast majority of Mainers have always and they continue to do so. It's something that I take very very seriously. I think it's an extremely important part of my heritage. It's what taught me to have a respect and a love for nature. I can remember back when I was seven or eight years old, this might cause some people to be a little bit of a gasp, that's when my mother started to teach me to hunt. I used to follow behind her in the woods. She was an avid hunter. Very good at it, by the way. I've got the mounts at home to prove it in case anybody wants to see them. That's how I learned about nature. That's how I learned about gun safety. I will cherish the opportunities that I had every year when we would travel Downeast and stay in a little camp at fishing time in the spring. Those are the best memories

of my life, when I was with my family learning to fish. I can't imagine somebody trying to come here to the state of Maine and take that heritage away from me or my grandchildren or your grandchildren, even if they don't choose to hunt and fish. I believe that this is something that is extremely important to the state of Maine. I talk about it every time I get an opportunity when I talk to high school kids or grammar school kids, as to it being part of our heritage, not just in Downeast Maine but all through this state.

I think that if we don't take the appropriate precautions and we move ahead with this legislation we are in danger of losing that heritage. It certainly has been demonstrated here in the last year. The potential and the power and I guess the determination with unlimited amounts of money to try to take away parts and pieces of this heritage. I would hope that we would see this as a value in this state, as something worth protecting. I disagree that this is going to take away anybody's right to petition. We're still going to have regulations and rules on hunting and fishing just like we do with any other aspect of our lives, whether they are constitutionally guaranteed or whether they are legislated. We'll continue to have those rules and regulations through this legislative Body and through the appropriate agencies. The citizens, if they feel strongly enough about some particular issue, contrary to what you have heard, are still going to be able to bring citizen initiatives. We're not going to curtail that. If something warrants a change, and there is enough citizenry behind it, there will be changes made. The passage of this legislation and the change to our Constitution will ensure that my grandchildren never lose the right to hunt and fish in this state, or trap or any other things that we feel are part of our heritage.

I would ask you to look at the facts. The facts are most Mainers support this endeavor. It is something that we've lived with since the beginning of our state and it's, hopefully, something that will continue on long after you and I are gone. If we really believe that Maine is the place where life is as it should be, let's protect that. Let's work against outside interests that will take that away from us. I would strongly urge you to support this initiative. Thank you, Mr. President.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I certainly agree that hunting and fishing is an important part of our heritage. So are many other things, from quiet, peaceful times around the lake watching loons nesting to the lobster fishing activity we've had for many lifetimes. Yet I don't believe that this is the sort of thing that belongs in the Constitution. This is the sort of thing that needs to be dealt with in our laws. In fact, we have protections against the petition process. There have been comments about out-of-state interests and money and that is precisely why our citizen initiatives are a citizen process that has a threshold at the number of citizens that are voters in this state that are interested in putting that idea forward. We should not be restricting that process for any particular interest or area of interest. More importantly, the things that we put in the Constitution are fundamental to how we view the relationship between people and government. If this, as a basic right, were put into the Constitution it's elevated above other laws and language like "the public good" and "preserved and regulated for the public good" in the Constitution are not as narrow as what it does to the citizen petition process. That's

going to affect our ability to enact laws where that right bumps up against other rights. If we elevate that into the Constitution what will follow next? Are we going to start putting the right to farm without someone else's GMO pollen coming into your field as a right? Farming has been here a long time and sure as heck people feel that GMO organisms and genes haven't been here very long. That's not part of our heritage. Should we put into the Constitution the right to enjoy the outdoors peacefully? That one might bump up against some hunting activity or fireworks or other things some other people think are rights. How about the right to breathe clean, unpolluted air? Of course that might bump up against somebody's right to have a campfire somewhere or run a power plant. These are the kinds of things that we resolve as conflicts in law. We do not elevate any one of these to constitutional requirements. In fact, why don't we just go ahead and put getting a good boat price for lobster in the Constitution? I know a lot of constituents that would love to see that. That doesn't make it the right thing to do in the Constitution. I've reached the conclusion that it's only very basic and essential rights that preserve the relationship of our people to our governance that belong in the Constitution. We enshrine in the Constitution those rights which ensure that the people can choose their government, to make their laws, and avoid tyranny or other usurpation of that power. That is the kind of thing that belongs in our Constitution and what ensures that we have the right and power and the people have influence and say as to who they elect to enact laws that do resolve these ongoing conflicts between the interests of various citizens and define where one right ends and another begins. The right place for this is in law. Although we might want to make it more difficult for someone to challenge a particular interest that we hold dear, limiting those rights in the Constitution to affect our lawmaking process would be wrong. I stand in opposition to the pending motion and I hope that you will support me in dealing with this where it belongs in law, not putting it in our Constitution. Thank you.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise today in opposition to this bill, in opposition to a bill which I co-sponsored the original draft, in opposition to what I believe has been a very strong effort to try to get it right, an effort that has led to many different ideas and proposals and many hours in front of the committee of jurisdiction. When we are considering a constitutional amendment to put out to voters, we should put forth this type of effort. I oppose, personally, many of the efforts, or the potential considerations for efforts, that may come into this state from out-of-state groups. I think many of us in this Chamber do. When it comes to potentially changing and giving preference to voting rights on one issue versus another, that is when I have pause and I stop and I consider would we do that for other issues in this Body. Would we do that for taxes? Would we do that for Workers' Compensation? I would hate to think that we would. If we could find another route for this bill, another route that really gets the public support, in my opinion, to really show and bring to a higher level the importance of our heritage of hunting and fishing and the taking of wildlife, then we should keep working and we should accomplish that. I am confident that people in Maine would overwhelmingly support that. When time moves on, and the citizens have the time to digest this and realize that we are potentially giving a preference

to one citizen initiative issue over another about the process as the Senator from Cumberland said in essence weighing one person's First Amendment rights to a greater level than another's, I think then the citizens would disagree with this initiative. We shouldn't condemn the work of the committee or the attempt at this proposal. A great effort has been put forth. We can get this right, but, unfortunately, this proposal is not the right way. I would encourage you to oppose the pending motion. Thank you, Mr. President.

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

Senator **BURNS:** Thank you Mr. President. I appreciate your indulgence and allowing me to speak a second time on this. Just a couple of things I wanted to respond to. I'm thinking seriously about that lobster issue the good Senator mentioned. I just want to go back to the fact that of all those examples used, I understand those. I understand the comparison. I do think that this one rises way above any of those. This is, to me, a fundamental right. I don't take this idea without a lot of consideration. In the last session I stood against a proposal coming from a similar agency to make a constitutional amendment. I didn't think it warranted or merited that type of consideration, that type of change to our Constitution. I do believe that this one does. I think there is one good way that we can find that out, whether or not we're on the right track. That's to move on with this, pass it, and let the people of this state decide. If they say thumbs down on it, done deal. Otherwise I think you'll find that there is going to be great support across the state. I'd urge you to support it. Thank you very much, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Dutremble to Accept the Majority Ought to Pass as Amended 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 (#248)

YEAS: Senators: BURNS, CAIN, COLLINS, CUSHING, DUTREMBLE, FLOOD, HAMPER, HILL, JACKSON, KATZ, LANGLEY, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, WHITTEMORE, YOUNGBLOOD

NAYS: Senators: BOYLE, CLEVELAND, CRAVEN, GERZOFISKY, GOODALL, GRATWICK, HASKELL, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **DUTREMBLE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-420) **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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Governing Virtual Public Charter Schools"

H.P. 331 L.D. 481

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-437)**.

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln

Representatives:

MacDONALD of Boothbay
DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
KORNFELD of Bangor
NELSON of Falmouth
RANKIN of Hiram

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-438)**.

Signed:

Senator:

LANGLEY of Hancock

Representatives:

JOHNSON of Greenville
MAKER of Calais
McCLELLAN of Raymond
POULIOT of Augusta

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended by Committee Amendment "A" (H-437)** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-437)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-437)**.

Reports **READ**.

Senator **MILLETT** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-437)** Report **ACCEPTED**, in concurrence.

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

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

Senator **MILLETT:** Thank you Mr. President. Members of the Senate, I rise today in support of L.D. 481. This legislation puts in place common sense safeguards to protect the education of Maine students. The bill would require that any virtual public charter school proposing operation in the state has its courses and curricula reviewed and approved prior to each school year. This is imperative in order to ensure the education our children are receiving is high quality, rigorous, and grade appropriate. It also will be necessary to make sure curricula are in line with the standards of in-classroom students and what they are evaluated on. Like any Maine public school teachers, teachers at virtual public charter schools must also be certified or become certified in Maine in accordance with state law. Certification insures that those teaching Maine children have proper training, education, and experience in the profession of teaching and are familiar with Maine's curriculum. In addition, it will require at least two personal visits with a teacher every school year. Although it could be argued that this is far too little personal attention for children, it at least represents a bare minimum. During the public hearing for this bill the committee heard testimony supporting the importance of teacher visits. Research from the National Education Policy Center says our findings are clear. Children who enroll in a K-12 cyber school who receive full-time instruction in front of a computer instead of in a classroom with a live teacher and other students are more likely to fall behind in reading and math. These children are also more likely to move between schools or leave school altogether and the cyber school is less likely to meet federal education standards. The legislation also directs the Department of Education, in consultation with the Maine Charter School Commission, to review the funding provisions related to the determination of the cost of operating virtual public charter schools and validating the appropriate amount of per pupil allocation that should be provided for students enrolled in virtual charter schools. This will assure the responsible use of taxpayer money. For these reasons, I ask you to join me in supporting this legislation. Thank you.

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

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, I rise to oppose this current motion basically on the same grounds I think you've heard me say before. We have a Charter Commission in place that is really doing its due diligence and is doing a fine job. The fact is I think they've slowed this process down to get a better handle on stuff. I believe we should leave them to do the job they were charged to do. For an example in this, just think about some of the consequences. As part of the program, maybe you're studying a foreign language. I actually take some Korean language lessons out of South Korea via skype. There could be some limiting factors on options that

students might have. Let the Charter Commission work its way through that and make their decisions as appropriate. Thank you very much.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen, I rise to briefly comment in support of the pending motion. It's a very basic thing, that teachers should be certified as teachers. We set standards in the state of Maine for all of our public schools in that regard. We should hold virtual school teachers to no lower standard than that. Our children deserve to have capable Maine teachers involved in their education. We decide, as a state, what that certification requires. It's not appropriate for us to have no requirements for certification on part-time teachers. That's one of the things that this bill fixes. Thank you.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, as you have heard myself and others say before, Mr. President, this is another good example of good accountability measures going forward, especially in light of these virtual public charter schools being run by for-profit entities. Accountability is a positive step in the right direction. We are the policy makers. We should be setting the policy. We should not defer to another entity to do that when it's something so important and so valued in terms of the future of our kids and our economy, their education. Importantly, we need to stand with Maine teachers; teachers that are certified, that we know do one heck of a job, and that look out every day for our future. That's what this bill is about, when you really boil it down to, Mr. President. That's why we need to have a unanimous Ought to Pass Report. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Millett to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (H-437) 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 (#249)

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

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

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **MILLETT** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-437)** Report **ACCEPTED**, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-437) **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 **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Require the Use of Preapproved Subcontractors for Publicly Funded Construction Projects"

H.P. 922 L.D. 1295

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-417)**.

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast
CAMPBELL of Newfield
GILBERT of Jay
HAMANN of South Portland
MASON of Topsham
MASTRACCIO of Sanford

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

Signed:

Senators:

CLEVELAND of Androscoggin
CUSHING of Penobscot

Representatives:

DUPREY of Hampden
LOCKMAN of Amherst
VOLK of Scarborough
WINCHENBACH of Waldoboro

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-417)**.

Reports **READ**.

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

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

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today and respectfully ask you to vote against the pending motion. What this bill offers sounds reasonable, for publicly funded construction projects to have preapproved subcontractors. However, when we look at the issue we're looking at something that will affect municipalities and school districts in a way that is not always helpful. You have many local contractors who care about their communities, who provide good jobs for folks in their communities, who may be small independent contractors who do many of these jobs. I think, Mr. President, that when we require more paperwork, we require some of these subcontractors to be prequalified, we create a situation that does not always benefit these contractors or the communities that have sometimes limited timeframes in which they need to get these smaller projects done. I respectfully ask that we consider that the procedures that are in place now have worked very effectively for many of Maine's communities and, at a time when the State may be forced to reduce some of the funding that we have historically given to towns, is this the point where we want to be adding more cost and more regulatory burdens to our municipalities and school districts. Please follow my light in voting nay on the pending motion. Thank you, Mr. President.

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

Senator **CLEVELAND:** Thank you Mr. President. Men and women of the Senate, you will probably note on this report that I am opposed and voted in committee Ought Not to Pass as well. I wanted to share my thoughts on why I was opposed to the bill. I didn't come to those conclusions lightly. I'd like to share with you why I have come to that. First of all, the legislation suggests that somehow it's going to decrease costs. In fact it will likely increase costs. I'm aware of this because in my private life, as an economic community development specialist, I work in this area. I have written the bid specifications for many job projects for local communities and for counties. I have bid those projects. I have reviewed and overseen the construction of those projects for my clients during this process. I have worked with the contractors in their jobs to build a project. Therefore I'm familiar with how the bid process proceeds and what the particular impacts could be. Many of the general contractors, in the initial bids, work with a series of subcontractors in getting original bid estimates. Also working with them to find out what their availability is and they develop long term relationships that help them coordinate and integrate their projects in a smooth and timely manner because they have those relationships. It is important that the subcontractors do their part of the job when they are supposed to. For instance if the foundation people don't pour the foundation

when they are supposed to then you are going to delay the entire project for all the rest of the trades waiting until that piece gets done. By having a relationship with each individual kind of contractor assures that the project will be done in a timely way. They are also able to negotiate with those subcontractors very favorable rate for them, saving money for the total project and the owner of the project. Thirdly, if you take a look at the list, there are only 16 listed subcontractors. Many of them are obscure or never used by contractors. The bill, as structured, doesn't even list all of the subcontractors that you should be using and leaves some of them out for some unknown reason. Finally, I have worked with many small communities across the state of Maine. One of the important parts of local projects, for this will affect counties, municipalities, and school districts and this is not just affecting the State of Maine, is that there are many small local contractors who are highly skilled, very capable, but their smaller size and they work in a more local regional area. It will make it much more difficult for these regional communities to employ the people who live in those areas to do the jobs because they may choose not to become part of the list. Therefore, we are really trying to put something in the way of an opportunity for local trade people to benefit from construction projects that are occurring in their own local area. I have tried to find the reason why we have this law. The best I can see is that this legislation is introduced looking for a problem to solve that doesn't exist. I think in the end it will wind up doing much more harm. It will cost more money. It will delay projects. It will eliminate local trade people and contractors from being able to participate in those contracts. For all of those reasons, I could not find the justification to move forward to support this and that's why I'm opposed.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I rise in support of this bill because this bill actually seeks to provide the financial interests of Maine taxpayers by insuring the State employs quality and responsible subcontractors on major publicly funded construction projects while also benefiting from the cost savings generated by the work of the subcontractors. Within the bill it doesn't talk about 16 contractors. The amended version of the bill actually talks about the components that subcontractors would be bidding on. Yes, those 16 things, some of them are archaic and not even within reason anymore. What it's going to do is set up a committee to basically look at the total scope of things that contractors could bid on. The bill will allow the State to maintain some interest of cost savings generated by subcontractors and will allow the State to have some control over who is chosen as a subcontractor. It doesn't say who can't qualify as a subcontractor, but if you are preapproved what happens in a lot of bidding processes is that the general contractor may have a relationship with many subcontractors but what happens in time is that the general contractor can actually make more money by hiring someone else that is probably not as superior quality, that's actually going to save money. Who's going to get the money? The contractor. The idea is to get the benefit for the State or the municipality or the school or whoever the project is for, to save the money for them. I actually, in turn, think that is the basic premise of the bill, by having preapproved subcontractors. I would hope everyone, whether you are a legitimate contractor or someone that may be a single or small entity, would want to get

on that preapproved contractors list because they could actually have probably more opportunities because they've already gone through the process and they show value and they are on the list so if they are in an area where they might not have any work another contract might come up and if they're on the list they can go after them. Ladies and gentlemen, I would ask you to join me with the Ought to Pass as Amended Report. Thank you.

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

Senator **SHERMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise to add something to this debate. I'm staying out at the Lakeside Motel. The last two years we've had subcontractors in there. Some of them happen to be out working on the hospital. They are following some of the major contracts around. They are very happy with what they are involved with. When the power lines are going through they were out there two years ago. They follow from place to place. Many of them are Maine based contractors, small contractors. I think with this I would associate myself with the remarks from the good Senator Cleveland. I think he's right on because the reality is those folks are out there. They are good guys to talk to and some of them are even politically inclined.

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

Senator **CUSHING:** Thank you Mr. President. I appreciate the opportunity to rise again. I don't want to belabor this but I think it is important that we put some perspective to this. This is requiring another process. Mr. President, I was on the Labor Committee in the 124th when we saw an issue related to independent contractors come before us. The amount of time that was spent, and the angst that was created among many small contractors and medium to large sized contractors in this state, because of a regulatory system that was being implemented by a state agency created tremendous heartburn. I have to say, Mr. President, that the good Senator from Allagash, from Aroostook County, worked diligently on this as the Chair of that committee. I respected the time and effort he put in. I would ask he and other members of the committee to reflect back on what the impact was to many of these small contractors who have a limited timeframe in Maine and in our environment to be able to work on some of these projects and what it would mean to them to take time away to have to go through the process to get to a point where they may or may not be able to fulfill the requirements for this prequalification. This is a cost to small business and it is a cost to our municipalities and our towns, our education system. Please consider that before pressing your light and follow me in voting in opposition to the current report. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Patrick to Accept the Majority Ought to Pass as Amended 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 (#250)

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

NAYS: Senators: BOYLE, BURNS, CLEVELAND, COLLINS, CUSHING, DUTREMBLE, FLOOD, HAMPER, HILL, KATZ, LANGLEY, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, YOUNGBLOOD

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **PATRICK** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Ensure Accountability of Guardians Ad Litem and Parenting Coordinators"

H.P. 689 L.D. 975

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

Signed:

Senators:

VALENTINO of York
TUTTLE of York

Representatives:

PRIEST of Brunswick
BEAULIEU of Auburn
CROCKETT of Bethel
DeCHANT of Bath
MONAGHAN-DERRIG of Cape Elizabeth
MOONEN of Portland
MORIARTY of Cumberland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-434)**.

Signed:

Senator:

BURNS of Washington

Representatives:

GUERIN of Glenburn
PEAVEY HASKELL of Milford
VILLA of Harrison

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

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Provide Immunity for Prescribing and Dispensing Intranasal Naloxone Kits"

H.P. 737 L.D. 1046

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-436)**.

