

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

In Senate Chamber  
Wednesday  
May 22, 2013

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

Prayer by Senator Anne M. Haskell of Cumberland County.

**SENATOR HASKELL:** Let us pray. Heavenly Father, we come to You today asking for Your guidance, Your wisdom, and Your support as we begin this day. Help us to engage in meaningful discussion. Allow us to nurture the bonds of our common goals. Fill us with Your grace as we make decisions. When we struggle to find the right path or face challenging crossroads, help us to remember the words offered in the Book of Micah, when asked what is required of us. The answer provided was, "What is required of us but to do justice and to love kindness and to walk humbly with your God." Father, let these three guidepost light our way today. Amen.

National Anthem performed by the Cony High School Madrigals.

Pledge of Allegiance led by Senator Patrick S.A. Flood of Kennebec County.

Reading of the Journal of Tuesday, May 21, 2013.

Doctor of the day, Richard Flowerdew, MD of Falmouth.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Joint Resolution**

The following Joint Resolution:

H.P. 1115

**JOINT RESOLUTION RECOGNIZING MAY 2013 AS  
LYME DISEASE AWARENESS MONTH**

WHEREAS, the health and well-being of the citizens of the State are of paramount importance and Lyme disease is a common but frequently misunderstood illness that, if not caught early and treated properly, can cause serious health problems; and

WHEREAS, according to the federal Centers for Disease Control and Prevention, Lyme disease was identified and named in 1977, when arthritis was observed in a cluster of children in and around Lyme, Connecticut, and the Council of State and Territorial Epidemiologists designated Lyme disease as a nationally notifiable disease in January 1991; and

WHEREAS, Lyme disease is the most commonly reported vector-borne disease in the United States and is caused by the spirochete *Borrelia burgdorferi*, which is usually transmitted by the bite of a tick. Children 5 to 9 years of age and adults in their 50s and 60s comprise the age groups at the highest risk; and

WHEREAS, Lyme disease early on can cause rashes and flu-like symptoms such as fever, muscle aches, headaches and fatigue but can be treated with antibiotics if caught early. Unfortunately the disease often goes undetected because it mimics other illnesses or may be misdiagnosed; and

WHEREAS, if left untreated, Lyme disease can lead to severe heart, neurological, eye and joint problems because the bacteria can affect many different organs and organ systems; and

WHEREAS, the best protection against Lyme disease is to wear light-colored clothing, with pants tucked into socks when outdoors, and to check oneself carefully for ticks when going back inside; and

WHEREAS, epidemiologists have seen increases in the number of diagnoses of Lyme disease over the past 5 years and the state case rate for Lyme disease in Maine reached a record high in 2012 at 83.7 cases per 100,000 persons, with 1,111 Maine residents diagnosed with probable and confirmed cases of the disease; and

WHEREAS, Lyme disease accounts for 95% of all vector-borne infections in the United States and the ticks that spread Lyme disease also spread other diseases, such as ehrlichiosis, anaplasmosis and babesiosis, and the presence of other tick-borne diseases clouds the diagnostic and treatment picture; and

WHEREAS, Lyme disease is the 6th most common nationally notifiable disease and yet the disease does not occur nationwide and is concentrated heavily in the Northeast and upper Midwest, with 96% of Lyme disease cases being reported from 13 states; and

WHEREAS, during 2011, there were 33,097 new cases nationally of confirmed and probable cases of Lyme disease, adding to the hundreds of thousands of confirmed cases of this disease; and

WHEREAS, having a Lyme Disease Awareness Month provides an opportunity to focus on this significant and complex disease; to provide information on and raise public awareness of its causes, effects and treatments; and to underscore important

education and research efforts surrounding Lyme disease and other tick-borne diseases; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, recognize that May 2013 is Lyme Disease Awareness Month in order to make our citizens more aware of this prevalent disease; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Health and Human Services.