Signed:

Senators:

VALENTINO of York
TUTTLE of York

Representatives:

PRIEST of Brunswick
BEAULIEU of Auburn
CROCKETT of Bethel
DeCHANT of Bath
MONAGHAN-DERRIG of Cape Elizabeth
MOONEN of Portland
MORIARTY of Cumberland
PEAVEY HASKELL of Milford
VILLA of Harrison

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

Signed:

Senator:

BURNS of Washington

Representative:

GUERIN of Glenburn

(Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought To Pass as Amended** Report.)

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-436)**.

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Enhance Self-defense by Removing Restrictions on the Carrying and Use of Weapons" H.P. 452 L.D. 660

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

Signed:

Senators:

GERZOFSKY of Cumberland
DUTREMBLE of York

Representatives:

DION of Portland
CASAVANT of Biddeford
KAENRATH of South Portland
LAJOIE of Lewiston
PLANTE of Berwick

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-361)**.

Signed:

Senator:

PLUMMER of Cumberland

Representatives:

LONG of Sherman
MARKS of Pittston
PEASE of Morrill
TYLER of Windham
WILSON of Augusta

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

Reports **READ**.

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

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

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

Senator **PLUMMER:** Thank you Mr. President. Men and women of the Senate, a well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. Every citizen has the right to keep and bear arms and that right shall never be questioned. It's called Constitutional Carry for a reason. One individual who appears before the Criminal Justice Committee on a regular basis, and has for as long as I have been there, has always spoken in favor of more gun restrictions and regulations. He told us that when we talk about gun control you need to put the Constitution aside. You need to put the Constitution aside. I cannot put the Constitution aside. I realize that as a society we have determined there are times that we should restrict the Second Amendment rights for some people; those who have been convicted of felony crimes and those who have been committed to a psychiatric hospital, among other reasons. However, we need to restrict those rights only when necessary for public safety. Denying Constitutional Carry is not one of those times.

When I stopped counting our committee members had received over 5,000 e-mails in support of L.D. 660. Granted not all of those e-mails were from my district, but they were from all across the state and they were individually written e-mails. They were not the chain.dot or computer generated e-mails that get really boring to read after seeing the identical message a few times. I did read every one of those e-mails. In fact I just counted a few minutes ago and on my computer there are 50 new e-mails this morning regarding L.D. 660. There have been considerable discussions about the police and how Constitutional Carry would affect police and the safety of police. My seatmate in committee is a retired Maine State Trooper. He initially opposed L.D. 660. We talked and he realized that anyone who intended to do harm would not care if they were breaking the law. He not only voted in committee for L.D. 660 but he spoke on the floor of the other Body. We received a letter from the Maine State Chiefs of Police and they opposed L.D. 660. I ask if you checked with police chiefs individually, many of them have told us they do not support the position of this letter. You should have received a memo from Major Chris Grotton of the Maine State Police. I did not solicit this memo. I was asked yesterday would something from the State Police help. I said that certainly I would welcome it. If you still have the memo the first part begins, "This memorandum is to express the support of the Department of Public Safety, Bureau of the State Police, for L.D. 660, An Act to Enhance Self-defense by Removing Restrictions on the Carrying and Use of Weapons." Major Grotton concluded by saying, "It is our opinion that law enforcement resources could be utilized in a more efficient manner, such as identifying those persons who should be prohibited from owning or possessing a firearm, and effectively communicating information among law enforcement agencies instead of regulating those that are complying with the law."

Do you support the Constitution of the United States and of the State of Maine or do you view them as antiquated documents that tend to get in the way of progress? A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. Every citizen has the right to keep and bear arms and that right shall never be questioned. I support our Constitution. I support Constitutional Carry. Thank you, Mr. President.

Senator **THIBODEAU** of Waldo moved to **TABLE** until Later in Today's Session, pending the motion by Senator **GERZOFSKY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

Senate at Ease.

Senate called to order by the President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#251)

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

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

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **THIBODEAU** of Waldo to **TABLE** until Later in Today's Session, pending the motion by Senator **GERZOFSKY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **FAILED**.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, thanks for letting me speak too before lunch. I want to talk a little bit about Constitutional Carry. I've heard it thrown around a little bit today. I've heard the Constitution recited today. We all know what the Second Amendment says. We all know that Maine is an open carry state. Concealed weapons has been the law of the land in Maine. The concealed weapons law has been around since 1917, which has

a 100 year history or a little bit better. I've listened to many many arguments, quite a few this year, about how it works, how good it works. In order to get a concealed weapons permit you not only have to take a little bit of training so that people understand you know what a gun is and how to use a gun, but you have to pass a good moral character clause in it and we have a form that you fill out. Earlier this year we had a debate about making not only the application but the permit itself a secret. We had a secret license to hide a gun. We had that debate. We started creating a central data base so that we know where those permits are handed out. We would know what communities have issued concealed weapons permits. The State Police are in the process now of putting that list together so that we have a central data base, which I always thought was the last thing we were going to try to do but this is a strange year when it comes to guns, concealed guns. What is not strange is that my committee, over the last 12 years that I have been there, has talked about the current 100 year old law has worked so effectively. We've talked about no changes needed to be made. The only change we needed to make was to make the license itself a secret. Then low and behold we had a bill brought in front of us that started off by saying we needed to take away that permitting process, to take away the good moral character clause, to take away the training, to take away everything, and also allow guns or loaded weapons in vehicles, shooting from moving vehicles, shooting from boats. We were able to strip a lot of the most erroneous parts of that bill out in committee but this part stayed.

I don't see any part of the Second Amendment that says that it's a Constitutional right to have a hidden gun, a concealed weapon. It says open carry, of course. It says a well regulated militia, absolutely. It's a sacred part of our Constitution. Everybody in this building that's been elected supports not only the state Constitution but the federal Constitution. Some of us support it so much in here that we're willing to stand up and defend it and defend the intent. I find it rather surprising that it is now, after all the bills that we've heard this year alone and the bills that we've heard in the past that talked about how good a system and nobody that ever had a concealed weapons permit ever caused a problem, we had no records showing that there were any problems, that anybody with a concealed weapons permit had been in any mischief at all with a concealed weapon. I take that on face value. It's been said so many times that I take it on face value. Now all of a sudden we want to get rid of that concealed weapons permit and the whole process that goes along with it. We want to say everything we've done this year was done for not. All the debates we got up were for not. Just like the books claimed, we're back to the days when we had a musket and one shot. It took you three minutes to load the musket, really. Less than that but you couldn't hide the musket under your jacket. We're going to take the concealed weapons permit now that we've had for over 100 years. According to the testimony I've ever heard from the other side on this issue, it's served us perfectly well. There hasn't been a problem. We don't see a problem. Now we want to create a problem and do away with the whole process. Ladies and gentlemen, I would hope that we would be a little bit wiser than that. I would hope that we would look and really think about what we're doing here today. I would hope that we would vote in favor of this Ought Not to Pass Report. Keep what we have, especially when all I've ever heard from my friends, especially on the other side of the aisle, as to how well it has worked. I haven't heard that it hasn't worked.

Thank you very much, ladies and gentlemen. Thank you, my friends.

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues of the Senate, I am supporting the Ought Not to Pass Report. I'm surprised, frankly, that we have, and we've talked about these before, a multi-million dollar out-of-state lobbying group here in our midst today supporting this bill. NRA. I've given NRA credit over the years, even though I've been on different sides of various gun bills. I've given them a lot of credit, and I continue to do that, for their extraordinary education programs. I've taken three of them myself personally. I think it's improved my skills and my knowledge and understanding of guns and gun handling, of firearms. The concealed weapons permit includes in it education. I think those of us who hold those permits have always been proud of the fact, and it's been touted many times in front of the committee, that these are people who have been trained. They have been given education about the laws, about rules, about respecting other people, handling, and all of those kinds of things. To have an organization that feels so strongly about education here backing a measure that would strip the education piece out of the concealed weapons and allow it to go unfettered I think is surprising to me. Frankly, I believe in the education portion of the concealed weapons permit law and I think we ought to keep it intact. I'll be supporting the Ought Not to Pass Report. Thank you.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just, again, find it very interesting to see how we use the Constitution on both sides of the issue, it seems. We just got done talking about a few minutes ago about how important and how sacred the Constitution is and how important it is for us to protect the Constitution. You just heard the Constitution read to you. We all know what's in the Constitution. It clearly, clearly, from my perspective and I think most everybody else's perspective, allows us this opportunity to, if we so choose, have, possess, and carry a weapon. It doesn't say anything about whether or not it's concealed. It never presumed that there was a difference between being concealed or being open. It just doesn't say anything about that whatsoever. To say that it does is misleading. The Constitution gives us the right to carry, possess firearms. It's as simple as that. That's why you see so much support, so much support, coming to you either from this Body or else coming to you from your constituents to support this constitutional right that never should have been abased in the first place. It's good that things have worked quite well, since I believe the year was 1917, when we adopted a concealed weapons permit. This doesn't eliminate the concealed weapons permit. There are still going to be people who want to have a concealed weapons permit, whether it's to enjoy the reciprocity with another state or whether it's to carry a weapon in their vehicle that's loaded. We still have laws against having loaded weapons in your vehicle. Those haven't changed and I don't believe that they will change. That's all about safety. You can load a weapon in a matter of seconds once you exit your vehicle if it is necessary to do so. This is also, if it passes, going to free up

a lot of valuable resources within departments, especially the State Police, to put their efforts into preventing illegal people from having firearms that they shouldn't have and concentrate on the ones that have committed violations of our laws that prevent them from having the firearm, rather than putting those resources into putting law abiding citizens through a bunch of hoops so that they can do what they are already constitutionally allowed to do. It's just as simple as that to me.

I think you've heard from a very important source today that said that they don't see a problem here. In fact they support this. You have had people on both sides of the aisle that support it. We are pursuing what we feel is constitutionally allowed and I think we ought to give that serious consideration if we take the Constitution so sacredly, as I know we all do in this Body. Let's not add to it. Thank you very much, Mr. President.

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today in opposition to the pending motion. I recognize that this issue has generated tremendous debate in this Body and in the committees. I don't rise today to speak to this on partisan basis. I rise to speak to it as an issue that I think that the good Senator from Cumberland brought up; the one of education. I commend her for her personal initiative in seeking the type of training that the NRA provides through their courses because I think that they truly do focus on the respect for what a weapon is and imparting people with the understanding the awesome power that you take in your hand when you take up a firearm. Unfortunately, in our society, Mr. President, many times firearms are portrayed in a manner that does not do justice to the power that they have and the responsibility that you have.

Tragically, in my community, Mr. President, we had a death this week. We had an officer of our community's police department that was put in an untenable situation. He was called to a home where they had word that an altercation, a domestic altercation, was going on. An individual was suicidal. Upon arriving at the location they were advised by the party that she had locked herself in the bedroom and the gentleman with the weapon, who was in the house, was attempting to break in the door. The police entered the property and, unfortunately, that individual, a young man, lost his life because he chose to turn and aim a gun at an officer who had only split seconds to respond. In that response he, unfortunately, had to take a life. Anyone in law enforcement, anyone who has gone through this process, understands that there is tremendous responsibility when you unholster a weapon. You're taught that the purpose of that is only to shoot and if you are to shoot, unfortunately, you are taught to do so with maximum effectiveness.

To me this is about how we educate people and we create the respect so that when folks take a gun out they understand the responsibility that is inherent with that and they understand that by carrying that weapon they have a responsibility. Nobody else does. They have made the choice. They are protected under our Constitution from having that and there are certain things that we have accepted as a society when it comes to licensing. We're not going to do away with concealed weapons permits, but what we're hearing from our public safety officials is that the process is bogged down by the sheer weight of what has gone on in response to society's attitude towards guns and tragedies recently. I think this is a way to put a better dynamic on it and to

create a better understanding among people who will take that responsibility on. I urge you to consider that as we go forward. I thank you for your time and consideration of my comments. Thank you.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I didn't expect to rise on this issue but the conversations we've been having lead me to wanting to speak on two points. One is, as I read it, that the letter from Major Chris Grotton of the Maine State Police is more of an indication that the current system for permits is in need of being updated. It's described as antiquated and inefficient. Well, it seems to me that what we should be doing then is not assuming that 100 years of a permit system, which expects people to be of good moral character to carry weapons in secret, go away, but that we update it. We fix the problems. The second thing that comes to mind is that there has been a lot of talk about constitutional rights here. I think you all know that I feel strongly about the Constitution from my prior discussion on other issues. I just want to point out that we also have the freedom of speech and yet we accept that that does not mean that anyone has the right to anonymously present information through speech, however it's considered freedom of speech, regarding other people. We should also not assume that the right to carry arms means that you have the right to carry them secretly. It's a simple thing. I have to accept that the Constitution and the way that it's been interpreted in both of these regards is, in fact, consistent. There is not a constitutional right to have a concealed weapon. There is a right to carry a weapon. Thank you.

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, I'll be brief. I just wanted to say a couple of points. We've been asked what the problem is with the system. Well, one of the problems with the system is, for example, we have a long wait time. There is a statutory requirement. I believe it is either 60 or 90 days. Some of the background checks that the State Police are required to run for a concealed carry permit extends far beyond that. That's a problem with the system. Some of us would argue that the problem is the system. It's an unnecessary requirement that we shouldn't have to go through to have a Second Amendment right. I'd also like to point out another thing, too, that was brought up during the debate. This will remove the educational requirement to having a concealed weapon. Well, right now in the state of Maine you can carry a weapon on your hip, out in public, out in the open, and that's legal. There is no education requirement to do that. If I'm wearing a weapon on my hip and I put my coat on, and I don't have a concealed weapons permit, that's now against the law. I don't know if there should be an elevated education requirement to put my coat on. This doesn't have anything to do with owning a gun. You don't have to own a gun to apply for a concealed carry permit. This has everything to do with an unnecessary restriction. I would hope that the members of the Senate, Mr. President, will vote against the pending motion as I do. Thank you for the time.

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

Senator **GERZOFSKY:** Thank you again Mr. President. Ladies and gentlemen of the Senate, I've heard Major Grotton's name thrown around a little bit today and his memo to us. The State Police certainly brought that into committee and talked about the backlog. The committee, through its good work, came up with a way to get us caught up. There has been a rash of people wanting concealed weapons permits. Gosh, I guess they didn't hear about this law. They did fall behind in the last several months. We have put in place a glide path to get us back on schedule of putting out those permits. Do we really want to not do those background checks? Do we really want to not do what the State Police are doing? Do we really not want to make sure that people are of good moral character, which is a big part of our permit process, doesn't happen? Do we really want that? I don't think so because this law is going to allow, Mr. President, everybody, anybody, to carry concealed. They are using Vermont as an example. I lived in Vermont for 35 years and I know their laws. It's going to allow people to come here from anyplace in the country, basically anyplace in the world. If you've got a concealed weapon, you've got a concealed weapon. The State Police aren't going to pull everybody over. My local police aren't going to ask everybody if they have a concealed weapon or not. Do we really want to go down that road? I think not. I think that what the State Police are doing, the background checks that are involved, the training that my good friend from Cumberland, Senator Haskell, brought up, I think those are all really relevant. It's been working for us for a long time. It's going to continue working for us because I vote, and I pray that we all vote, to keep the system and the process that we have in place that have served us so well. Mr. President, all I've been hearing for years now is how well it has served us. All of a sudden today for some reason it's not serving us. I don't get it. Thank you very much.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Gerzofsky 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 (#252)

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

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

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

Divided Report

Eight members of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Protect Maine Food Consumers' Right To Know about Genetically Engineered Food and Seed Stock"

H.P. 490 L.D. 718

Reported in Report "**A**" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-393)**.

Signed:

Senators:

JACKSON of Aroostook
BOYLE of Cumberland

Representatives:

DILL of Old Town
HICKMAN of Winthrop
JONES of Freedom
KENT of Woolwich
NOON of Sanford
SAUCIER of Presque Isle

Three members of the same Committee on the same subject reported in Report "**B**" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-394)**.

Signed:

Senator:

SHERMAN of Aroostook

Representatives:

CRAY of Palmyra
MAREAN of Hollis

Two members of the same Committee on the same subject reported in Report "**C**" that the same **Ought to Pass as Amended by Committee Amendment "C" (H-395)**.

Signed:

Representatives:

BLACK of Wilton
TIMBERLAKE of Turner

Comes from the House with Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393)** READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393) AS AMENDED BY HOUSE AMENDMENT "B" (H-444)** thereto.

Reports **READ**.

Senator **JACKSON** of Aroostook moved the Senate **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393)**, in concurrence.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, this is the GMO bill that so many people heard about, the Right to Know. This is a bill that was in committee. Had a lot of people that came to testify before it. I wouldn't say it was controversial, but it was something that a lot of people certainly had their eye on. The committee dealt with it a long time. Certainly had issues when it first came in on how something like this might be implemented. I think we came up with a pretty solid report that says that five out of nine states in the New England area have to act before this would actually go into implementation. Since then it's been amended to say five contiguous states. I think that's a pretty good compromise overall. I know one of my big concerns is I didn't want to have Maine being a state that was an outlier. People that produce food would have to come up with a different type of system to bring food into Maine. It would have to be labeled where it wouldn't have to be in New Hampshire, Massachusetts, or Connecticut or anything like. I know having trucks on the road what a hard system that might be for not only the producers but for anyone that was involved in the transport or supply. I think what we came up with I feel pretty comfortable with. I know that the overall goal of the bill, having people understand what they are actually eating when they buy food off the shelves at the store, is certainly important. I think this bill is going to accomplish that without putting anyone in any type of jeopardy or hardship or anything like that. I think it's a good compromise and I would ask that people be supportive of it.

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

Senator **MILLETT:** Thank you Mr. President. Members of the Senate, as was mentioned, the bill as amended now requires that five continuous states pass similar legislation for this to go into effect. This may seem like a large hurdle to cross but I believe that the interest and support we have seen in Maine for this measure will carry over to other New England states and am optimistic that the requirement will be met soon. This issue is not just coming up in legislatures across the country. It is already being tackled in the private sector. In March of this year Whole Foods announced that they are requiring all of their suppliers to label foods that have been modified through genetic engineering or contain genetically modified organisms. While I applaud this initiative I want all Mainers, regardless of which store they purchase groceries at, to be able to make informed decisions about the food they consume. In states where Whole Foods are more prevalent it is possible that competitors will feel increased pressure to take the same steps at the demand of their consumers. The entire state of Maine only has one single Whole Foods store. Additionally, a recent poll found that 91% of Mainers favor labeling of GMO foods. If the suppliers and producers of foods will not voluntarily label them as desired by the consumer then we have a responsibility to step in and ensure they do.