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

**READ** and **ADOPTED**, in concurrence.

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**COMMUNICATIONS**

The Following Communication: H.P. 1116

**TOWN OF HOULTON  
21 WATER STREET  
HOULTON, MAINE 04730**

**HOULTON TOWN COUNCIL RESOLVE IN OPPOSITION TO  
THE ELIMINATION OF STATE REVENUE SHARING AND  
OTHER PROPERTY TAX RELIEF PROGRAMS**

WHEREAS, the Houlton Town Council has reviewed the proposed budget submitted by the Governor for the 2014-2015 biennium; and,

WHEREAS, his budget proposal would effectively eliminate or drastically curtail many programs that were implemented over many years to provide property tax relief to residents and businesses throughout every Maine community; and,

WHEREAS, these programs include the elimination of State Revenue Sharing, elimination of the Circuit Breaker and Homestead Exemption programs for those under 65, elimination of the BETR program, confiscation of commercial excise taxes, and transfer half of the teachers' normal retirement costs onto the local schools; and,

WHEREAS, the total dollar impact on the Town of Houlton would be approximately \$1,400,000 and would increase the Town's mil rate by just under 25% if these reductions were implemented and no local budget reductions could be made to offset some of the likely property tax increase;

NOW, THEREFORE,

IT IS RESOLVED that the Houlton Town Council, in session assembled on May 13, 2013, hereby calls upon the Maine State Legislature to oppose the above noted eliminations, confiscations, and transfers that would have the impact of raising property taxes significantly and threatening the Town's ability to deliver important local services.

IT IS FURTHER RESOLVED that the Houlton Town Council calls upon the Legislature to maintain the above municipal programs intact due to their primary purpose to lower property taxes for residents and businesses and to not impose additional property taxes to fund the teachers' retirement system.

Date: May 13, 2013

S/Paul J. Cleary, Chairman  
S/Susan M. Tortello, Secretary  
S/Daniel C. Peabody  
S/John H. Fitzpatrick  
S/John White, Jr.  
S/Robert P. Hannigan

A Tue Copy: Attest S/Cathy J. O'Leary, Town Clerk  
May 17, 2013

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

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

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The Following Communication: S.C. 370

**STATE OF MAINE  
OFFICE OF THE GOVERNOR**

May 21, 2013

The Honorable Justin L. Alford  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear President Alford,

This is to inform you that I am today nominating Mark L. Wilcox of Mapleton for appointment to the Loring Development Authority of Maine.

Pursuant to Title 5, MRSA §13080-B, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and economic Development.

Sincerely,

S/Paul R. LePage  
Governor

**READ** and **ORDERED PLACED ON FILE**.

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The Following Communication: S.C. 371

**STATE OF MAINE  
OFFICE OF THE GOVERNOR**

May 21, 2013

The Honorable Justin L. Alfond  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear President Alfond,

This is to inform you that I am today nominating Douglas K. Damon of Bangor for appointment to the Loring Development Authority of Maine.

Pursuant to Title 5, MRSA §13080-B, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and economic Development.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 364

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 16, 2013

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

Dear President Alfond and Speaker Eves:

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

- L.D. 301 An Act To Remove Unnecessary Agenda from the School Day
- L.D. 665 An Act To Facilitate the Transition to a Standards-based Educational System

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

Sincerely,

S/Sen. Rebecca J. Millett  
Senate Chair

S/Rep. W. Bruce MacDonald  
House Chair

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

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The Following Communication: S.C. 369

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON ENVIRONMENT AND NATURAL  
RESOURCES**

May 20, 2013

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

Dear President Alfond and Speaker Eves,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Sen. Gerzofsky of Cumberland, to report the following bill Leave to Withdraw:

- L.D. 28 An Act To Reduce Air Pollution from Trains

Sincerely,

S/Senator James A. Boyle  
Senate Chair

S/Representative Joan W. Welsh  
House Chair

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

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The Following Communication: S.C. 365

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

May 17, 2013

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

Dear President Alfond and Speaker Eves:

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

- L.D. 199 An Act To Allow Agents Designated by the Commissioner of Inland Fisheries and Wildlife To Hunt Coyotes at Night during the Deer Hunting Season
- L.D. 391 An Act To Allow a Person To Possess Small Game in Excess of That Person's Possession Limit
- L.D. 798 An Act To Permit Night Hunting of Coyotes on Sunday
- L.D. 895 Resolve, Directing the Department of Inland Fisheries and Wildlife To Amend Its Rules Regarding Required Setback Distances for Beaver Traps
- L.D. 896 An Act To Allow Fox Hunting at Night
- L.D. 910 Resolve, Directing the Department of Inland Fisheries and Wildlife To Study and Make Recommendations Regarding the Bear Hunting Season
- L.D. 1148 An Act To Expand the Season for Night Hunting of Coyotes

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

Sincerely,

S/Sen. David E. Dutremble  
Senate Chair

S/Rep. Michael A. Shaw  
House Chair

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

The Following Communication: S.C. 366

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

May 17, 2013

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

Dear President Alfond and Speaker Eves:

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

- L.D. 1413 An Act To Clarify Limitations on Homeowner's Insurance Policies Regarding Claims on Vacant Properties
- L.D. 1453 An Act To Increase the Transparency of Charges and Expenses of Hospitals That Receive State Funding
- L.D. 1508 An Act To Create a Public State Bank
- L.D. 1525 An Act To Streamline Billing for Mental Health Services

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

Sincerely,

S/Sen. Geoffrey M. Gratwick  
Senate Chair

S/Rep. Sharon Anglin Treat  
House Chair

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

The Following Communication: S.C. 367

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

May 16, 2013

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

Dear President Alfond and Speaker Eves:

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

- L.D. 583 An Act To Allow the Exchange of Scallop Licenses
- L.D. 935 An Act To Permit the Harvest of Sea Cucumbers as Bycatch of Sea Urchin Dragging and To Allow Areas To Be Closed to Sea Cucumber Dragging

Sincerely,

S/Sen. Edward J. Mazurek  
Senate Chair

S/Rep. Charles K. Theriault  
House Chair

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

Sincerely,

S/Sen. Christopher K. Johnson  
Senate Chair

S/Rep. Walter A. Kumiega  
House Chair

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

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

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**SENATE PAPERS**

Bill "An Act Regarding the Board of Trustees of the Maine Public Broadcasting Corporation"

S.P. 592 L.D. 1551

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

On motion by Senator **MILLETT** of Cumberland, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

The Following Communication: S.C. 368

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

May 16, 2013

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

Dear President Alfond and Speaker Eves:

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

- L.D. 429 An Act To Authorize a GARVEE Bond for the Repair of Deficient Arterial State Highways and Bridges
- L.D. 1208 Resolve, To Establish the Commuter and Passenger Rail Advisory Task Force (EMERGENCY)
- L.D. 1268 An Act To Update Driver Education Requirements
- L.D. 1465 An Act To Increase Accountability and Efficiency of Independent Entities Involved in Separate Aspects of the State's Transportation Systems

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

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**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve Training Requirements for Obtaining a Concealed Handgun Permit"  
H.P. 721 L.D. 1022

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

Signed:

Senators:  
GERZOFKY of Cumberland  
DUTREMBLE of York  
PLUMMER of Cumberland

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

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

Signed:

Representative:  
LONG of Sherman

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing Prosecution of Individuals Possessing a Controlled Substance under Certain Circumstances"

H.P. 735 L.D. 1044

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-205)**.

Signed:

Senators:  
GERZOFSKY of Cumberland  
DUTREMBLE of York  
PLUMMER of Cumberland

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

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

Signed:

Representative:  
LONG of Sherman

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

Reports **READ**.

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

**READ ONCE.**

Committee Amendment "A" (H-205) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act Relating to Clean Water Certification by the Department of Environmental Protection"  
H.P. 241 L.D. 336

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

Signed:

Senators:  
BOYLE of Cumberland  
SAVIELLO of Franklin

Representatives:  
WELSH of Rockport  
CHIPMAN of Portland  
COOPER of Yarmouth  
GRANT of Gardiner  
HARLOW of Portland  
LONG of Sherman  
McGOWAN of York  
REED of Carmel

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-208)**.

Signed:

Representative:  
AYOTTE of Caswell

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Permit Tribal Members To Hunt Any Animal or Bird at Any Time for Sustenance"

H.P. 162 L.D. 201

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

Signed:

Senators:

BURNS of Washington  
HASKELL of Cumberland

Representatives:

SHAW of Standish  
BRIGGS of Mexico  
CRAFTS of Lisbon  
DAVIS of Sangerville  
ESPLING of New Gloucester  
MARKS of Pittston  
SHORT of Pittsfield  
WOOD of Sabattus

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-202)**.

Signed:

Senator:

DUTREMBLE of York

Representatives:

EVANGELOS of Friendship  
KUSIAK of Fairfield

Comes from the House with Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Reports **READ**.

On motion by Senator **DUTREMBLE** of York, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Permit Tribal Members To Fish at Any Time for Sustenance"

H.P. 163 L.D. 202

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

Signed:

Senators:

BURNS of Washington  
HASKELL of Cumberland

Representatives:

SHAW of Standish  
BRIGGS of Mexico  
CRAFTS of Lisbon  
DAVIS of Sangerville  
ESPLING of New Gloucester  
MARKS of Pittston  
SHORT of Pittsfield  
WOOD of Sabattus

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-209)**.