As a parent I take seriously my responsibility to provide my children with healthy meals. Fruits, vegetables, whole grains, fish, poultry. I work hard to make sure we have nutritionally healthy balanced foods. I read labels carefully, making sure to support local farms when possible, to buy organically if possible, to avoid ingredients like high fructose corn syrup, aspartame, hydrogenated fats, methylparaben, nitrates, or polydextrose, which we allow on our labels. As a vigilant mother, it's information I depend on to do my job well. As a mother I have a responsibility and a right to make sure I know what my children are eating. Please join me in supporting L.D. 718. Thank you.

THE PRESIDENT: 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 pending motion. Everyone has the right to decide for themselves about the food they buy and what they feed their families. The impact and long-term human safety of genetically engineered food ingredients remain unproven. Yet, for lack of labeling to inform us as consumers, you and I, our children, our grandchildren, and even our unborn are laboratory rats in an ill-conceived experiment conducted on a national scale. All people should have the right to opt out of that experiment. It's not that simple because we cannot live without food. We don't know which food is made with genetic engineering. I, personally, need to lose about 20 pounds so I could live a short while without food, but that only works for so long. Since the first commercially available GMO crop was proved in 1996, GMO crops have pushed many of their traditional counterpart crops out of the marketplace. By 2011 more than 90% of soy beans and more than 85% of field corn cultivated in the United States were genetically modified. This prevalence means that nearly 75% of processed foods sold in grocery stores contain GMOs. When you woke up this morning, and headed to breakfast, how many of you said to yourself, "Today I feel like being a lab rat for genetic engineering." I'm sure none of you did, but the chances are most of you began your day as an unwitting participant in the genetically engineered foods experiment. Unless you used real maple syrup your dose may have been the high fructose corn syrup on your pancakes. How many of you, while fixing breakfast for your kids or grandkids the last time you saw them, I expect it's the grandkids mostly in this Chamber, it is for me, said to yourself, "I'd like my grandchildren to be part of that experiment too." We buy and serve our families food never knowing which foods will unwittingly provide the next dose of novel proteins.

Although the bio-technology companies allow very little research on their patented crops, some independent peer reviewed research has found that genetically modified foods can cause deformities and neurological and reproductive problems, immune problems, accelerated aging, altered insulin regulation, and changes in major organs and the gastrointestinal system in laboratory animals. Boy, I'm glad I'm a lab rat. Potential long-term risks to human public health from genetically modified foods are currently unknown. Given this uncertainty, it's no surprise that according to recent polls over 91% of Maine voters, 91%, support a labeling requirement for foods containing genetically modified ingredients so we can all exercise our right to decide. This is not simply an experiment about which kind of corn you like the flavor of best. We are unwittingly consuming proteins created through genetic engineering which, until a few short years ago,

have never been part of the food eaten by homo sapiens. Never since the dawn of time until this generation have they existed in food. To illustrate that point I learned this spring that some seeds, such as BT corn seed, is regulated under federal law as a pesticide due to the bacterial toxins produced by every cell of the corn plant it yields. Imagine that, our corn growing bacterial toxins in every cell. Unlike the VT sprays which accumulate no residue on crops or trees and are readily degraded into the environment, in BT corn the toxins are created in every cell and continue to be present there even after picking. From eating that corn, you receive a dose of the bacterial toxins in orders of magnitudes higher than you would from eating the same amount of dirt from which the bacteria naturally occurs. It is unlabeled today and you have no way of knowing which corn is delivering that dose.

Regarding doses of BT toxins, a recent university study noted, this is going to get a little technical, that CRY 1AB, the protein produced in common BT corn and soy, induced microcytic hypochromic anemia in mice, even at the lowest tested dose of 27 milligrams per kilogram. This toxin has been detected in blood of non-pregnant women, pregnant women, and their fetuses in Canada, supposedly exposed through diet. In other words, coming back to common language, it has a toxic effect on red blood cells in mice at only 27 parts per million. When you buy corn at the store do you ever look at the bin of ears still wrapped in husks, expecting it to contain bacterial toxins in every cell? Of course not. Does BT corn look any different from non-genetically engineered corn? Of course not. You only expect to get corn, not toxins, but that is part of the deception occurring from the absence of labeling. Labeling is a risk management strategy for scientific uncertainty, but people can only manage their risk when they know what they are buying. Maine people deserve to know and it's the State's responsibility to prevent such deception and to enable such risk managing decisions on the part of consumers by requiring labeling. It's our duty to the people of this state to pass L.D. 718 and require the labeling which will tell them what they are buying so they can make their own decisions to manage risk. A label produced with "genetic engineering" is not a health claim. It's not an ingredients list. It's no different from "not from concentrate," which is a process label on many juices. We use many other labels such as "natural" and "artificial flavoring" or even the source of bottled water, not just the brand name, which are not health claims either but they do prevent inherent deception. They do enable informed choice by consumers.

Maine has a long and rich tradition of healthy food production. Maine people know and trust their local farmers. GMO labeling would allow consumers to make informed choices on food purchases. It's time to let the market decide the fate of GMO foods by allowing consumers to know what they are buying. In fact, Maine is striving local food economy would likely benefit from right to know GMO labeling, particularly because wholesomeness is part of Maine's brand image. Maine can protect, support, and find opportunity in that brand by insuring that foods people buy here were not made with genetic engineering unless they say so. More than 60 countries, including Japan, China, Australia, Russia, New Zealand, and the European Union, require labeling of all GMO products. Now Connecticut has passed GMO labeling into law. The time has come for Maine to do the same. I want my family to be able to opt out of the experiment and we should enable every person in the state to exercise that same right, to make that choice for themselves. Follow me in support of the Ought to Pass as Amended motion.

Thank you, Mr. President. Thank you fellow lab rats of the Senate.

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

Senator **SAVIELLO:** Thank you Mr. President. Fellow rats of the Senate, I rise today actually in support of this bill. I did this after a bunch of research and found some of the similar things that my good friend just spoke on. However, I would just point out to you in the state laws we presently have law that anybody that would like to label a product on GMO can do that right now. They should because they could take advantage of the market.

I rise today because I have three concerns and I want to be on the record of those three concerns because I'm very worried that, in fact, we will be hit with a law suit. I do believe this bill infringes slightly, and will, on freedom of speech, the commerce clause, and supremacy clause. Now I'm not an attorney and I didn't sleep at the Holiday Inn last night. However, I am worried about that. I made the decision because of the five states and because of the number of things I've heard and the number of my constituents. Finally, my good friend, Russ Libby, as many of you know is the head of MOFGA. He's now farming the great organic farm in the sky. I know he wants this bill. That's why I'll be voting for it. Thank you very much, Mr. President.

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

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, many of you know I own and operate a restaurant. A Certified Executive Chef and spent my life in the kitchen. It's been my mission to provide the very best quality of food to my customers. I, hopefully, am going to be able to open up this Saturday night, Mr. President, if that's okay with you. It is my extreme wish and desire to be open on Saturday night.

I was thinking as we're sitting here, and I've been ducking out making phone calls to Bill Johnson, who is my clam digger, Mike Briggs who gets Taunton Bay Oysters, Evan Young from Blue Hill Bay Mussels, and my organic farmer, Paul Volkhausen, to make sure I have all this product in my place. Coupled with all of the small farmers in my district and the sheer numbers of e-mails that I've gotten in support of this, this is how change, I think, is made in our state and in our country. I remember in this industry 25 or 30 years ago trans fats were the thing to do. Go to hydrogenated vegetable shortening. Now I have to tell you I can confess now that I never did that. I always used butter. I may not have told my customers that, but I used real butter. Twenty-five years later I feel I was in the right place to be, not having used trans fats all those years. This is, I think, how people get their message out. As a co-sponsor of this, and knowing that we're sort of in this transition and knowing folks in my industry might be a little bit worried about this, I'm pleased to say that it is my understanding of the bill that currently, right now, we would see restaurants and people who produce food exempt because we get our ingredients from all over the place and all over the country. It's important that a small business owner would need to be sure that the sale of all the food that is served, sold, or otherwise provided in our restaurants, or other food service facilities that are engaged in the sale, is intended for immediate consumption on or off the premises are covered by this exemption. While I know to the extent that I take to go and provide the highest of quality of

ingredients to my folks that come to me, I know that in other places that difficulty might be a little bit harder. With that, you have my enthusiastic support of this legislation. Thank you.

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I would be delighted to have dinner at the Union River Lobster Pot on Saturday, but that's for another day. What I rise today for, Mr. President, is in opposition to the pending motion. I do that with great respect for the work that the committee has done, for the sponsor of this bill, and my colleagues in the other Body and here who feel passionately about this. I ask a question that I think we must dwell on here because we've spent a fair amount of time today, Mr. President, discussing the Constitution and the impact of some of our decisions on the Constitution. There is a real legal issue here. My good friend from Franklin County raised three points that had been raised in a letter here that I have a copy of that Attorney General Mills sent to the chairs of the Agriculture, Conservation and Forestry Committee in which she summarized her concerns with L.D. 718. The issues of constitutionality and the First Amendment, compelled speech, the issues of restricting speech, the commerce clause, and preemption. I looked at this and I did some more research. I got a copy of a letter that was sent from the State of Hawaii's Attorney General on this issue. It indicated that they feel the law that they have passed, which is their House Document 2 HB 174, Genetically Engineered Organisms Produce Labeling Import, it is clear that they feel that there will be a test to their law as well. I ask, Mr. President, if the course we are on is the proper course for Maine? The Maine Organic Farmers and Growers Association has developed a great reputation for many Maine farmers. I think their certified organic program is something that we can all be proud of here in this state because they police that in a way that I think assures the quality and the consistency of what their producers bring to market and can assure people that there are standards that can give them peace of mind in what they and their families are eating. I respect their passion for this issue, but what we're asking here is labeling to oppose something, as opposed to labeling to promote something. It's a very different dynamic. It leaves the consumers, the people that we serve as constituents, with the belief that if this does not have a label on the package that is it, indeed, GMO free. Can we guarantee that, Mr. President? Can we guarantee that we have the means to properly police this or should we take the proactive stance of labeling?

Just as a side note to my good colleague from Lincoln County, I, too, have been told by my doctor that I should lose 20 pounds. He did not recommend pancakes or syrup for that.

There are other things, though, which come into account here. If we are going to be honest we have a responsibility to think about what message we send from these Bodies when we pass legislation that establishes broad policy. Do we know what are in the materials in the clothing that we wear against our bodies? Do we know what's in the cars we drive? The water we drink? The air we breathe? The very environment in this Chamber in which we are in? Are we aware of that? If we're going to be honest about what we do than we need to take this to a level that assures that we are protecting our bodies, not just to say that because something has been modified over the years and adapted to prevent strains that have become more and more

virulent in the agricultural area from effecting our food stuffs and potentially putting us in a place where we can't produce the level of food we need. Perhaps we should think long and hard about what this message is that we send to the people who elected us here. The policies are accepted as solid decisions made by these Bodies and we have diligence to make sure that the policies that we set forward, indeed, are well thought out and based on good science.

I've heard some interesting testimony here. I've talked to some of my colleagues who have, themselves, set out on a course to determine what they put into their bodies and the impact it has. I have great respect for that and interest, particularly in light of some of my family's health issues in the recent few years. We need to be better educated, but I don't believe that just sticking a label on a package or on a product guarantees that. I ask you, before you vote on this issue, ladies and gentlemen, to think about are we setting the course that we want Maine people to truly have or are we setting the popular course. Thank you, Mr. President.

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

Senator **BOYLE:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise in support of the Ought to Pass as Amended Report. Unlike many others, I don't pay that close attention to what I eat. I actually eat what the Cross Cafeteria offers up and when I go home what Sue puts in front of me I pretty much eat and I trust. When this bill first came forward, as a reminder I do serve on the Agriculture, Conservation and Forestry Committee, I was confused and skeptical. I sat through the long hearings and the work sessions. I've given it a lot of thought and I really think that the committee worked hard to craft some compromises; adding the states and now with the contiguous states language. I'm fully in support of the bill now. I understand it well. I understand that if a bag of Doritos shows up and it says "Made with Genetically Engineered Product" I'd probably still buy it. I like the fact that I would be able to know and will make the choice myself. Thank you.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise briefly to point out a couple of things. When it comes to the question of constitutional challenge the center of the argument is the State's interest. The State has an interest in protecting the people against harm. They have an interest in allowing consumers to manage their own risk because there is a demonstrated risk. The scientific studies of laboratory animals, talking about all of the harm to organs and blood and other things, that's enough demonstration that we should be conducting long-term studies of people. Unfortunately, those studies today are going on as an uncontrolled experiment with no control. We don't know how many of the rising incidents of various health issues in the general population of this country are caused by this or not caused by this. Those studies need to be done. They are certainly good reason to believe there are health risks to people too, not just laboratory animals. The lack of labeling, the inherent deception of foods appearing to be the same as non-GMO ones that don't present that risk and yet not knowing, that's where the State's interest comes in to require

labeling so that people can know, can manage that risk for themselves. I have to tell you that although the non-GMO labeling has been part of Maine law for quite some time, it has not achieved the end necessary to protect the interest of people because very very little food is labeled. In fact, I've only once stumbled across some in the store that actually says non-GMO. Maybe I'm going to the wrong stores. I suspect, going around to various parts of my district in rural Maine and seeing the choices available for food and not knowing, that's the same situation that most Mainers find themselves in. We owe it to them to help them manage that risk for themselves, to make the decision, as the good Senator Boyle pointed out, for themselves. Let's get this done.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just wanted to say that one of the remarks that was made about the Attorney General's Office. A lot of what the Attorney General's letter involved actually was put into the bill to tighten it up. I think that this is going to be a pretty high bar to get five out of nine states in five years to pass this, but I think that's what we're talking about. If there is a public outcry, I believe there already is. If there is enough of an outcry that people want to see this label on their food then I think that is certainly appropriate. Currently people are asking for it, aren't able to find out what's in their food. I certainly don't think that's fair. If you absolutely want to know what you're eating than it should be made available to have that given to you. The way that it is right now people don't have to disclose that. I think this is certainly something they want. I'm not saying that there is anything wrong with GMO, but if people out there are interested in knowing when it's in their food they can't find out that at this point. This lets them have that ability and I think that's fair.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Jackson to Accept Report "A", Ought to Pass as Amended by Committee Amendment "A" (H-393), 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 (#253)

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

NAYS: Senators: CUSHING, SHERMAN, THIBODEAU, VALENTINO

31 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **JACKSON** of Aroostook to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393)**, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-393) **READ** and **ADOPTED**, in **NON-CONCURRENCE**.

Senate at Ease.

Senate called to order by the President.

Senator **JACKSON** of Aroostook moved the Senate **RECONSIDER** whereby it **ADOPTED** Committee Amendment "A" (H-393), in **NON-CONCURRENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#254)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and No Senator having voted in the negative, the motion by Senator **JACKSON** of Aroostook to **RECONSIDER** whereby it **ADOPTED** Committee Amendment "A" (H-393), in **NON-CONCURRENCE**, **PREVAILED**.

House Amendment "B" (H-444) to Committee Amendment "A" (H-393) **READ**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#255)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and No Senator having voted in the negative, House Amendment "B" (H-444) to Committee Amendment "A" (H-393) **ADOPTED**, in concurrence.

Committee Amendment "A" (H-393) as Amended by House Amendment "B" (H-444) thereto, **ADOPTED**, in concurrence.

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

Senate

Ought to Pass As Amended

Senator CRAVEN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Laws Governing Confidentiality of Health Care Information To Enhance Public Safety"

S.P. 307 L.D. 882

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-264)**.

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

READ ONCE.

Committee Amendment "A" (S-264) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

ENACTORS

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

Emergency Measure

An Act Regarding the Swans Island Lobster Fishing Zone
H.P. 718 L.D. 1020
(C "A" H-408)

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

Emergency Measure

An Act To Support Maine Businesses by Authorizing Certain Brewing Partnerships

S.P. 590 L.D. 1548
(C "A" S-252)

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

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization

H.P. 613 L.D. 886
(C "A" H-411)

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

Acts

An Act To Implement the Recommendations of the Government Oversight Committee and the Office of Program Evaluation and Government Accountability Regarding Child Development Services

H.P. 27 L.D. 34
(S "A" S-238 to C "A" H-380)

An Act Concerning Postsecondary Tuition Waivers for Children of Veterans

H.P. 469 L.D. 677
(C "A" H-404)

An Act Regarding the Requirement That an Address Be Provided in Disclaimers on Political Radio Advertisements

H.P. 646 L.D. 922
(C "A" H-403)

An Act To Facilitate the Expansion of the State's Liquor Distribution System

S.P. 318 L.D. 941
(C "A" S-148)

An Act To Amend the Laws Concerning Parental Rights in Child Abandonment Cases

H.P. 786 L.D. 1114
(C "A" H-409)

An Act To Promote the Production of Maine Beverages

H.P. 793 L.D. 1121
(C "A" H-397)

An Act To Improve Professional Training for Licensed Mental Health Clinicians

S.P. 432 L.D. 1238
(C "A" S-254)

An Act To Create Child Advocacy Centers in Maine

S.P. 468 L.D. 1334
(C "A" S-216)

An Act To Amend the Labor Laws as They Relate to Payment for Required Medical Examinations

S.P. 559 L.D. 1498
(C "A" S-251)

An Act Concerning Liquor Licensing Laws for Holders of 2 Licenses

S.P. 573 L.D. 1518
(C "A" S-245)

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

An Act To Allow a Person To Rent a Slaughterhouse for the Slaughtering and Processing of Poultry

H.P. 196 L.D. 259
(C "A" H-407)

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.

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

An Act To Preserve and Protect Ancient Burial Grounds and Burial Grounds in Which Veterans Are Buried

S.P. 107 L.D. 274
(C "A" S-248)

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

An Act To Ensure Efficiency in the Unemployment Insurance System

H.P. 482 L.D. 690
(C "A" H-280)

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

An Act To Protect Maine's Loons by Banning Lead Sinkers and Jigs

S.P. 268 L.D. 730
(C "A" S-231)

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

An Act To Amend the Laws Governing Students Experiencing Education Disruption

S.P. 378 L.D. 1096
(C "A" S-243)

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

An Act To Establish the Fair Chance for Employment Act

H.P. 822 L.D. 1157
(C "A" H-402)

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

An Act To Maintain the Integrity of the Fund for a Healthy Maine

S.P. 426 L.D. 1232
(C "A" S-204)

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

An Act To Authorize the Public Advocate To Mediate Disputes Related to Rates for Sewer Service

H.P. 959 L.D. 1342
(C "A" H-352)

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

Senator **YOUNGBLOOD:** Thank you Mr. President. I have a question I'd like to ask for anyone who might be able to answer.