Signed:

Senator:

DUTREMBLE of York

Representatives:

EVANGELOS of Friendship  
KUSIAK of Fairfield

Comes from the House with Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Reports **READ**.

On motion by Senator **DUTREMBLE** of York, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Retain the Position of Parent Coordinator in the Judicial Branch" H.P. 42 L.D. 47

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

Signed:

Senators:

VALENTINO of York  
BURNS of Washington  
TUTTLE of York

Representatives:

PRIEST of Brunswick  
BEAULIEU of Auburn  
CROCKETT of Bethel  
GUERIN of Glenburn  
MONAGHAN-DERRIG of Cape Elizabeth  
MORIARTY of Cumberland  
PEAVEY HASKELL of Milford  
VILLA of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-206)**.

Signed:

Representatives:

DeCHANT of Bath  
MOONEN of Portland

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Impose a Duty To Warn and Protect on Mental Health Professionals"

H.P. 844 L.D. 1200

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

Signed:

Senators:

VALENTINO of York  
BURNS of Washington  
TUTTLE of York

Representatives:

PRIEST of Brunswick  
BEAULIEU of Auburn  
CROCKETT of Bethel  
GUERIN of Glenburn  
MONAGHAN-DERRIG of Cape Elizabeth  
PEAVEY HASKELL of Milford  
VILLA of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-207)**.

Signed:

Representatives:

DeCHANT of Bath  
MOONEN of Portland  
MORIARTY of Cumberland

(Representative MITCHELL of the Penobscot Nation - 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 **VALENTINO** of York, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Change the Schedule for the Beginning of the Biennial Budget Cycle"

H.P. 58 L.D. 80

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

Signed:

Senator:

LACHOWICZ of Kennebec

Representatives:

GRAHAM of North Yarmouth  
BOLAND of Sanford  
CHENETTE of Saco  
NADEAU of Winslow  
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-200)**.

Signed:

Senator:

COLLINS of York

Representatives:

COTTA of China  
HAYES of Buckfield  
MacDONALD of Old Orchard Beach  
NADEAU of Fort Kent

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

Reports **READ**.

Senator **LACHOWICZ** of Kennebec 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.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Sale of Certain Property in Augusta to Motivational Services, Inc.

H.P. 245 L.D. 340

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

Signed:

Senators:

LACHOWICZ of Kennebec  
COLLINS of York

Representatives:

GRAHAM of North Yarmouth  
BOLDUC of Auburn  
CHENETTE of Saco  
COTTA of China  
HAYES of Buckfield  
NADEAU of Winslow  
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-201)**.

Signed:

Representative:

MacDONALD of Old Orchard Beach

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

Reports **READ**.

Senator **LACHOWICZ** of Kennebec 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.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Improve Access to Public Land Records"

H.P. 315 L.D. 465

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

Signed:

Senators:

LACHOWICZ of Kennebec  
COLLINS of York

Representatives:

GRAHAM of North Yarmouth  
BOLDUC of Auburn  
CHENETTE of Saco

COTTA of China  
MacDONALD of Old Orchard Beach  
NADEAU of Winslow  
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-199)**.

Signed:

Representative:

HAYES of Buckfield

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.

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**Senate**

**Ought to Pass As Amended**

Senator JOHNSON for the Committee on **MARINE RESOURCES** on Bill "An Act To Allow Municipalities To Petition the Department of Marine Resources To Establish Dive-only Areas for Scallops in Mooring Fields"

S.P. 324 L.D. 946

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-110)**.

Report **READ**.

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

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Senator HASKELL for the Committee on **TAXATION** on Bill "An Act To Improve the Accuracy of Fuel Tax Reporting"

S.P. 341 L.D. 996

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-109)**.

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

**READ ONCE**.

Committee Amendment "A" (S-109) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

**Divided Report**

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding Timber Harvesting on Land Managed by the Division of Parks and Public Lands"

S.P. 184 L.D. 491

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

Signed:

Senators:

PATRICK of Oxford  
CLEVELAND of Androscoggin

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:

Senator:

CUSHING of Penobscot

Representatives:

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

Reports **READ**.

Senator **PATRICK** of Oxford moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report.

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

**THE PRESIDENT:** 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, this bill would block the Department of Agriculture, Conservation and Forestry Division of Parks and Public Lands from contracting for timber harvesting on land under its management if the contractor uses persons employed under the federal labor certification process for employment for foreign workers in logging for that purpose. This bill is very similar to one that passed in the previous Legislature in both Bodies. The primary reason for this

bill is to promote the hiring of American loggers who for years now have been underemployed as a result of logging contractors unethically and, at times, illegally hiring Canadian workers instead of American workers. To me, ladies and gentlemen of the Senate, a vote for this bill is a vote in favor of Maine workers and a vote in opposition to this bill is a voter for welfare for our Canadian neighbor workers. Thank you, ladies and gentlemen of the Senate.