THE PRESIDENT: The Senator may pose his question.

Senator **YOUNGBLOOD:** Thank you Mr. President. This bill entails petitioning of sewer districts for mediation of rate making appeals. Will sewer district managers be required to validate those petitions as municipalities do with all other petitions they receive? If they do, why does this bill not include a mandate preamble?

THE PRESIDENT: The Senator from Penobscot, Senator Youngblood poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President. I thank my good colleague for the question. Let me read the language and I'll respond to the question very briefly. If within 30 days of the public hearing for a rate change under Section 1252, Subsection 1, 15% of the customers of a sewer district or 1,000 customers, whichever is less, files with the Treasurer of the district and with the public advocate a petition requesting medication services regarding the proposed rate, the sewer district and the customers may, upon agreement of both parties, request mediation services from a public advocate under Title 35A Section 1714. There is nothing in that that requires anyone to verify names on the petitions. However, there is nothing in there that if someone, of their own choice, wanted to verify those signatures they could do that at their pleasure.

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

Resolves

Resolve, To Establish a Veteran-to-farmer Training Pilot Program
H.P. 284 L.D. 409
(C "A" H-413)

Resolve, Regarding Safer Workplaces for Home Care and Home Health Workers

S.P. 166 L.D. 434
(C "A" S-198)

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located in Bangor, Boothbay Harbor and Hallowell

H.P. 668 L.D. 955
(C "A" H-412)

Resolve, Requiring Rulemaking Regarding Special Education Requirements and Review of School Administrative Units That Do Not Operate Any Schools

H.P. 828 L.D. 1184
(C "A" H-399)

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

Off Record Remarks

Senator **CLEVELAND** of Androscoggin was granted unanimous consent to address the Senate off the Record.

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

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

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

On motion by Senator **GOODALL** of Sagadahoc, '
RECESSED until 7:00 in the evening.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Provide Immunity for Prescribing and Dispensing Intranasal Naloxone Kits"

H.P. 737 L.D. 1046

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-436)** (11 members)

Minority - **Ought Not To Pass** (2 members)

Tabled - June 12, 2013, by Senator **VALENTINO** of York

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, June 11, 2013, 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-436).**)

(In Senate, June 12, 2013, Reports **READ.**)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#256)

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

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

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **VALENTINO** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED.**

READ ONCE.

Committee Amendment "A" (H-436) **READ.**

On motion by Senator **VALENTINO** of York, Senate Amendment "A" (S-266) to Committee Amendment "A" (H-436) **READ** and **ADOPTED.**

Committee Amendment "A" (H-436) as Amended by Senate Amendment "A" (S-266) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-436) AS AMENDED BY SENATE AMENDMENT "A" (S-266)** thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

(In House, June 11, 2013, **PASSED TO BE ENACTED.**)

On motion by Senator **DUTREMBLE** of York, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-231).**

On further motion by same, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-231).

On further motion by same Senator, Senate Amendment "A" (S-274) to Committee Amendment "A" (S-231) **READ** and **ADOPTED.**

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

An Act To Allow a Person To Rent a Slaughterhouse for the Slaughtering and Processing of Poultry
H.P. 196 L.D. 259
(C "A" H-407)

Tabled - June 12, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **ENACTMENT**, in concurrence (Roll Call Ordered)

(In Senate, June 11, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-407)**, in concurrence.)

(In House, June 11, 2013, **PASSED TO BE ENACTED.**)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#257)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and No Senator having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

An Act To Protect Maine's Loons by Banning Lead Sinkers and Jigs
S.P. 268 L.D. 730
(C "A" S-231)

Tabled - June 12, 2013, by Senator **KATZ** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, June 6, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-231).**)

Senate at Ease.

Senate called to order by the President.

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

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

Senator **CLEVELAND:** Thank you Mr. President. I thought before this bill passes it might be interesting to know a little bit of the history on this issue. In the early 1990's, when I first began to serve here, a group of students from the Poland area came to me and they had a class project they had to do for graduation. They had to identify an environmental issue. They had to study the issue. They had to find out all of the information about the environmental issue and then write a report on it. Those students chose to do a report on the effects on loons by lead fishing gear. They did their report and the teacher was so impressed with it she called me and asked if I would introduce a bill on behalf of the students to ban the use of lead fishing equipment because of the adverse impact that they had discovered in their research for the loons. Twenty years ago, as we brought this to the Inland Fisheries and Wildlife Committee, it got rewritten as an informational project where fishermen were given information on materials produced by the State of Maine and others of the adverse impact as opposed to banning it. When I go back home after this session I will be very pleased to contact their teacher and these now young adults that an initiative that they brought forward to this Legislature 20 years ago is finally going to be passed.

THE PRESIDENT: The pending question before the Adoption of Senate is Committee Amendment "A" (S-231) as Amended by Senate Amendment "A" (S-274), 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 (#258)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and No Senator having voted in the negative, Committee Amendment "A" (S-231) as Amended by Senate Amendment "A" (S-274) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-231) AS AMENDED BY SENATE AMENDMENT "A" (S-274) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith 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 **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Create the Presque Isle Utilities District" H.P. 920 L.D. 1293

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-458)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-458)**.

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

READ ONCE.

Committee Amendment "A" (H-458) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve the Delivery of Early Child Care and Education Services"

H.P. 982 L.D. 1383

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-464)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-464)**.

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

READ ONCE.

Committee Amendment "A" (H-464) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Clarify and Correct Provisions of the Maine Medical Use of Marijuana Act"

H.P. 1047 L.D. 1462

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-465)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-465)**.

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

READ ONCE.

Committee Amendment "A" (H-465) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, To Create a Study Group To Research the Possibility of a Virtual Legislature (EMERGENCY)

H.P. 606 L.D. 855

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-467)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-467)**.

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

READ ONCE.

Committee Amendment "A" (H-467) **READ** and **ADOPTED**, in concurrence.

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

Senate

Ought to Pass

Senator PATRICK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend Licensing Requirements for Professional Engineers" S.P. 456 L.D. 1313

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

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

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

Ordered sent down forthwith for concurrence.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith 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 **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Abolish the Inland Fisheries and Wildlife Advisory Council"

S.P. 49 L.D. 128
(C "A" S-256)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-256)** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-257)** (5 members)

In Senate, June 11, 2013, on motion by Senator **DUTREMBLE** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-256)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-256)**.

Comes from the House, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-257)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-257)**, in **NON-CONCURRENCE**.

On motion by Senator **GOODALL** of Sagadahoc, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Lengths of Terms of Members of the Legislature
H.P. 339 L.D. 489

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-390)** (7 members)

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

In House, June 10, 2013, Reports **READ**. The Minority **OUGHT NOT TO PASS** Report **FAILED**. Subsequently, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED** and the Resolution **PASSED TO BE ENGROSSED AS AMENDED**.

In Senate, June 11, 2013, on motion by Senator **LACHOWICZ** of Kennebec, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

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

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Delayed Birth Registration"

S.P. 446 L.D. 1284

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-205)** (7 members)

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

In Senate, June 11, 2013, Reports **READ**. Motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **FAILED**. Subsequently, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-205)**, in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Implement Managed Care in the MaineCare Program"

S.P. 552 L.D. 1487

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-217)** (1 member)

In Senate, June 11, 2013, Reports **READ**. Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Comes from the House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

(See action later today.)

Non-Concurrent Matter

JOINT ORDER, Establishing the Task Force To Study the Creation of a State of Maine Partnership Bank or Other Maine Financial Structures

H.P. 1130

In House, June 7, 2013, **READ** and **PASSED**.

In Senate, June 11, 2013, **READ** and **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

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

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 Amend the Laws Governing Public Records
H.P. 86 L.D. 104
(C "A" H-387)

An Act To Amend the Procedures Used To Identify and Select Appointees to the Maine Land Use Planning Commission and To Make Other Technical Changes to the Agriculture, Conservation and Forestry Laws

S.P. 332 L.D. 987
(C "A" S-158)

An Act To Add Conditions That Qualify for Medical Marijuana Use
H.P. 755 L.D. 1062
(C "A" H-398)

An Act To Encourage School Administrative Units To Increase Their Energy Savings

H.P. 966 L.D. 1348
(C "A" H-353)

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

Ordered sent down forthwith.

An Act Relating to Exemption from Immunization for Schoolchildren

H.P. 464 L.D. 672
(C "A" H-400)

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

An Act To Improve MaineCare Nursing Home Reimbursement To Preserve Access and Promote Quality

H.P. 652 L.D. 928
(C "A" H-365)

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

An Act To Provide for Greater Public Input and Local Control in the Chartering of Public Schools

S.P. 389 L.D. 1128
(C "A" S-227)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#259)

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

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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

An Act To Provide Full-day Kindergarten Programs

H.P. 808 L.D. 1143
(C "A" H-381)

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

An Act To Help Small Farmers in Selling Raw Milk Products

S.P. 444 L.D. 1282
(H "A" H-427 to C "A" S-195)

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

Resolves

Resolve, Establishing the Commission To Study the Incidence of and Mortality Related to Cancer

H.P. 727 L.D. 1032
(C "A" H-344)

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

Ordered sent down forthwith.

Resolve, To Study Climate Change and Implement the Recommendations of the Department of Environmental Protection Report on Climate Change

H.P. 576 L.D. 825
(C "A" H-374)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#260)

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

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

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Change Document Filing Fees for County Registries of Deeds"

H.P. 378 L.D. 559

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-445)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-445)**.

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

READ ONCE.

Committee Amendment "A" (H-445) **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:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Late-filed Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)
H.P. 1110 L.D. 1543

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

Signed:

Senators:

TUTTLE of York
PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth
FOWLE of Vassalboro
LONGSTAFF of Waterville
RUSSELL of Portland
SAUCIER of Presque Isle
SCHNECK of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-463)**.

Signed:

Senator:

MASON of Androscoggin

Representatives:

BEAULIEU of Auburn
GIFFORD of Lincoln
JOHNSON of Eddington
KINNEY of Limington

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

Reports **READ**.

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in 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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Modernize the State's Legal Notice Requirements"

H.P. 961 L.D. 1344

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

Signed:

Senator:

COLLINS of York

Representatives:

CHENETTE of Saco
COTTA of China
HAYES of Buckfield
MacDONALD of Old Orchard Beach
NADEAU of Fort Kent
PEASE of Morrill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-446)**.

Signed:

Senators:

LACHOWICZ of Kennebec
GERZOFKY of Cumberland

Representatives:

GRAHAM of North Yarmouth
BOLAND of Sanford
NADEAU of Winslow

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

Reports **READ**.

On motion by Senator **LACHOWICZ** of Kennebec, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in 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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Protect Children from Exposure on the Internet without Parental Consent"

H.P. 1093 L.D. 1522

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

Signed:

Senators:

JOHNSON of Lincoln
LANGLEY of Hancock

Representatives:

DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
JOHNSON of Greenville
KORNFELD of Bangor
MAKER of Calais
McCLELLAN of Raymond
NELSON of Falmouth
POULIOT of Augusta
RANKIN 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-455)**.

Signed:

Senator:

MILLETT of Cumberland

Representative:

MacDONALD of Boothbay

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

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

Reports **READ**.

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator HILL for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Strengthen Maine's Hospitals and To Provide for a New Spirits Contract" (EMERGENCY)

S.P. 596 L.D. 1555

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-269)**.

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

READ ONCE.

Committee Amendment "A" (S-269) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Senator JOHNSON for the Committee on **MARINE RESOURCES** on Bill "An Act To Preserve Marine Resources Licenses for Active Duty Service Members"

S.P. 530 L.D. 1448

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-267)**.

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

READ ONCE.

Committee Amendment "A" (S-267) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Resolve, To Allow Licensed Clubs To Allow Their Members To Purchase Tickets to a Scheduled Function at the Time of the Function

S.P. 509 L.D. 1415

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-268)**.

Signed:

Senators:

TUTTLE of York
MASON of Androscoggin

Representatives:

LUCHINI of Ellsworth
BEAULIEU of Auburn
FOWLE of Vassalboro
GIFFORD of Lincoln
JOHNSON of Eddington
KINNEY of Limington
LONGSTAFF of Waterville
SAUCIER of Presque Isle
SCHNECK of Bangor

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

Signed:

Senator:

PATRICK of Oxford

Representative:

RUSSELL of Portland

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-268) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Establish a Stewardship Program for Architectural Paint"

S.P. 451 L.D. 1308

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-270)**.

Signed:

Senators:

BOYLE of Cumberland
GRATWICK of Penobscot
SAVIELLO of Franklin

Representatives:

WELSH of Rockport
CHIPMAN of Portland
COOPER of Yarmouth
GRANT of Gardiner
HARLOW of Portland
McGOWAN of York

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

Signed:

Representatives:

AYOTTE of Caswell
CAMPBELL of Orrington
LONG of Sherman
REED of Carmel

Reports **READ**.

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

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

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Maintain Access to Safe Medical Marijuana" (EMERGENCY)

S.P. 578 L.D. 1531

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-271)**.

Signed:

Senators:

JACKSON of Aroostook
BOYLE of Cumberland
SHERMAN of Aroostook

Representatives:

DILL of Old Town
BLACK of Wilton
CRAY of Palmyra
JONES of Freedom
KENT of Woolwich
MAREAN of Hollis
NOON of Sanford
SAUCIER of Presque Isle
TIMBERLAKE of Turner

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

Signed:

Representative:

HICKMAN of Winthrop

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-271) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Facilitate the Processing of Livestock That Is Not for Resale"
S.P. 104 L.D. 271

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-272)**.

Signed:

Senator:

SHERMAN of Aroostook

Representatives:

DILL of Old Town
BLACK of Wilton
CRAY of Palmyra
KENT of Woolwich
MAREAN of Hollis
NOON of Sanford
TIMBERLAKE of Turner

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-273)**.

Signed:

Senator:

JACKSON of Aroostook

Representatives:

HICKMAN of Winthrop
JONES of Freedom
SAUCIER of Presque Isle

Reports **READ**.

On motion by Senator **JACKSON** of Aroostook, Bill and accompanying papers **INDEFINITELY POSTPONED**.

Sent down for concurrence.

Off Record Remarks

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (5/31/13) matter:

SENATE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Strengthen the Maine Clean Election Act"

S.P. 452 L.D. 1309

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-156)** (8 members)

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

Tabled - May 31, 2013, by Senator **TUTTLE** of York

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

(In Senate, May 31, 2013, Reports **READ**.)

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

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

Senator **LANGLEY:** Thank you Mr. President. I think I'm on the right bill at the right time. I appreciate all the notes that I've gotten regarding this. As I started to say earlier, I am the co-sponsor of this bill and would like to briefly describe my line of reasoning for being a co-sponsor. First of all, I have been a Clean Election candidate for the last three election cycles. I support the Clean Election concept, trying to keep big money out of politics. I think really at this point for me it would be easier to raise the money privately to fund a campaign because it is hard to go out and collect all those checks in twenty-three coastal towns where I am and get them all to the town offices. Some are only open one day a week. Most all of you know, that have done this, the difficulty in doing it. I like the fact that I feel no obligation to anyone other than my constituents and to vote my conscience on behalf of those constituents. I would have the same view, honestly, as a traditional candidate as well, but I feel that that connection is pretty strong that way. Since being a Clean Election candidate I've learned that there is an ugly underbelly for political campaigns. The fact that Clean Election candidates can have PACs bothers me. I find it hard to reconcile the spirit of Clean Election with the realities of fundraising for the purpose of independent expenditures and other campaigns. To me it just doesn't pass the straight face test. Yet I know both sides here will engage in forming leadership PACs and also run as Clean Election candidates. I'd like to challenge my colleagues here in the Senate to run traditional if you are planning on running as a Clean Election candidate and also wish to have a PAC. I probably won't have any friends left here at the end of the night, but it's time for me, I think, to lay the cards on the table and for the record.

In the 125th Legislature we dealt with the ramification of the Supreme Court decision regarding the Citizens United Case, which struck down matching funds in our Clean Election law. The particulars of that Citizens United Case have been debated and we've heard lots about that in this session, but that's better left for another time. There was legislation also in the 125th to compensate for the loss of matching funds. The bills, and any and all amendments, were defeated. I supported, actually, the Katz amendment in that. So off into the election cycle we went. A reward for being a Clean Election candidate without matching funds was to face the negative ads paid for with incredible amounts of money from independent expenditures. Personally, my opponent and I had had an agreement that we would run clean campaigns without negative ads. This would be my third election at doing that. I lived up to my end of the deal. For fun you should look up the top ten Senate races. I think my good friend from Penobscot had number one and I had number nine. It would have been higher except for the fact that there was no money, not one red cent, spent in opposition to my opponent. A goose egg is zero. Please look that up. I'm proud of that. No negative ads from any independent expenditures. I made it clean on my side, as far as I could up through, that I did not want any negative ads coming into my district. I lived up to my end of the deal. You can't imagine what it feels like to find out you've kind of

been suckered, thinking for a moment that that kind of agreement to run a clean campaign would be honored. The other side of the column you'll see nearly \$20,000 was spent in independent expenditures in opposition to my candidacy in the waning days of the election. Without matching funds there was no way to respond. The sad thing is that I remember the day that photograph was taken in committee for the negative mailer that went out into my district, as well as the staffer who took the photo.

Mr. President, I've heard that politics is described as a contact sport. I get it. I choose not to operate that way. In fact, I would challenge this Body that the real power to clean up elections rests right here in this room. Most all those independent expenditures decisions are made right here in this room. I believe we have the power to change this process, but I'm a realist. It's my experience in the last election that has changed my mind about the matching funds. For that reason I'll be supporting this legislation and I think we should pass it. Thank you, Mr. President and the rest of you, for listening.

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, it is tough to follow the remarks of my good friend, the Senator from Hancock, Senator Langley. I know he speaks from the heart and he did a wonderful job and they were long anticipated remarks. I serve on the committee of jurisdiction for this matter and I am on the dissent of this report. I just wanted to stand up really briefly, because I know we have a late night tonight, and just voice my opinion on the pending motion.