On motion by Senator **THIBODEAU** of Waldo, **TABLED** until Later in Today's Session, pending the motion by Senator **PATRICK** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS** Report. (Roll Call Ordered)

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

**SECOND READERS**

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

**House**

Bill "An Act To Amend the Laws Governing Weight Tolerance for Certain Vehicles"

H.P. 1065 L.D. 1484

**READ A SECOND TIME.**

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

**ENACTORS**

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

**Emergency Resolve**

Resolve, Regarding Legislative Review of Portions of Chapter 882: Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products, a Major Substantive Rule of the Department of Environmental Protection  
H.P. 625 L.D. 902

On motion by Senator **BOYLE** of Cumberland, 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 (#97)**

YEAS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFOSKY, 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

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.

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**Act**

An Act To Amend the Charter of the South Berwick Sewer District  
H.P. 1042 L.D. 1457

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

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Senate at Ease.

Senate called to order by the President.

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**ORDERS OF THE DAY**

**Unfinished Business**

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later Assigned (5/14/13) matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Ensure Accountability in State Contracts"

S.P. 406 L.D. 1169

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-67)** (3 members)

Tabled - May 14, 2013, by Senator **LACHOWICZ** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, May 14, 2013, Reports **READ**.)

Senator **LACHOWICZ** of Kennebec moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

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

Senator **LACHOWICZ:** Thank you Mr. President. I would like to talk to people a little bit about this bill. One of the things I've heard from my constituents is that they want to know how their tax dollars are being spent. I think that's probably true for most of us. This bill allows that for State contracts. What this does is this bill says that if you respond to a RFP by the State and you get a contract we're going to put that information up there. Much like people can view information on how their state tax dollars are being spent by state employees or by state agencies, the private contractor information will also be up there. If you want to know who has the road contract to plow your road, you can find that out. You can find out what their supposed to use, what kind of things like sand or salt on the road, how often they are supposed to do it, what the terms of that are, or how many people they might employ. Some of the other things that I heard from folks that it might help with was even some contracts having to do with Human Services that are now contracted to private employers. I think this is a great government transparency bill. I think our voters want to know how our tax dollars are being spent and I'm happy to support them in getting that information. Thank you very much, Mr. President.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, recalling the public hearing on this bill, it seems as though the dash to attempting to do this now, assuring that the information is out there for all contracts dealing with the State of Maine. A lot of us thought that this bill wasn't necessary. That's one of the reasons why we have eight members in the Majority with an Ought Not to Pass. I urge the members of this Body to follow my light in opposition to the current motion, moving the Minority Report. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#98)**

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

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

ABSENT: Senator: CUSHING

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **LACHOWICZ** of Kennebec to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (S-67) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Chair laid before the Senate the following Tabled and Later Assigned (5/14/13) matter:

SENATE REPORTS -from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve Insurance Coverage for Volunteer First Responders"

S.P. 71 L.D. 235

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (S-76)** (7 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "B" (S-77)** (5 members)

Report "C" - **Ought Not to Pass** (1 member)

Tabled - May 14, 2013, by Senator **JACKSON** of Aroostook

Pending - motion by Senator **PATRICK** of Oxford to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-76)**

(In Senate, May 14, 2013, Reports **READ**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#99)**

YEAS: Senators: BOYLE, CAIN, CRAVEN, DUTREMBLE, GERZOFISKY, 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** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-76)**, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (S-76) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Chair laid before the Senate the following Tabled and Later Assigned (5/16/13) matter:

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Increase Food Sovereignty in Local Communities"

H.P. 325 L.D. 475

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-155)** (5 members)

Tabled - May 16, 2013, by Senator **LANGLEY** of Hancock

Pending - motion by Senator **JACKSON** of Aroostook to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence (Roll Call Ordered)