We had a lot of testimony in committee about this. It was one of those days when you had a lot of public input, which is great. We heard a lot about the will of the voter. This, as many of us know, was a referendum from 1996, a people's initiative that put this system on the ballot. For full disclosure, I was a Clean Election candidate for my first election in 2010. I really did think about this process and tried to really put everything aside, the election aside, and tried to figure out what the best thing to do and what the best thing to do for the state of Maine was. The conclusion that I came to was that this is not what the people voted for. This is a vastly different system. In fact, if you read the summary of the original bill, the second part of it says it replaces the Maine Clean Election Act matching fund system with a system of optional supplemental funding. That's the conclusion that I came to. This is a very different system than what we've had in the past. It's through no fault of our own on either side of the aisle, the decision of the Supreme Court of our country. I don't think that this bill keeps money out of politics like it has been claimed to do. I think it actually adds monies into politics. I agree with what the Senator from Hancock said. I think we have a PAC problem. We don't have a Clean Election issue problem. The final conclusion that I came to with this, besides the system, is that it's very expensive. It's very very expensive. I know we'll be facing some amendments to the bill in the future on this, but I think the price tag is around \$6.4 million. I think that's just very high right now. Those are the conclusions I came to. I encourage you to vote your conscience, but I will be voting against the pending motion. Thank you, Mr. President.

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

Senator **TUTTLE**: Thank you Mr. President. Members of the Senate, I would hope that you would support the Majority Ought to Pass Report. Our committee worked long and hard on this issue. If you look at the L.D. 1309 you'll notice that it is a bi-partisan bill that I think that we can all be proud of. It was sponsored by the good Senator from Penobscot, Senator Youngblood, co-sponsored by the good President Alford from Cumberland, the good Senator from York, Senator Hill, the good Senator from Kennebec, Senator Katz, the good senator from Hancock, Senator Langley, the good Senator from Franklin, Senator Saviello, and myself, along with Speaker Eves and Representative Luchini.

I believe that in its present form the Clean Election Act put individuals who select to run under that law at an extreme disadvantage compared to privately funded candidates. That was never the intention of the law. I remember it. I've been a Chair of the committee in the other chamber when we initially did pass the law, when it came back from the voters. The voters who enacted the law through the referendum process intended to take money out of politics to any degree possible and to level the playing field. It was not their intention to create a system which would handicap those who follow it, which we have now. The changes to the seed money cap presented in this bill and the baseline initial distribution amounts are called for in the light of changes in the economy and in the way campaigns are run today. They represent, in my opinion and the opinion of many people that were at the public hearing, a simple updating of the law. I believe that the provision which replaces the matching fund system with a system for optional supplemental funding is badly needed. It is a well thought out approach. I expect it will be found constitutional. Without it the Clean Election system will flounder, contrary to the will of the people of the state of Maine. I feel that it deserves your strong support. Thank you, Mr. President.

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

Senator **CUSHING**: Thank you Mr. President. My apology. I was dwelling on whether or not I would rise to speak to this issue, but I feel, out of respect to many of us who have concerns, I would like to take a moment to address my opposition to the pending motion. I have great respect for the work that the Veterans and Legal Affairs Committee did. I think that there was diligence paid. I also have worked with my colleague from Penobscot who has served on the Ethics Commission and presented this bill. Mr. President, it is hard for me to support legislation that will allow more of our tax money at this difficult time to be put into a system that is meant to support the election of those of us who serve in office when we're making choices that are challenging. I urge my colleagues to think about this. We spent over \$23 million. In fact it's slightly higher than that after the last election. That's money that came out of the hard working taxpayers of Maine. They didn't get a say in who got that money or how it was spent. Granted, we make a lot of decisions here where that doesn't get done. I think it's troubling to many people, at this time when folks in our communities and our state are trying to make a difference with what we have left, to say it's time to expand this. I don't want to belittle the hard work that went in here, but I also think we need to consider long and hard the message that we send by considering millions of dollars that could go into a system that only benefits a few hundred people seeking office here. Thank you for your time and consideration.

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

Senator **GRATWICK**: Thank you Mr. President. Ladies and gentlemen of the Senate, I rise in support of this. As I think you are all aware, I am marked really forever by the excesses of my election. I came here with a very strong purpose in mind, to work on healthcare issues. I had pleasant, sobering, indeed humiliating, experience of having no control, whatsoever, of the money that was spent on my election. I think that clean elections are absolutely imperative if we're going to maintain the credibility and integrity of our institution. I strongly support this. The money spent for this is small in comparison to the damage if we do not spend this money. Thank you, Mr. President.

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

Senator **JOHNSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, I might be the only person here who's run twice under that current law in which there is no matching money. There is no way of raising additional competitive funds. I happen to believe that actually this is something that the people do have some say in, in that they are the ones that are making \$5 qualifying contributions that seek and saying, "This is the candidate that has my support and my support for the Clean Election system to be part of the funding". I particularly like the idea of this bill in that it builds on that. You have to garner additional qualifying contributions from additional people who support your funding under Clean Election to make the additional money available in a competitive campaign. I have to say that whatever amount of public money is spent on this there are, of course, limits on how much. It's a very moderate amount of money. What the people are getting for that investment is a campaign in which there aren't large contributions being made. There isn't the sense of an obligation, as the good Senator from Hancock, Senator Langley said. I feel very strongly about that, about elections being about representing my constituents and feeling no obligation elsewhere. I will be supporting the pending motion. Thank you.

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

Senator **PATRICK**: Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I rise in support of this issue as well. One of the things I'll say, I ran under the Clean Election in 2000, the first year, and I've run ever since then. I've been fortunate enough not to have huge negative campaigns where excessive amounts of money were spent on either side. I've been blessed to have great campaigns and great candidates to run against me. One of the things I'll say that I believe, on the most part I really believe the citizens of the state of Maine get it. The Clean Election system, or publically financed system, I think the citizens get it. A lot more people, including myself, are here because of clean elections. I never ever wanted to raise money. I never wanted to be beholding to anybody. That's why when the Clean Election system came and someone told me about it and I talked to my neighbors and friends, they said, "That's a great idea." The total amount of money, \$6,000, \$8,000 or \$9,000 or \$1 million, sounds like an awful lot, but when you factor that in

what it individually goes to I think it's not that much. I think really people look at the national races, along with the state races, and what is going on in politics. It's huge amounts of dollars in campaigns. If this little bit of money that we're looking at is added to the matching funds, though it's not really matching funds because it's extra funds that you can go after if you decide you think you might need them, I think is a good idea. I think the matching fund system was always capped at a maximum. They actually had the foresight to know that they didn't want to go beyond an excessive amount. I think it was three times the amount originally. This amount that we're asking to allow it to go to I think is a realistic amount to make a person competitive if he thinks he's in a competitive race. We all know, in this Body and in the other Body, that most of the money spent on probably five or six races are for swing districts or candidates that they think they can beat. There are not that many that they put an excessive amount of money in. The whole jest of this, the Clean Election publically financed system is do the citizens of the state of Maine want to have the opportunity to put money forward so many different people in many walks of life can have an opportunity to represent them. I think this has been a rousing success. I think this is what the bill is asking for. I am on the committee and have been on the committee since 2000, my whole eleven years in the Legislature, and seeing the ups and downs, and the little tweaks that we've done to the Clean Election system that have always tried to be for the better. If there were little things that come up during an election cycle we tried to take care of those. This is one that I think is a positive step. I'm hoping that the vast majority of you will look towards this as a positive thing and vote with the Majority Ought to Pass. Thank you, Mr. President.

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

Senator **LACHOWICZ:** Thank you Mr. President. Men and women of the Senate, I support this motion because I think Clean Election allows regular citizens, people from everyday walks of life, even social workers, to come down here and represent people and to be able to talk to the citizens of their districts. I think the question that I hear people having about it is money and politics. I greatly appreciate the remarks of the good Senator of Hancock, Senator Langley. I think that's the problem we all have with it. We can all tell stories about what it was like last time, right. I even became briefly internationally famous. That's another issue. I wish there was a way we could deal with that. The motion before us is to accept the fact that we can publically fund candidates so people don't have to be beholding to anyone and anyone can run and we get a chance to tell our own stories to the people of our district and talk with them and represent them, which I think is a very noble thing. I think the citizens of this state voted however many years ago to fund that. I'll be supporting the current motion. Thank you very much.

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I think that the Clean Election is just an excellent and brilliant idea. I know that I would never have run for election if there wasn't Clean Election. Often I'm very self-deprecating, but I bring something to this Body, just like everybody brings something to this Body. I was brought up in absolute poverty in a

family of eleven. I grew up to educate myself as an adult and to work in long-term care. I bring those perspectives to this Body. I know that everybody that I've ever met, no matter what income level they were at, loves their democracy. We really are disrespectful to think that they don't want to invest in their democracy; offering their time and offering their money. That's what a true democracy is. It's expensive. We deserve it because it's the only form of government that we have. It works. We don't have a very diverse population in this Body, or in the other Body. For women, especially those that work in low income jobs, that stay home raising their children, that have no connections to know where it is that they would raise money, certainly it would be an absolute barrier for a lot of women in my generation to have been able to run for public office without Clean Election. I just wanted to say that piece because it's important to me and I certainly have the utmost respect for every single one of my constituents that give me money. Since the day that I ever ran, I've always returned money to the Clean Election fund because, of course, I'm from Lewiston and I don't need a lot of money.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#261)

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

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

26 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **TUTTLE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-156) **READ.**

On motion by Senator **LANGLEY** of Hancock, Senate Amendment "A" (S-186) to Committee Amendment "A" (S-156) **READ.**

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

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, I am going to attempt to try to turn the rest of those

red lights into green lights for this bill. This amendment is rather thick, if you have it in front of you. What it does is it excludes the gubernatorial candidates from the Clean Election law. Let me explain my reasoning for doing that. First of all, the fiscal note on this is a savings of \$4.5 million. That would be, I think, to offset the increases that we just voted. Secondly, and more important from my point of view, is that I believe that the spirit of the Clean Election is meant to get the big money out of our elections. I really think the spirit is intended for this Body and the other Body. We're the representatives of the people and we come from the little side streets and our small towns and our big cities. We're the ones knocking door-to-door and collecting those \$5 checks. The people usually know us. We grew up in those towns. Went to school in those towns. Have jobs, raised families, and etcetera. I also feel, and strongly believe, that this Body and the other Body are the true checks and balances in state government. We've watched a lot of things here. I don't think I've ever heard the good Senator Goodall say insist more often than maybe today. Our checks and balances are between our two Bodies and between the other branches of state government. Getting Maine citizens to participate in this legislative process is a worthy goal and one I believe in. However, I don't believe that statewide races should be included in that funding. I think the price tag is just too high. I'd rather see the money spent in filling these seats here. A gubernatorial candidate in a statewide election should have to raise their own funds. In essence, and similarly, we don't support our congressional delegation with public funding and they do statewide races. We're making some tough decisions regarding the budget and we'll be taking that up soon. This \$4.5 million in savings in this amendment could pay for the expansion that we just voted for, could go to GPA, could go to our most vulnerable citizens as we move them off Section 21 and Section 29 waiting lists, Drugs for the Elderly, and you name it. We all have dire needs that this money could address. At the end of the day, I believe the spirit of Clean Election is best preserved in our two legislative Bodies. Please support this amendment. I would like to ask for a roll call. Thank you very much for your time.

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

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, I do appreciate your amendment, Senator Langley, but I, unfortunately, am not going to be supporting it. I think the bill goes a little bit too far. There will be some time, I think, when we can do this. I think that it might be more appropriate being done in the Appropriation process. It is with regret, but I will be not supporting the pending motion, Mr. President. Thank you.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I join the good Senator from York's comments and his opposition to adoption of this amendment. I do appreciate the commitment to Clean Election that were articulated by the good Senator from Hancock, however I think that it's important that we do not adopt this amendment because it does remove language

which is very important. We may not be able to afford right now, in light of the recent budget challenges, funding gubernatorial. However, I think people in the state of Maine understand the real difference between not funding something and eliminating it entirely. The people of Maine adopted having a gubernatorial clean election system. However, they do realize that at time we may need to set aside that money to pay for other priorities. In this situation, I think we should recognize their tried and true support of Clean Election and we should reject this amendment.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Langley to Adopt Senate Amendment "A" (S-186) to Committee Amendment "A" (S-156). 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 (#262)

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

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

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **LANGLEY** of Hancock to **ADOPT** Senate Amendment "A" (S-186) to Committee Amendment "A" (S-156), **FAILED**.

Committee Amendment "A" (S-156) **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/6/13) matter:

JOINT ORDER - Establishing the Renewable Energy Study Commission

S.P. 598

Tabled - June 6, 2013, by Senator **GOODALL** of Sagadahoc

Pending - motion by Senator **CLEVELAND** of Androscoggin to **PASS**

(In Senate, June 6, 2013, **READ**.)

Senator **GOODALL** of Sagadahoc moved to **INDEFINITELY POSTPONE** the Joint Order.

Senate called to order by the President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#263)

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **GOODALL** of Sagadahoc to **INDEFINITELY POSTPONE** the Joint Order, **PREVAILED**.

The Chair laid before the Senate the following Tabled and Later Assigned (6/10/13) matter:

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict the Voting Privileges of Persons Incarcerated for Murder or Class A Crimes
H.P. 392 L.D. 573

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-267)** (6 members)

Tabled - June 10, 2013, by Senator **JACKSON** of Aroostook

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 7, 2013, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 10, 2013, Reports **READ**.)

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

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

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, this is one of those issues that has come in front of the Legislature many times and I believe that in the 125th Legislature, while I was the chairman of the Criminal Justice and Public Safety Committee, this bill came before us then. It was in front of Veterans and Legal Affairs this time. We had a lot of family members that came to testify on this bill. We had Jackie Dion. Jackie's sister-in-law, Judy Flagg, was murdered by a man named Thomas Mitchell. He called the house of Judy and asked if her husband was home. She said no. At 11 o'clock that night he came, abducted her, brought her to Portland, and raped and murdered her that night. We had another guy named Tim Mills who is from Wayne. His daughter, Aleigh, was murdered at age 19. These two people who committed these crimes are the people that we are talking about in this bill. We also had people who obviously came and spoke in opposition and said that this is punishment, this is justice. For the people who died in these murders there will never be justice. For the people whose families have to live without their loved one there will never be justice. For Judy and Aleigh there will never be justice. I would suggest that there is no rehabilitation for some of these people. The purpose of the Criminal Justice system is to make society whole. The only way that you possibly make this situation whole is to replace the person and you can't do that. These people are social pariahs. Call me crazy, but I'm not interested in protecting their right to vote. I heard in this Senate this week that if every state except one is doing the same thing than that state must have something wrong. Well, 48 states in our country don't allow felons to vote and don't allow murderers to vote. Mr. President, like I said, call me crazy but I'm not interested in protecting a murder's right to vote. Thank you.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, very seldom do me and the good Senator Mason disagree and I think we, during the course of the session so far, may disagree but we're still colleagues and friends at the end of it. This Resolution proposes, as has been said, an amendment to the Constitution of Maine that revokes the right of a person in a correctional facility of the state to vote if that person was convicted of a crime punishable by more than 10 years of imprisonment, which currently includes murder and Class A crimes. I think that voting is a basic right that is granted to all citizens of Maine. That right should not be denied because of incarceration. In states that have enacted such provisions there have been several high profiled cases in which inaccurate notification of felony convictions have resulted in thousands of ineligible voters being incorrectly identified as eligible voters.

Senate at Ease.

There is no reliable data base for local officials to know if an individual is incarcerated, making such a ban difficult and expensive to enforce. This provision would accomplish nothing other than further punishing an inmate. It does not further justice. It does not enhance public safety. It does not promote good citizenship or proper behavior to individuals who may be released someday. This bill is opposed by the Secretary of State's Office, the League of Women Voters, the Maine Council of Churches, and the Maine ACLU. Someone once said that whatever you do to the least of my brothers as you do unto me. I would agree. I hope that you will support the Majority Ought Not to Pass Report.

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

Senator **PLUMMER:** Thank you Mr. President. Men and women of the Senate, there are many votes that I agonize over. This one I do not. For me it's simple. The murderer should be able to vote in line right behind his victim. Thank you, Mr. President.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, seven terms I've been here. Seven terms we've debated this. I'm getting tired of it. It's a constitutional right for people to vote. There is nobody standing behind anybody in line and the 300 pound gorilla that I heard described earlier, the murderer, pillager, and plunderer, is not the person that's in prison in Windham that's going to go and send for an absentee ballot and go to vote. Make no mistake. Most people come home. I've said this just recently in the last day or two. Most people are going to come home and they had better be a better person than we sent. We've got to do things. This state has got the lowest rate of incarceration in the country. We have some of the lowest recidivism rates in the country. It's because of what we do when people do go to prison. We work with people because they are going to come home and they are going to come home better than they went. By keeping them connected to their community, Mr. President, and by working with the people is the way we have that. The reason we have the lowest recidivism rates in the country is because of that. You can paint as grizzly a picture as you want, but there is nobody standing behind anybody in line because it's done through absentee ballot if you are in prison. Many states, many states, allow people, when they are released, to vote. We're unique in some ways. We work very hard with people that have committed horrendous crimes. They have served their time. Their punishment was handed down by a judge. It wasn't handed down by me or you, but by a judge. When they come home, if everything works out right, they become a member of their community again. Believe me, there are not many of them that ever try to vote while they are in prison. The rare ones that do should be able to because they didn't give up their right to vote. The judge didn't take away their right to vote. We shouldn't either. Thank you very much, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Tuttle to Accept the Majority Ought 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 (#264)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **TUTTLE** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

The Chair laid before the Senate the following Tabled and Later Assigned (6/10/13) matter:

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Encourage Development in the Logging Industry"

S.P. 385 L.D. 1103

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-249)** (7 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - June 10, 2013, by Senator **PATRICK** of Oxford

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

(In Senate, June 10, 2013, Reports **READ**.)

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

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise in support of the pending motion. This is a bill that probably many of us know very well in here. What it is is that we have some companies come into the state of Maine from foreign countries. They are getting here by frauding the system by saying that they need foreign workers. In reality what they do is they bond themselves to come to this country to work, thereby taking away small business opportunities of Maine workers here in the state. What this bill would do is say that you

can't use Maine taxpayer's money to fund the lands that people are coming into under the H2 Bond Labor program. I know in the town I live in it's the biggest town in the state of Maine, 77,000 acres and 72,000 of it is in tree growth. All the citizens that are in my town, which aren't very many, have to make up that 72,000 acres of lost tax revenue. I think it's appropriate that, as citizens of the state of Maine, we put parameters around where we're going to put our tax money to use. Nothing says that these people still can't come to work in the state of Maine, just that we're not going to give these land companies big tax breaks to turn around and hire foreign companies to come in and displace Maine workers. Again, I can't stress enough how I think we were all elected in this Body by Maine people. Why we would want to give tax breaks to hire people from another country to come in and displace our workers seems incredible to me. I'd ask you to support the pending motion.

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today to speak in opposition to the pending motion. I do so without notes because I've been down this road before. I think it's unfortunate that once again we are trying to make this into an issue about the flood of Canadian loggers coming into the United States. The reality here is what this will do is punish people who are engaged in a practice that has a long heritage in Maine and its history in the forest products industry. We're not just talking about large land owners here, Mr. President. We are endangering the small wood lot owner, the small farmer and individual who may have a few acres that they use to supplement their income. That land may be cut by a contracting crew who may, on occasion, have foreign laborers. Do we want them to be jeopardized in this process? Are we going to throw the baby out with the bathwater? Is it all well and good to beat on our forest industry here? In full disclosure since some of you may have seen the mailings in November, my family is proud a fifth generation who has owned land in this state. I see this as part of an agricultural crop that provides to our mills and that provide good paying jobs to workers in this state. It's a product that we can be proud of, that is used throughout the state and throughout the world. Maine paper is known for the proud tradition and the high quality that we produce. It comes from the forests of Maine. That is a crop that must be harvested and it must feed the needs of those mills or we will not have mills. I don't want to take our time tonight to address the number of mills that we have lost in this state as a result of policies that affect the people who work in the forest products industry. I'm very thrilled that the mill in Northern Maine just changed hands. Hopefully that new owner will be able to maintain it. It is this type of legislation that threatens the ability to provide the volume of wood necessary. It threatens the longevity of maintaining forest in the tree growth program for the purpose of generating a crop that will subsidize that industry with good inexpensive wood. I ask you to follow my light in voting against this again.

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

Senator **PATRICK:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I rise in support of the motion, in support of those in the county and those

throughout the state who are Maine workers, trying to have at least a fair shake. The number one premise of the H2 program is that it can't effect U.S. employment. How many times do we make laws that snub the nose at Maine workers? I've been in this Body for my second term. I was in the other Body for four terms. Many many times we look at how we want to have more jobs for Maine. Most of the time what does a job in Maine mean? It means minimum wage with no benefits. These people that, from time to time, we've heard are great workers or are not very good workers. We've heard everything under the sun about those working in the industry. They are Maine workers and I believe they are proud people who want to work. We've heard time and time again that they can't find anyone and that's why they have to get foreign workers. It would be nice sometime that both in Maine and in the United States of America that we would look at long-shoring jobs and protecting jobs in our state, especially if the heritage in the county is working in the woods industry. Domestic workers can't negotiate timber harvesting contracts because of the threat of the H2 labor. Last session the timber harvesting bill threw out a provision in the original bill that puts it back in. We're not exempting Canadian firms from coming. We're just saying that we want to make sure that American and Maine workers are working first. If they are doing something that's wrong they ought to pay a penalty. I think they ought to pay a stiff penalty. That's what this is all about. I'm going to be protecting Maine workers every time. This is one thing that will protect Maine workers. If it's anyone, whether it's a Canadian or an American, that doesn't abide by the rules, they should pay a penalty. I don't think this is overly onerous. They all know the rules and regulations. My colleague from Aroostook County has been before the committee time and time again bringing forth issues that have been violations of the law. Because we have no oversight, no enforcement, they are snubbing their nose at it. No wonder people are willing to come and do this. I'm going to vote for this bill, in the amended form, because I want to protect Maine workers over foreign H2 laborers. Thank you, Mr. President.

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

Senator **CLEVELAND:** Thank you Mr. President. Men and women of the Senate, those of you who have looked at the report will note that I am on the Minority Report of Ought Not to Pass on this bill. I find no pleasure in being on that because my good friend and colleague Senator Jackson of Aroostook County is for the bill. In fact, I don't take any objection to his concern that loggers in Maine may well not be being treated fairly by having an equal opportunity, or fair opportunity, for employment. I also take no pleasure in my position because both of my brothers are loggers. That's how they make their living. I know how hard they work and I know how little they make for the work that they do. I want to support the workers and give them a fair chance and a right to make a living in this state. I found, when I served on the committee, that an issue was raised that concerned me. The issue was the constitutionality of the act. What this act does is says that land owners who use H2 bonded labor, or who fail to notify the Department of Conservation, Bureau of Forestry that they are using H2 workers, would be penalized by having been suspended from the Maine Tree Growth Act for the year in which they found that penalty and for any successive years that they would be found in violation. They would also be assessed a penalty for commercial forestry excise tax and they would have to

compensate the General Fund for their contribution to the cost of the forest fire protection. It creates two fairly severe penalties.

In the review by the analysis for the committee, it was pointed out to us that under the United States Constitution, Article 1 Section 8 Clause 3, the Commerce Clause, that the Congress shall have power to regulate commerce with foreign nations and among the several states and with the Indian tribes. The Supreme Court has interpreted this clause to limit state interference with interstate and foreign commerce even when there are no conflicting federal laws. That raised concern to me so I spoke with the analysis about this concern. I asked if he was an attorney. He said that he was and had been practicing for many years. I asked him if he felt this was a potential serious violation of the Constitution. He said it was. I wanted to find a way to support my good friend so I went to do a little more work. I wanted to find a way that there might be competent counsel who had a different opinion that could contradict this opinion. I spoke to the Legal Counsel for the Office of Policy and Legal Analysis and I asked him if he felt there were serious constitutional issues in regards to this bill. He said there was. Since this bill had come up, or a similar bill had come up, in the 124th and the 125th, I asked to review the files because perhaps there might have been an opinion from the Attorney General or other competent legal counsel that had a different view. I was, frankly, hoping I would find one because I wanted to support my good friend. The review of the files showed no opinion, no testimony from any competent legal counsel or from the Attorney General that this was not a potential serious constitutional issue. In fact, in the 124th it was passed, went to the Governor, who was of our party at the time, and legal counsel for the Governor raised issues about the constitutional provisions. The law was not signed into law.

I found myself in a very uneasy conflict between wanting to support my good friend, wanting to support labor, feeling that there is an injustice that's going on, and my responsibility as a State Senator to uphold the Constitution of the United States and of the State of Maine. It would be easy for me to turn a blind eye and a deaf ear and to ignore the facts as I see them and simply sit quietly and say nothing. Unfortunately, I feel that that's not my responsibility, that I need to look at all the facts before me, and judge them based on what I see, not based on my emotional feelings about them. Unfortunately, I find that the competent legal counsel suggests that this could be a serious constitutional conflict. For that reason I was not able to support my good friend and I find no pleasure in that whatsoever. I will be voting opposed to it for that reason. Each of you can make your own decision on what you think is appropriate based on your own personal responsibilities.

Senator **GOODALL** of Sagadahoc moved the Senate extend beyond 9:00 p.m., pursuant to Senate Rule 514.

The Chair ordered a Division. 23 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **GOODALL** of Sagadahoc to extend beyond 9:00 p.m., pursuant to Senate Rule 514, **PREVAILED**.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just want to rise. A couple of comments have been made that I wanted to clear up because, obviously, I have been quite involved with it. In the 124th Legislature we actually passed two bills, this one and another one. They were sent to the Governor's desk. Had good discussions with the industry and the Governor. Thought that he was going to sign it. At no time did Governor Baldacci think that it was unconstitutional, but he certainly did have issues with it. At the end we came to a compromise with the industry and the bill was withdrawn from the Governor's desk and killed up here on the floor. Because of that we got the proof of ownership bill that last session myself and Senator Saviello worked on and came up with another compromise. This bill I think is something that is certainly is a policy decision. I think it's appropriate that we take our tax money and make sure that it's going to places or businesses that are promoting Maine businesses.

As the good Senator from Oxford talked about, the premise of the H2 program is that you can't adversely affect American wages or working condition. We heard testimony here tonight that this program is good because it produced good, inexpensive wood. Inexpensive wood certainly would seem to fly in the face of adversely affecting American loggers' wages and working conditions. I've heard that said this session. I've heard that said last session. We use this program to keep the price of wood down. That is in direct conflict with the intent of the law. It's not a program to flood the woods with loggers so that the wages can be lowered. I think that's certainly the problem.

In light of the fact that it is hard to get the federal government to respond, again, I think that it's okay for this Body or this Legislature to make policy saying that we're going to use our tax dollars in the way that we think is appropriate. We do it with the Homestead Exemption. We only give those tax dollars to Maine residents. Another bill that I heard this session, which I found a little striking, is that we exempt sales tax on people coming to Maine to buy snowmobiles. If it's unconstitutional, you would think that Maine people would rallying up against it and saying, "Hey, where's my sales tax exemption on Skidoos?" These things don't seem to get challenged except whenever large industry starts saying that they need to have this cheap foreign labor coming in and depressing Americans' wages and working conditions. There is no small landowners that can't get bonded workers on their land. There are about ten companies at this point that are applying for H2 workers. They are all working on large industrial tracks of land. They are not going around cutting the ten acre lots or the twenty acre lots that you might have heard of. These are big contractors making a lot of money and depressing wages and keeping Maine businesses from getting those jobs. These are guys with millions of dollars of equipment that have to park their stuff either early or don't have the contracts that they should be getting because contractors out of Quebec are coming in and displacing these guys. Let's be clear about what's actually going on. This isn't just a random guy coming in to get a job. This is big money and it's hurting the forest products industry. I just can't believe that anyone that represents Maine residents would sit there and vote to continue to bring in foreign workers to displace Maine workers.

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

Senator **GOODALL**: Thank you Mr. President. Men and women of the Senate, I rise today in strong support of my colleague and friend from Aroostook County. There is no one in this Body that knows this issue better than him. The good Senator from Aroostook lives these issues every day. When it comes to us making decisions, we need to do what is best for the state of Maine and for our workers and our people. We have to make considerations and at times we may have to push the envelope when it comes to a question of constitutionality. We are the ones who set policy. We are not the Judicial Branch. That concern was raised on many pieces of legislation and I guarantee there are many pieces of legislation that you supported in the past in other areas where there have been concerns raised. That's what the other branch of government is for, that Judicial Branch. We are the policy making branch of the three branches. In this situation the state has a legitimate interest to do what is best with our taxpayer dollars and to the best for Maine people. I would strongly encourage us to support this because this is in the best interest of our taxpayers and, most importantly, is in the best interest for Maine workers. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Patrick 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 (#265)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **PATRICK** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-249) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/11/13) matter:

Bill "An Act To Clarify the Law Concerning the Threatening Display of Dangerous Weapons"

H.P. 255 L.D. 380
(C "A" H-204)

Tabled - June 11, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **FURTHER CONSIDERATION**

(In Senate, May 30, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-204)**, in concurrence.)

(In House, June 10, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-204) AS AMENDED BY HOUSE AMENDMENT "B" (H-410)** thereto, in **NON-CONCURRENCE**.)

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/11/13) matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Promote Tourism and Foster Economic Development" (EMERGENCY)

H.P. 1005 L.D. 1409

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-401)** (9 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - June 11, 2013, by Senator **HASKELL** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

(In House, June 10, 2013, 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-401)**.)

(In Senate, June 11, 2013, Reports **READ**.)

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

Senator **MILLETT**: Thank you Mr. President. Members of the Senate, I rise this evening in support of L.D. 1409. Yes, Maine is facing challenging economic times and as a member of the Joint Standing Committee on Taxation I looked critically at any new tax cut or credit that came before us. This bill was different. The film industry in Maine is very limited, but that is not because directors

do not want to film here. In fact, many wish they could, but due to the much more favorable tax incentives of other states and Canada these productions are shot elsewhere. When deciding where to film scenes, or even entire productions, that Maine might have a perfect backdrop for or are even based here, productions will go elsewhere. When this happens Maine doesn't receive any tax revenue. By putting in place a tax credit we can attract productions that will inject our economy with funds and also generate new revenue for the state. L.D. 1409 provides a tax incentive for film makers to produce their films in Maine. The 25% tax incentive matches what is offered in states like Massachusetts and North Carolina, which have thriving film industries that employ thousands of people, making Maine competitive as film production companies determine which state they will choose as their filming location. As I speak a film based on a Stephen King novel and set in Maine is being produced in North Carolina for one reason, and one reason only; North Carolina has a tax incentive program that makes them a viable option as a shooting location for the motion picture industry.

Year after year both of these states renew their film tax incentive programs because they have been proven successful. L.D. 1409 borrows from what has been proven successful in other states, excludes and prohibits what has been proven unnecessary or wasteful to attract film jobs, and refines it to fit into what's right for Maine. Here are the specifics; like the film incentives in Massachusetts and North Carolina, L.D. 1409 provides a 25% tax credit which only applies to some of the film's expenses. This amount of incentive puts us in the game when film makers are deciding where to shoot their films. Currently, we aren't in the conversation. Unlike other states, L.D. 1409 is more targeted to reward only the specific business activity we should be attracting. There are two primary aspects; wages and expenses. In terms of wages, only below-the-line wages qualify for the tax incentive. Below-the-line wages include wages of set builders, electricians, camera crew, sound crew, and lighting crew; essentially the people doing the behind the scenes work to make the movie. By contrast, the above-the-line wages are A-list actors, directors, producers, and writers. They are not eligible for the tax incentive. In terms of expenses, only expenses related to the film's production are eligible and money must be spent with a Maine business to qualify. Lumber purchase to build a set must be purchased from a Maine lumber dealer to qualify because that supports a Maine business. The same goes for every other production related expense. It must be purchased from a Maine business to qualify. This might seem like common sense, but in Massachusetts a film can purchase their lumber in New Hampshire and still claim it under their film incentive program. Even with this giveaway, along with the fact that they allow above-the-line wages to qualify, Massachusetts' Legislature just voted for another extension of their successful program. The return on investment was just too valuable to let go.

The sponsor of this bill carved out these two aspects in order to keep the costs down on the program and to target the specific types of films that are right for Maine. While other states might aim to bring in huge block buster productions that would be attracted to the above-the-line incentive, that would be just too much for Maine right away. Excluding above-the-line wages and out-of-state expenses will not matter to the films with a more modest budget and films with a budget between \$1 million and \$10 million. The fiscal note for fiscal year 2013-2014 is \$350,000. The next three years of the program, as it sunsets after four years, carry a fiscal note of \$1.1 million. The fiscal note is much

small than on previous film incentive bills because it was written in such a targeted way. It requires a minimum budget of \$1 million and there are fewer of those films that are expected to apply for the program. Previous film incentive bills only required a budget of \$50,000 and with more of them filming it would have driven up costs significantly. That was adjusted in this bill to only target films over \$1 million, which are the films that create jobs and have a measurable impact on the local economy. Films beyond \$10 million will typically have a high paid star on the payroll and would naturally be steered towards a state like Massachusetts that chooses to subsidize these types of salaries.

As critics argue, some states have had negative experiences with film tax incentives. The sponsor worked with industry professionals and the Director of the Maine Film Office to identify what went wrong in those states and how to ensure Maine is protected against those pitfalls. Michigan, for example, launched its over aggressive film incentive program at 40% in 2008, included above-the-line wages, out-of-state expenses, and even investment in infrastructure. As a result, Michigan wound up giving away more than was necessary and was unsuccessful and unsustainable. Other states learned from their example, adjusted, took a different path, and have been proven successful with more appropriate incentive plans. L.D. 1409 learned from these success stories, refines the program further, and maintains protections for Maine that makes sense.

I'll close by explaining how the program works. In order to qualify for a film incentive a production must submit an application prior to production that includes their budget, how much of an incentive they expect to qualify for, the script to be sure it's appropriate, and they are required to submit a "but for" explanation proving that they would not make this investment if not for the film tax incentive. They have to prove that this film is new business that we would not have otherwise had without the incentive. We know films with a budget above \$1 million would be new business because we don't currently have this size film shooting in Maine. Not everything in the budget qualifies. Of the entire budget, only a portion qualifies, yet all of it is taxable. Aside from the budget, while film crews are in Maine they are logically spending money every day. They go out to eat. They buy gas for their personal vehicles. They go shopping. The tourism benefits of featuring Maine scenery in a movie viewed by millions of people cannot be understated. We have mountains, rural towns, rocky coasts, urban centers, ski mountains, and truly any film location imaginable. This is a natural resource we can market and sell. Just like Maine sells blueberries, potatoes, lobster and lumber, we can sell film locations and, in doing so, promote tourism, which is one of Maine's strongest industries. The film industry is a real industry, just like the manufacturing industry, the timber industry, or the fishing industry. It's real money, real jobs, and a real opportunity to move the needle on our economy. Please join me in support of Maine jobs, Maine businesses, and the Maine economy. Please join me in support of L.D. 1409. Thank you, Mr. President.

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

Senator **VALENTINO:** Thank you very much Mr. President. One of the things I want to say on the film bill is that we can all remember Shawshank Redemption and I've seen the film a million times. Wonderful movie. Written by a Maine author, Stephen King, who is a valuable treasure here in the state of

Maine. Tim Robbins and Morgan Freeman were playing in it. We can all remember the scene at the end when Morgan Freeman gets out of jail and he goes to retrieve the box that Tim Robbins has put underneath the tree. He's walking down the field because the box is in Buxton. I'll never forget the first time I saw the film with my husband. We both looked at each other and literally screamed, "That's not Buxton." It's not even close to Buxton. People from Maine would know that because it wasn't shot in Buxton. Hardly any of Stephen King's films are shot in Maine because of the film credits. He's the first one to tell you that he's not shooting the films here in Maine because of the film credit. I would like to also mention to you, I know this Body has seen many similar bills over the years because I've put them in. I believe that the reoccurring theme on these film bills just actually does show that there is an interest in it. There was a huge bi-partisan support in committee with nine voting Ought to Pass. It passed overwhelmingly in the other Body for the support of it. I want to ask you, what's different this year on it? What's different this year? I have to give a lot of credit, I think, to the Governor. He has appointed a really high caliber director of the Maine Film Office. Karen Carberry Warhola, she has 20 years as an executive over at Warner Brothers Studio in Burbank, California. She has a lot of contacts. She has a lot of interests. She is really gung ho about doing stuff. I want to read a little bit from her testimony because I think she's the one on the front lines and she's the one who we really need to hear from. It says, "The Film Office is proactively reaching out to productions and the interest in Maine as a filming location is high right now. A major cable four part mini-series, a major film, four independent feature films, and a TV pilot are also looking at Maine for possible locations. As part of their outreach, the office recently has made essential updates to their on-line production guide, better showcasing the depth and the talent of the crew base and the diversity of resources." This is a huge improvement from what we had. "In 2012 eight productions that qualified for our existing plan had a direct spend in Maine of \$1.5 million. The program cost us \$38,000 to have \$1.5 million spent. For 2012 the direct production that filmed in Maine was \$40 to every \$1 we paid out, which is an exceptional return on their investment. Any changes made to the current incentive plan would bring us closer to the 25% offered by competitors and put Maine on the map." Again, these are her words. The plan is an investment in Maine businesses that provide goods and services that are needed. The plan is an investment in workforce training as each new project helps Maine residents cultivate new skills and can help retrain displaced workers. The plan is an investment in tourism and business development. People travel to places they see in films and television programs. Companies have direct ties to the industry. The Maine film incentive program is a good program and the entire state benefits from the vibrant film industry. Before wrapping production in 2005 the film Empire Falls had a direct spend in Maine of approximately \$13.65 million. We have locations, the talents, the crew, and the businesses. All we're lacking is the incentives. This is what the director wrote to the Taxation Committee the other day. I also have to give the sponsor of the bill extreme credit.