(In House, May 15, 2013, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 16, 2013, Reports **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 know I stand between you and lunch. How fitting is it that this bill is about food and those pangs of hunger are

completely in order. I rise today in opposition to the motion and call your attention to the vote we're about to cast. Let us spend a moment or two reflecting on food sovereignty and food security. I am, as many of you know, a chef and a restaurant owner. Food is my profession and it's my passion. As a boy in Vermont, cows outnumbered people and I lived next door to a dairy farm. On many an afternoon I spent hand milking cows and squirting the barn cats with fresh milk. Gathering food for your family is a basic human instinct that cannot be denied. The bill establishes the Maine Food Sovereignty Act of 2013 to encourage food self-sufficiency. The purpose of the act is to preserve the ability of local communities to produce, process, sell, and purchase locally produced foods to ensure the preservation of family farms, to reduce hunger, and increase food security as well as to enhance economic, environmental, and the social wealth of rural communities. The bill also authorizes local governments to regulate food systems by local ordinance. There is room for debate about the claims the food sovereignty movement makes about trade, business technology, food self-sufficiency, and governmental regulation. Whether they are right or wrong, I believe the movement should play a crucial role in facilitating cooperation and educating the populous about our food production. For this to happen public leadership is required and this is where we come in. This is why I'm speaking today. We have to be very careful on this debate that we do not pass harmful regulations that make innovation in agriculture unnecessarily expensive and enhance public distrust in modern agricultural biotechnology. However, I completely understand and appreciate the powerful will and innate determination of those who wish to farm within nature, using sustainable agro-ecosystem management practices. These practices are just as important as investments in new agricultural technologies, product innovation, rural infrastructure, and post-harvest technologies. I believe these two practices can and should live in concert and we'll never know when we might need to follow the practice of previous generations who planted Victory Gardens during WWII. There is room for both schools of thought. For example, I take great pride in the fact that 90% of what I sell is produced locally. However I am also thankful to have suppliers who can back-fill my needs when an unexpectedly wet summer causes my farmer's lettuce to rot in the fields or when Red Tide hits locally and I have to source mussels from our neighbors to the north. We have to be careful in our quest for food sovereignty that we also do not create food insecurity. It's all about balance and my talk today is all about the balance. I cast my vote today in support of a movement that questions the authority of our government. That is our job as an involved citizenry; to question at great length what is the appropriate role and reach of government in our lives. Questioning is very healthy as long as we can maintain civil course throughout. While my vote in opposition today to the Majority Report may be symbolic, I do so in hopes that we can, in the future, strike an appropriate balance, work together towards a common sense approach, right size regulation, and develop a thriving local agricultural economy. Our future quality of life depends on it and we, as leaders, need to help. Thank you for your time and I know lunch is on its way. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#100)**

**YEAS:** Senators: CAIN, CLEVELAND, COLLINS, CRAVEN, GOODALL, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, JOHNSON, KATZ, MAZUREK, PLUMMER, SHERMAN, THIBODEAU, THOMAS, VALENTINO

**NAYS:** Senators: BOYLE, BURNS, CUSHING, DUTREMBLE, FLOOD, GERZOFKY, LACHOWICZ, LANGLEY, MASON, MILLETT, PATRICK, SAVIELLO, TUTTLE, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

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

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The Chair laid before the Senate the following Tabled and Later Assigned (5/21/13) matter:

HOUSE REPORT - from the Committee on **EDUCATION AND CULTURAL AFFAIRS**, pursuant to the Maine Revised Statutes, Title 5, section 8072, on Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 232 L.D. 323

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-191)**

Tabled - May 21, 2013, by Senator **MILLETT** of Cumberland

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, May 20, 2013, Report **READ** and **ACCEPTED** and Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-191)**.)

(In Senate, May 21, 2013, Report **READ**.)

Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-191) **READ**.

On motion by Senator **MILLETT** of Cumberland, Senate Amendment "A" (S-111) to Committee Amendment "A" (H-191) **READ** and **ADOPTED**.

Committee Amendment "A" (H-191) as Amended by Senate Amendment "A" (S-111) 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-191) AS AMENDED BY SENATE AMENDMENT "A" (S-111)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Resolve, To Require the Department of Health and Human Services To Initiate a New Rate-setting Procedure for Preschool Services for Children with Disabilities under the MaineCare Program

H.P. 1119 L.D. 1552

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

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

Bill "An Act To Make Supplemental Allocations from the Highway Fund for the Expenditures of State Government Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013" (EMERGENCY)

H.P. 1117 L.D. 1550

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

On motion by Senator **JACKSON** of Aroostook, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

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

Senator **PATRICK** of Oxford was granted unanimous consent to address the Senate off the Record.

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

Senator **SAVIELLO** of Franklin was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **JACKSON** of Aroostook was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

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

On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED** to Thursday, May 23, 2013, at 10:00 in the morning.