I picked up the Sunday paper, as many of you did, and the front page of the paper, "Movie making in Maine, big budget projects bypass the state." Not only was it on the front page, there was an entire page and a quarter of a page filled featuring this bill on it; talking with many different people out in L.A., saying that they go to the states that have the incentives and something

to work around. Most people seem to say it's Maine, so of course people are going to come to Maine. Everybody has beautiful scenery in their state. Film making is about jobs. It's an industry. It's a business. It's no different than somebody saying, "Oh, farming, it's so nice that you go out and you get to ride on a tractor all day." It's a business. I wish people would also look at film making as a business also.

There is a lot that has gone on, obviously. Louisiana started their film incentives in 1991. At that time it really started a race to the bottom with other states. Everybody started jumping in and trying to do film credits to attract people to their state. It really worked against the film industry at the time, so many states have pulled back on those incentives so there isn't that competition. The 25% we're talking about now is really middle of the road from where a lot of states are coming back down to. Instead of having a lot of these being shot in other places, we should be able to shoot them right here in the state of Maine. Massachusetts enacted their plan in 2006. Since then more than 40 movies have been made there, generating more than \$1 billion in direct film related revenues. Gone Baby Gone with Ben Affleck is one. Shutter Island which, again, was another Stephen King. They get to film like the whole two minutes of beginning of Shutter Island in Maine and then the rest of that they moved all the way down to Massachusetts. One of the good things in the article that I thought was to demonstrate how much money a film company brought into the area. In Arizona they paid everybody in \$2 bills. Within a couple of days the entire town was flooded with \$2 bills, whether it was at the grocery store, the gas station, the cleaners, the bakery, or the coffee shop. It seemed like there were \$2 bills everywhere. They could actually track who was working for the film company to come there. It does have a good thing. Also there are a lot of great union jobs on it. Eric Matheson has a studio over in South Portland now that's he's doing. There are many different studios that they are talking about. Brunswick Naval Air Station, they've talked about putting a studio. Biddeford and the empty mills, they've talked about putting a studio in. All over the state of Maine they've talked about it.

I do want to say something a little personal. My daughter graduated from Vancouver Film School. She's looking for a job in L.A. She's been out there for a year. Hasn't found one. She worked on the movie Anatomy of a Tide that Joel Strunk, you might remember his father Jud Strunk the banjo player, filmed a couple of years ago. At that time that poured tons of money into the economy. I will say the little book that we have, the register, that everybody says to put in your car and you can use it every place you go. I gave it to my daughter and by the time she was up there for a week she had five Senators and Representatives all running around helping here with ferry schedules, closing down Rockland for a day, and everything else. This was great to the local economy. There are so many talented people here in the state of Maine. We also have a Maine film college, a Maine media college, in Rockport where people can come and get a degree on it. Whether you are filming in Vinalhaven, Rockland, vacant mills in Biddeford, sound stages in Kennebunk, or South Portland, this is a great bill to go through. I also want to say that today we're not deciding on funding. We're voting for a bill to create jobs and to stimulate the economy. If passed, I understand this has to go to the table and it has to fight for funding with everything else. As quoted in the paper by Eric Matheson, 75% of something is better than 100% of nothing. That's what we're getting right now because no films are coming to the state of Maine. I think that this is a great bill to support, to

expand the creative economy, to get jobs into the state of Maine, and I'm urging you to pass this bill so that we can get onto the amendment that makes a few changes to the bill that I think will make it better and more palatable to everybody. I'm urging you Ought to Pass on this. Let's get to the amendment and make some fixes. Thank you.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise for two reasons; one to oppose the pending motion and the other to keep the circulation going so I won't fall asleep here. I'm not going to try to add to the remarks that were just made, all the technical information was provided to us, other than to say that I accept it. I appreciate your remarks and all the work that you've done on it. I think this is a good idea. I don't see this any different than I do any other type of industry that we try to induce to come here with tax incentives. We need jobs. We need good jobs. We need companies that are going to come in and not harm our environment and give our people good jobs. I know that I was contacted by one of my constituents who works in this industry. Whether he is baiting me or not I don't know, but he said that there is a company looking at Washington County. We have the best coastline, the prettiest lakes, and the best part of the state in Washington County. I know that if we pass this bill, if we vote this motion down and pass this bill, eventually one of those companies will come to Washington County. I think that's a good thing. It's going to be a good thing for the state of Maine. Thank you very much, Mr. President.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I have no illusions that I'll ever be cast in any kind of a feature movie. This tax credit works in some states and in some states it doesn't. You can find whatever numbers you want to look for. If you want to think this is a great and wonderful thing you can find states where it works. If you want to find places where it doesn't than you can find places where it doesn't. A refundable tax credit of 25% of qualifying production costs could cost us millions, tens of millions of dollars, at a time when we don't have that kind of money. Tell me another industry where we pay 25% of the production costs of whatever they do. If we want to buy economic development let's spend the money on something that's going to last longer than making a movie. I'm going to vote for the current motion proudly. Thank you.

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues, it's not rare but interesting. Quite a few times Senator Thomas and I have agreed. We agree on this one. I've sent around a little note to you today just to give what I thought was a very interesting article. Between the time this bill was heard and the time we worked it, the NCSL, the State Legislature magazine, came in and one of the feature articles was called Silver Screen Dreams. I copied a couple of the pieces. This was actually cut and paste when cut and paste really meant scissors.

I apologize for that. It's the current issue of the NCSL. I just want to call out a couple of the quotes that were in this magazine. First of all from a Virginia legislator who was opposed to the film industry incentive and believed they were an improper use of taxpayer money. He said, and I quote, "From my point of view, giving millions of dollars to a billionaire to make his movie in Virginia is a luxury our state can't afford when we're cutting education, Medicaid, and the rest of our safety net." I thought that was a very interesting comment. People can be against things. I went on to read additionally about folks also casting down on the cost effectiveness of these incentives. There were two Washington D.C. based think tanks in 2011; one by the left leaning Center on Budget and Policy Priorities and the other the right leaning Tax Foundation. This is the quote here, "State film subsidies are wasteful, ineffective, and unfair instruments of economic development," from the Center on Budget and Policy Priorities. "The jobs they provide in-state residents tend to be spotty, part-time, and relatively low paying work and the revenue that films generate falls far short of the cost of the tax break and subsidies that the state does out." That's the left leaning. It goes on, the Tax Foundation, economist, William Luther, reached a similar conclusion in his report, saying, "Based on fanciful estimates of economic activity and tax revenue, states are investing in movie production projects with small returns and taking unnecessary risks with taxpayer dollars." I think also interesting to me was the other comment from Robert Tannewald, an economist and senior fellow at the Center on Budget and Policy Priorities, when he said, "Thanks to the extreme mobility of film productions, when one state goes after these movies another state that wants to stay in the game has to match the deal they are offering." That makes it really tough. Are we going to chase after one after the other? I've included the fiscal note here also for your information.

I would also just talk about one of the things that happened to me when I was first on the Taxation Committee. I was given a red book. Those of us on the Taxation Committee know the red book very well. The red book is a page by page description of every tax incentive that we provide in the state of Maine. Over and over again I had had legislators either hold up the red book or come to committee and point to the red book and say, "Why do we have so many of those? Isn't there something we can do about those?" Do we need to continue expanding those? As a matter of fact, I believe proposed in this year's budget document will be the opportunity for the Taxation Committee, or some group of people, to take a look at these expenditures and see if we can't reduce what they are. This does not seem to me like the right time to be adding to an already existing program, to be significantly adding to an already existing program, and to create this new tax incentive. I would urge you to support me in the Ought Not to Pass Report. Thank you, Mr. President.

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

Senator **TUTTLE:** Thank you Mr. President. I would like to pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **TUTTLE:** Thank you Mr. President. Has anyone not made up their mind on this bill one hour ago? I suggest that we vote.

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

Senator **GOODALL:** Thank you Mr. President. In answer to the question, I have made up my mind. In all seriousness though, coming from a district where we did have a major blockbuster film, or a significant portion of the film, Message in a Bottle years ago filmed in the mid-coast region, Bath, Brunswick, Popham, Reed State, and that neck of the woods, it did have an opportunity for economic impact and it was very positive. The challenge is that we have state fighting state and we can't afford these subsidizes. The good Senator Thomas is accurate. This is 25% subsidy. It's something that we can't afford no matter how beneficial, potentially, it could be down the road. We need to make sure we have a true economic strategy, a strategy that invests in Maine people, a strategy that has a true return on investment for the long-term. We can invest in things such as economic development programs focusing on high tech fields, focusing on workforce development that we work so hard on as a legislature. The research over and over again, as the good Senator from Cumberland has articulated, does not show a positive return on investments. In fact, the state of Massachusetts has shown that their, through their Department of Revenue, that most of the jobs went to out-of-state residents and the tax incentive cost taxpayers \$129,000 for each job filled by a Massachusetts resident. We need to take those things into consideration. If this bill was designed differently, potentially as a straight appropriation, looking at fostering the small movies, that might be a different scenario. The floodgates would be open for this and this would potentially cause a much greater fiscal note than actually defined by the Fiscal Office if, in fact, major films did come to the state. I would encourage you to vote Ought Not to Pass.

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

Senator **WOODBURY:** Thank you Mr. President. I also want to reiterate just the magnitude and the cost of this kind of a tax credit. I'm going to try to do it with an example. If, through a tax credit like this, we attract let's say \$4 million of qualifying expenses happening in the state and we then return the 25% credit to the company that's created this activity, so we spent \$1 million of taxpayer money to create this \$4 million of activity. That \$1 million cost has got to be made up for from all the other taxpayers in the state who are trying to pay our 8% income tax rate and we actually need to have \$12 million of economic activity that's somewhere else in the state to make up for, in other words to get that million back, what we're giving for that \$4 million that's created. They mentioned the red book. The reason we need tax reform is that we've done so many of these things that those who are left without special tax advantages are left paying very high rates and that discourages Maine's economy. I support the motion on the floor. Thank you.

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

Senator **CUSHING:** Thank you Mr. President. There has been lively debate on this. I rise just to inform you I have nothing further to add to the conversation.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and gentlemen of the Senate, it appears to me that we're talking about this movie industry that we can't fund because it's unfunded tax cuts. Seems to me that that is very interesting because we've been talking about that a lot this session. I know I'm new but it's an interesting concept. Thank you, Mr. President.

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

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

Senator **VALENTINO:** Thank you very much Mr. President. Just to respond to the good Senator from Cumberland, the Paul Harvey moment when you make half of a quote on this from the person from the Virginia Legislature who was against the tax cut. In the very next sentence it went on to say he has been disturbed by a recent proliferation of tax credits for things ranging from telecommunicating to beehive support. It seems like everybody who has a lobbyist at the State House is getting tax credits. The quote wasn't just directed, necessarily, at the film industry. It was the same frustration that we're hearing tonight on tax credits and tax expenditures. I served on Taxation. I know the red book. I actually had the courage to say one day in Taxation, "Let's put in a bill and repeal every single one of the tax expenditures in two years and they will all be gone unless somebody comes in and fights for it and we have to redo it." You know what? Not a single person backed me on that because a lot of these tax credits go for people in our districts that we like, whether it's for the ship building business or the boat building business or anybody else. We pass the tax credit last time, a couple of sessions ago, for boats. If you go buy a 17 foot boat right now you have to pay a tax on it, but if you buy a \$1 million or \$2 million boat in the state of Maine and you keep it here now for over 30 days, because we changed that, you don't have to pay any sales tax. Why? Because then you can do the service trials here in the state of Maine. You used to have to pay a sales tax on it. We give sales tax breaks to people who buy million dollar boats, but if you buy a 17 foot boat you have to pay the sales tax on it. Tax expenditures are horrible. I hate them. They are for special people, but they are a fact of life. If everybody stood up here right now tonight and said, "I am drawing a line in the sand and I will never ever vote for one of these exemptions again," than that is fine. I don't see it. This is a viable industry. It's going to provide jobs in it. When we talk about, "Oh, if this was for a small independent film," that was my bill two years ago. That's exactly what we did. We set up a fund for small independent Maine film makers. It had a \$500,000 fiscal note. You know what happened? It went down to the Appropriations Committee. I fought for that bill and the Commissioner of DECD funded it with \$5,000. We have that in statute right now. It doesn't have any of the money in it but it is in statute. If we find the money we have it in there. I would say it's the same thing with this bill. This is a good economic engine. This is a good economic driver. Give it a chance. Send it down to AFA. I don't care if they put \$5,000 in it. We have, the other day, a woman that won the Powerball from Millinocket, but she

happens to live in Florida. Now if she had lived in Millinocket we probably would have gotten \$50 million in tax revenue because she would have had to pay that on that. All I'm saying is pass the bill. Let's give it a chance. Let's fight for it. It's a great jobs bill. It's for the creative economy. All of this about funding. Nobody's going down to Appropriations and saying, "I need \$10 million for this bill." Let's get it in statute, same thing what we did for the small independent film makers in the state of Maine. Thank you.

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

Senator **PATRICK:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I rise in opposition to the Ought Not to Pass Report and have to agree with the good Senator from York, I hate tax exemptions and have railed on tax exemptions for the whole time I've been in the Legislature. I will also say if this is a jobs bill we have a brain drain and skills gap. What we have in Maine is our dowel mills, our saw mills, our shoe shops, our tanneries, our canneries, and our paper mills are all either gone or becoming extinct. What are we going to do to get jobs in Maine? This may be one of the first tax exemptions I support, at least in concept, because I think this is something offering us an opportunity to have people who are going to need the skills, carpentry skills, plumbing skills, and all the other skills, that are going to bring livable wage jobs. I'm not probably as enthusiastic as some, but some states are getting one or two films a year, some are getting eight or ten films a year. I did have some of my constituents in Rumford that I do know worked for the film industry for about five or six weeks and they made thousands of dollars. These were people who actually probably were on the lower pay scale. They couldn't believe the amount of money they made. They had to work extremely hard, but they had more money than in their lifetime in a six week period than they probably had in a five month period. I remember just hearing them talk about how proud they were. They wished they could do this all the time. We're not going to get films to come without this. I would ask you to vote in opposition to the pending motion and go on to the Ought to Pass. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Mazurek.

Senator **MAZUREK:** Thank you Mr. President. I just want to say that the film industry is very interesting. I was never in a movie, but my car was. A couple of years ago Thinner was being made by Stephen King. They were going to smash it into the bridge in Thomaston, a car. They had an old Lincoln that they were going to smash in. They needed a double to drive around in. I happened to have a car that looked just like the one they were going to have in the movie. Low and behold, they called me up, rented my car for a couple of weeks, they gave me a loaner to drive, and I made some money. The film industry does help. It really does. Unfortunately, they never put me on the screen. That was their mistake.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I know it's late and I'm sorry that I get up twice. I've heard people talk about the red book. The red

book lists all of the tax exemptions that we have in the state of Maine. I have some extra copies of red books here for anyone who would like them. I would encourage you to look at the red book. Should we do away with the tax exemption for non-profit volunteer search and rescue organizations or incorporated non-profit hospice organizations or non-profit youth organizations? Self-help literature on alcoholism, should we charge sales tax on this so we can get a break for someone to make movies? Should we charge sales tax on portable classrooms? I encourage people to take a look at this. I've looked at it and there aren't many that we would do away with. Thank you.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, if we're not going to eliminate any other tax credits to potentially fund this in essence what we're doing is taking away from programs that we're drastically underfunding already. Think about the budget that we're going to be voting on. None of us are pleased about that for many different reasons, but we can all agree on certain things that we're underfunding such as education. That's what we're taking money away from, those types of programs. Thank you, Mr. President.

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

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

THE PRESIDENT: The Senator may pose his question.

Senator **MASON:** Thank you Mr. President. Did the Senator from York, Senator Tuttle, ask a question in his previous statement?

THE PRESIDENT: The Chair chose to not ask the question to the Senate. The pending question before the Senate is the motion by the Senator from Cumberland, Senator Haskell 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 (#266)

YEAS: Senators: CLEVELAND, COLLINS, CRAVEN, FLOOD, GOODALL, GRATWICK, HAMPER, HASKELL, JACKSON, JOHNSON, KATZ, LANGLEY, MAZUREK, PLUMMER, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, YOUNGBLOOD

NAYS: Senators: BOYLE, BURNS, CAIN, CUSHING, DUTREMBLE, GERZOFOSKY, HILL, LACHOWICZ, MASON, MILLETT, PATRICK, SAVIELLO, SHERMAN, TUTTLE, VALENTINO, THE PRESIDENT - JUSTIN L. ALFOND

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **HASKELL** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/11/13) matter:

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Prohibit the Placement of Cameras and Electronic Surveillance Equipment on Private Property without the Written Permission of the Landowner"

S.P. 354 L.D. 1040

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-260)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-261)** (6 members)

Tabled - June 11, 2013, by Senator **VALENTINO** of York

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-260)** Report

(In Senate, June 11, 2013, Reports **READ**.)

Senator **VALENTINO** of York requested and received leave of the Senate to withdraw her motion to to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-260)** Report.

On motion by same Senator, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-261)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (H-39) **READ** and **ADOPTED**.

Senate at Ease.

Senate called to order by the President.

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

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

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, apparently I'm not going to make a lot of friends tonight. I didn't mean to have this go in this fashion and I'm trying to keep up as we go along. It's late. I'd much rather we be doing this 10:30 tomorrow morning than I would 10:30 tonight, but be it as it may. I do want to speak about this bill before it goes any further. This bill came out of committee with a Majority Report that we don't see on the board tonight because the Minority Report has been moved. Three of the members in the Body here worked very hard, along with the rest of the committee, to come up with a compromise. I had three pages of notes ready to address that issue and then we now have the Minority Report. That's the way things go, I guess, in the Legislature. I'm going to do my best, Mr. President, to address the issues that I am allowed to address. I really don't know why I'm in this position. I'm not an apologist for the Attorney General's Office or anybody else. I do know a little bit about this subject and I am really dismayed as to what I'm seeing and what I have been seeing the last few weeks. In my five years in the Legislature I have seen more bills that I feel have attacked basic law enforcement in this state than I've ever seen before. I don't know what the genesis of that is. I don't understand why it's happening. I've been on both sides of the fence, both in the Majority and the Minority. I'm seeing it happen. I don't know if we're overly concerned about what's going on in Washington. I can't figure out what's happening here, but I'm not the only one that's dismayed.

What we're doing here tonight with this motion that's on the floor is we are taking away a basic tool of law enforcement that has had a longstanding upheld tradition across this country and in this state. We are eliminating the opportunity for law enforcement to go into the open fields and use the commonly accepted open fields doctrine in order to detect crime when they have a reasonable articulable suspicion that a crime is taking place and use technology to determine whether or not there is substantial information, we call it probable cause, that would lead to the further investigation of a crime. That's exactly what this is going to do if we support the motion that's on the floor. I've heard all the arguments in the last several weeks about the government spying on us, the government is reading our e-mails, and the government is listening in on our phone calls. Ladies and gentlemen, I can guarantee you that's not going on here in Maine by Maine authorities. I would stake my entire career on it. It may be going on in some places in this country. If it is, and I think we've seen recent evidence of that, it is scurrilous, it's wrong, and it's going to be dealt with. I can also guarantee you that it's the exception to the rule.

Law enforcement, criminal investigation, and all the ramifications have evolved over the years. I've been involved in it a long time and just in my short tenure I've seen incredible improvements in the way law enforcement is conducted, not just the technology but also the restrictions under which law enforcement works and under which our criminal justice system pursues crime, across the country and in this state. Society demands that we pursue crime wherever it exists. It's not a request, it's a demand. That's the only way we can live in a safe

society. We have to have mechanisms to detect crime and it comes in all forms and all fashions. We all know that. Some is minor and some is terrible. We've experienced it, as I spoke a few days ago, right here in this state just recently. Like I said, it's not a request that they make. It's a requirement that they put on us. One of the responsibilities this Legislature has, I believe, is to make sure that we follow the rules, that we do what we're supposed to do, and that we have the appropriate safeguards and the appropriate restrictions on how that is done. Then we put those rules into place and law enforcement and the criminal justice system pursues them. That's been going on for decades here, just as it has in the rest of the country. We use these tools that come through technology to investigate child pornography or the exploitation of children, kidnapping of our young children, domestic violence, murder, illegal drug trafficking, and even fish and game violations. Some are more important to us than others. It depends on your perspective, who you are, what vocation you are in, whether you are the victim, or whether you are an innocent bystander. All these things are important in one way or the other.

As I said before, society requires that we pursue these things. Through technology we have been able to develop many mechanisms to make this more efficient and make our society safer. I remember the advent of DNA at the latter part of my career. Again, as I've said before, there was a lot of concern about that, how it was going to be used. The courts have done a pretty good job, I think, dealing with just exactly how we use DNA analysis; what we can and what we can't do with it, what we collect and what we can't collect. There is a process that sorts all this out so that we can have the best technology available so that we can solve these crimes or we can prevent crimes from happening. The court does an extremely good job, from my perspective, in working through these issues.

This one in particular that we're talking about right now, or that I'm talking about, the open fields doctrine, the court has seen fit, both in the United States Supreme Court and also the Maine Law Court, to allow law enforcement to do certain things within the open fields doctrine. I think probably you've heard enough about it in your caucus discussions to know exactly what I'm talking about, but the basic philosophy is that out of your immediate privilege of your home, where you have a reasonable expectation of privacy and where you are engaged in private activities, there is what they call the open fields doctrine. It doesn't mean out in the back field where you're setting on your lawn and looking into the back field. It's talking about areas that we don't expect a reasonable expectation of privacy. For me, I live in an area where there is a lot of wooded area. Out in that wooded area it's called the open fields doctrine. It's not on the edge of my lawn. This premise is used on a regular basis, and I have heard very few people object to it, when law enforcement finds itself in that venue that we call the open fields doctrine. What I'm hearing, the objection, is when we use technology to enhance that effort. In particular we are talking about the technology of cameras and other devices that might measure traffic on a path or something like that, where somebody might be going back and forth to a clandestine laboratory or a pot grow or an illegal bear set. The fact that technology is used in that process has, apparently, raised a whole lot of red flags. I guess what we're saying is we want that crime investigated, we want to know what's going on there if it's illegal, but we don't want to use technology to try to detect that. We want to put the personnel out there, to set and watch and wait. How many game wardens have we got in this state? How many police officers? How many

deputies? How many State Troopers or whoever else finds themselves in the position to have to investigate this? I can tell you each one of those agencies if you are really interested. There aren't very many for the size of the state that we live in. Technology has made it possible for your drug agents to determine whether or not somebody is conducting an illegal activity. Technology has made it possible for your wardens to determine whether or not there is illegal activity taking place in these open fields, the open fields doctrine. We're saying Maine is going to be different. Maine's going to be an outlier. We're not going to let them use that technology because we're afraid they might be spying on us. Ladies and gentlemen, Maine law enforcement doesn't have the time to go and spy on somebody if they are not committing a crime. They are not collecting data on you. They are not collecting data on me, because I'm not breaking the law. If I am I'm at their discretion. They are probably going to catch me if they have the technology to do it. If they don't then they are going to go to where their resources can be used the best and we're going to overlook that crime. I'm going to continue to go to my meth lab and you're not going to know anything about it because I've got the property where I can do it. I have enough open fields doctrine so that I can do exactly that. We had a very similar situation in Washington County; one of the biggest pot growths in the state of Maine up on the other side, north of Route 9. Without technology the DEA never would have been able to find that pot grow.

I'm very sorry to drag this out so long and I know this is a late hour. I wouldn't be doing this, and I wouldn't have insisted on being able to speak tonight, if I didn't think this was so extremely important to the enforcement of our laws here in this state. If I thought through my career, and if I thought right now, of anybody who was using these types of technology to gather personal information on people who weren't suspected of a crime I would be the first one to object and I would be the first one to do something about that. I think I can speak for almost all of your law enforcement officers in the state of Maine that feel the same way. Are there rouge police officers? Yes, of our there are. We all know that. Are there rouge attorneys? Sure there are. Are there bad doctors? Absolutely. Are there bad legislators? Sure there are. The vast majority are doing exactly what they are supposed to. Most all of these entities police themselves and when they don't, ladies and gentlemen, when they do something that is inappropriate, somebody holds them accountable. In the case with law enforcement, if it's not the Attorney General's Office it's the court or it's the citizens where they are held accountable. When they violate these premises that law enforcement live under the cases are dismissed and there may be civil action and officers lose their jobs and attorneys get replaced if they are prosecutors. There are sanctions in place to take care of this rouge activity if it happens.

I guess I'm struggling with the whole concept. Again, it's not personal to me, it just so happens that I have a lot of experience in this field from this perspective. I know what the scrutiny is. I know how hard it is to develop a probable cause to investigate a crime. I know what our technical suspicion is. I know what the sanctions are. Every law enforcement officer who has spent any time and any prosecutor who has been in office for any amount of time knows what those sanctions are. If anybody in this Body thinks that they don't take them seriously than they don't know the profession. As a law enforcement officer I had to deal with the District Attorney's Office and the Attorney General's Office on a daily basis because of the type of crime I was investigating.

Believe me, they're tougher to deal with than anybody in this Body. They hold you to the letter of what the courts have allowed us to do. You know they don't have to. They really don't have to because, just as each one of us in this Body here knows what our responsibilities are in our various vocations and we try to follow those rules, law enforcement officers follow the rules too with those very few exceptions. That is the nature of their trade. They are in the business of enforcing the law, so why on earth would they want to go and violate that in front of their peers so that they could snoop on somebody? Those aren't the law enforcement officers that you have in this state, I can guarantee you.

The thing that has been concerning me for the last several weeks, most I think, is the fact that we have experts in this state. We call them District Attorneys and the Attorney General's Office. We happen to have an Attorney General right now. I didn't select her, you selected her, but I support her just as I supported every other Attorney General since I started in law enforcement in 1970 because the people in this Legislature had the faith in her to put her in charge of the State of Maine as far as the enforcement of criminal and civil laws are concerned. With absolutely no exceptions, the ones that I have dealt with since 1970 I think they've all done an extremely good job and I would just ask you to think about all the ones that you've known and come to me afterwards and tell me which ones didn't you trust. Was it a Republican? Was it a Democrat? It doesn't matter does it, because they are professionals. They are at the top of their careers. Their fellow attorneys respect them. They might not agree with them, but they respect them. The police respect them. They might not agree with them, might not like the sanctions they put on us, but they do respect them because they know their business. It just so happens that the two top people that you have in your Attorney General's Office right now I've worked with since the 1970's. One of them in charge of the Criminal Division, all of the Criminal Division, has over 35 years of experience as a prosecutor. Is that worth something? It's worth something to me. When he says no, I may disagree but I'm going to do what he tells me to because I know he gets the final say. As far as the Attorney General, herself, I started working with her in the mid-1970's, before I knew the other one. She has 40 years of experience as a District Attorney, as a defense attorney, and as an Attorney General. You put her in office twice. Why? Why did you put her in office twice if you're not going to trust her judgment? I can't understand it. When I want to do something that I'm not sure about, I am not an expert in, I go to an expert. I go to a doctor. I go to an attorney. I go to a mechanic. When I want good solid advice on enforcement of the criminal laws in this state I don't have any qualms at all about going to the Attorney General. Why is it that we think that office is giving us such bad advice? They are completely bewildered as to what we're doing on some of these bills. We're setting law enforcement back two or three decades. I don't understand it. I'm trying not to take it personally because it has nothing to do with me. I've finished my career. We have an obligation to make the laws and to support the laws. Because of the action that we're taking here tonight, if it goes the way that I feel that it's going to go and apparently I'm on the losing side here, we're going to have a lot of criminals that walk free because of it so that we can satisfy, apparently, some of our own prejudices. I don't agree with that.

I'm sorry to get so passionate about this, but there is a lot at stake here. It's awful easy to think about the situation where a night hunter is going to walk free. We'll catch him another day. Maybe that illegal bear set, we're not going to catch them. We'll

catch them another day. What about the meth lab? Believe me, we've got them all over this state. Let's let them go because we're afraid somebody in law enforcement is going set up a camera and watch us in our dooryard. Give me a break. I have never done that in my life as a law enforcement officer. I don't know of anyone that did. Again, if I did, I would have turned them in. I would have done what I had to do as a responsible public servant. I heard someone say something in this Body tonight, listened to him because he knows more about what he's talking about than anybody in this Body. He wasn't talking about me, ladies and gentlemen. He was talking about somebody who knew his trade. He went on to say that we need to do what is right for the people of the state of Maine. Ladies and gentlemen, what's right for the people of the state of Maine is to do what the Supreme Court and the Law Courts in this state have said is acceptable reasonable behavior. Case, after case, after case. Yes, it gets tried and it gets contested. Each time we have suppression hearings. Each time somebody's caught with their hand in the cookie jar, we have suppression hearings in court because that's what defense attorneys do. That's their job. I get it. I understand it. I accepted that 40 years ago. The court makes the final decision and they say no, that evidence is going to stand because it's in the open fields doctrine. The law enforcement and criminal justice authorities didn't violate the Constitution. They did what they were supposed to do. Evidence will stand. You eliminate this and you won't see the evidence.

Mr. President, I'm sorry to delay this thing so long. I'm sorry it's so late, but this is important stuff. I thank you very much for your time and indulgence.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, it's hard to follow a good man like Senator Burns. If every police officer in the state of Maine, if every law enforcement officer was as good a man as Senator Burns there would be no need for this law. I've read that people who are good to their core tend to see other people as good. They give other people the benefit of the doubt. I think that the good Senator does give people the benefit of the doubt that work in law enforcement. That's understandable. There are times when we read in the paper that they are not as good as Senator Burns. This law isn't for Senator Burns. This is for those law enforcement officers, those government officials, that would spy on us, that would use the law inappropriately. The open fields doctrine that the good Senator talks about has been upheld in court. The open fields doctrine is that law some enforcement can walk on your property anywhere outside of what's called the curtilage. When I tried to look up curtilage in my dictionary I couldn't find it. My spell check doesn't recognize curtilage. Curtilage is a very loose term and it's hard to describe. One of the legal sites that I went to look at says it's almost impossible to define it. It's like if we were posting a speed limit it would be whatever the officer wanted the speed limit to be that particular day.

Back to the cameras. Currently law enforcement can install a camera, or any other electronic surveillance device, anywhere they want to outside what is called that curtilage. If you look outside of what's called the curtilage, which is almost close enough so that you can see in someone's window, a camera could definitely see in that window, than people would be able to

see a lot more about what we do every day than they have any right to know. All this bill does is requires the law enforcement, or whoever is going to install the camera, to get permission from the landowner. Most landowners will give permission. Law enforcement comes to my house and wants permission to put a camera up, if you're not pointing it at the house, go ahead and put it up. If they believe that I'm doing something wrong, they can go investigate because the open fields doctrine won't be gone. They can get a warrant. We have a right to privacy and we need to protect that right of privacy against not the Senator Burns but against those law enforcement officers that you read about in the paper every once in a while; against the rogue officers that we all know are there. We don't like to admit it. I was raised on a farm. The policy we had was that you needed to close the barn door before the horse got out, not after. Thank you.

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

Senator **VALENTINO:** Thank you very much Mr. President. Members of the Senate, I rise today to thank the good Senator from Washington for being so articulate and experienced to share his knowledge with us. The members can see why I am with him on the Majority Report, because of his knowledge. I moved the Minority Report today because I have listened to other Judiciary bills that have come before us in the last few days and I've heard from both sides of the aisles, quite passionately, that they want these subpoenas and they want warrants. That is the reason that I changed today, because I knew arguments would go on for hours for people trying to defeat this bill, just as they have tried to defeat the prescription drugs and as they tried to defeat our cell phone bills. It was really for the attempt of that, I have listened to what was being said on the other bills and what will be said on this bill. It was a difficult decision, when I talked with the good Senator from Washington and the good Senator from York because we are both on this, to let them know that I was going to be changing the vote today and I know they were disappointed, but I just felt, in light of hearing what I've heard from both sides of the aisles and having a sponsor of the bill from the other side of the aisle, that it would be quite passionate and I got the message the other day. I do want to thank my good committee member, Senator Burns, and obviously that is why I was with him in the Majority, because I do trust him and I do acknowledge his experience and his depth of knowledge. Thank you.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I, too, want to thank my colleague and friend, Senator Burns, for the most passionate remarks I've heard on this floor since I've been here in the last three years. It came from a career of public service in law enforcement. It's hard to express, I think, the respect all of us have for his heartfelt beliefs. If everyone had the same moral code as Senator Burns we wouldn't be discussing this bill or perhaps many others. As legislators, it is our job, whether we like it or not. We are here in these seats to balance between legitimate rights of law enforcement to catch the bad guys and our rights to be left alone by the government. There is a theme to this bill, as the good Senator has pointed out, that fits in with others we've been dealing with this session. To me, the theme is this; that before we allow the government to find out

where we've been or where we are, inspect our mail or read our text messages, look into our most intimate medical records, or, as in this case, place cameras on our private property that they ought to have a good reason and that that good reason ought to be determined not by a prosecutor but by a neutral judge. Thank you, Mr. President.

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

Senator **CUSHING:** Thank you Mr. President. I rise fully recognizing that the hour is late. Many of us have made up our minds. Some comments that were made have caused me to rise and to add to this conversation, hopefully, something that does not offend anyone. We've made some decisions this week, and we've made some choices. Some of those choices, in my opinion, do not reflect the process that has gone on within this Body and within our committee structure to arrive at the decisions. I don't think tonight is the time to debate why we have made some of those choices. I think most of us here understand how that works. There is an issue that troubles me, as it does my good friend and seatmate, when it comes to the issue of law enforcement in this state. Today I've seen bills that were vetoed by the Executive, which we sustained, which dealt with protecting people who have already gambled their life in violation of certain laws in this state. I saw another bill to provide a kit in the event that somebody were to take prescription medications and risk their lives and put an untrained person in the position to, hopefully, know how to use that to bring them back. Now we're faced with the question of whether or not a system that has worked, primarily in rural Maine, to address an ever increasing problem with people who do not respect the laws that we've passed here, that become more and more violent as their activities become more and more profitable or important to them. I think of those who have dedicated themselves to serve. I never had the honor of serving in uniform in our armed forces or in any law enforcement capacity. I look at what those folks do. Again, if you'll allow me to reiterate, we've had a difficult situation in my home community this week. A member of law enforcement had to make one of the most difficult decisions that they have to make. The crux of the debate on this issue, to me, is whether or not the people that we put in positions of authority, who have been abiding by certain codes and principles, should be respected and given some latitude or whether we are going to continue to create a system that ties the hands of those we ask to put their lives on the line for us. I ask you, my colleagues, to consider that. In light of this, it does not seem on the face of it as if we're making a decision that has drastic consequences, but some of these people in rural Maine use those cameras in the pursuit of justice and in situations that protect the life of law enforcement, be they wardens or police officers. I think we need to respect the professionals in that field and consider what we're saying to them when we change the process that went through a public hearing and resulted in a report. I thank you, Mr. President, for allowing me the time to share that.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and gentlemen of the Senate, first I'd like to recognize the Senator from Somerset. I would just like to advise him that he needs a

new dictionary and a new spell check because it's plainly visible right on Wikipedia. Second, I would like to thank the Senator from Washington, Senator Burns, for his wonderful speech. This law, if not passed, will adversely affect the game wardens of this state. The game wardens came to the IF&W Committee. We, in turn, went to the Judiciary Committee. This is very important that we pass this for them so they can continue to do their job. If this does not pass they will spend hundreds more man hours babysitting sites that they don't need to because they are not spying on you and I, they are spying on the person who's not obeying the law. They are dumping their trash. They are killing animals illegally. I think we need to vote against the Minority Report and pass the Majority Report. Thank you.

At the request of Senator **TUTTLE** of York, Reports **READ**.

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed as Amended by Committee Amendment "B" (S-261). 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 (#267)

YEAS: Senators: CAIN, CLEVELAND, CRAVEN, FLOOD, GERZOFSKY, GOODALL, HASKELL, HILL, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BOYLE, BURNS, COLLINS, CUSHING, DUTREMBLE, GRATWICK, HAMPER, JACKSON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, TUTTLE, VALENTINO, YOUNGBLOOD

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-261)**.

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

Senator **KATZ** of Kennebec moved the Senate **RECONSIDER** whereby it **INSISTED** on:

Bill "An Act To Implement Managed Care in the MaineCare Program"

S.P. 552 L.D. 1487

(In Senate, June 11, 2013, Reports **READ**. Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**.)

(In House, June 12, 2013, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

(In Senate, June 12, 2013, on motion by Senator **GOODALL** of Sagadahoc, **INSISTED**.)

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by Senator **GOODALL** of Sagadahoc to **INSIST**.

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

Senator **DUTREMBLE** of York was granted unanimous consent to address the Senate off the Record.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED** to Thursday, June 13, 2013, at 10:00 in the morning.