

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

In Senate Chamber
Monday
June 3, 2013

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

Prayer by Reverend Stephen Tracey, Lakeview Presbyterian
Church in Rockport.

REVEREND TRACEY: Thank you for your kind invitation to be here. I reckon that some of you are suffering a little bit from worry that this session may never end. I thought I'd remind you of some words from Jesus. "Therefore do not be anxious, saying, 'What shall we eat?' or 'What shall we drink?' or 'What shall we wear?' for the gentiles seek after these things and your heavenly Father knows that you have need of them all, but seek first the kingdom of God and His righteousness, and all these things will be added to you. Do not be anxious about tomorrow, for tomorrow will be anxious for itself. Sufficient for the day is its own trouble." Let us pray.

O Lord our God, be pleased to hear us as we pray on behalf of the Senate. You have called them to this public office and they carry both the privileges and the burdens of this responsibility. We thank You for knowing our need for government and for giving us the gift of government and law and order and we pray for the exercise of that law and of that order, that we will be enabled to lead peaceful and quiet lives, that the innocent will be protected, that evil will be restrained, that kindness and compassion will be encouraged. We pray that You will keep us from the love of money, for You have told us that the love of money is the root of all evil. Grant us grace then, not to be grasping and covetous and greedy. You have told us that life does not consist in the abundance of possessions. We pray for the Senators. Grant them grace to persevere and to complete their duty. Help them not to fall into worry. May they find grace to help in time of need. We pray for the families of the Senators. You know each one of them; their joy, their sorrow, their pain, their grief. You know the cost to their mind and heart of the work that they do, so be gracious to each member of this house. We thank You for the blessings that we enjoy in this wonderful state of Maine. Help us that our life here shall not distract us from seeking first Your kingdom. Help us to justice, to love mercy, and to walk humbly with You. In the name of Jesus, Amen.

Pledge of Allegiance led by Senator Dawn Hill of York County.

Reading of the Journal of Friday, May 31, 2013.

Doctor of the day, Kathleen Thibault, DO of Dover-Foxcroft.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect Local Input in Economic Development and Redevelopment Efforts"

H.P. 1057 L.D. 1476

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

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

In House, May 29, 2013, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

In Senate, May 30, 2013, on motion by Senator **PATRICK** of Oxford, the Majority **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**.

Joint Order

Expression of Legislative Sentiment recognizing:

John Boland, of New Gloucester, who is retiring after serving with distinction for 36 years with the Department of Inland Fisheries and Wildlife. For the past 3 years, Mr. Boland has served as the Director of the Bureau of Resource Management, which oversees the fisheries and wildlife divisions in the department. During his career, he has been instrumental with a number of initiatives, has had a broad influence on policy and has been vital to the department's recent reorganization. He was named Employee of the Year and received the Kenneth Anderson Award for outstanding service and dedication. Mr. Boland has also been recognized by organizations outside of the department, such as the Sportsman's Alliance of Maine and the Phippsburg Rod and Gun Club. We send our appreciation to Mr. Boland for his many years of commitment to fisheries and wildlife and to the State. We congratulate him and send him our best wishes on his retirement;

HLS 365

Come from the House, **READ** and **PASSED**.

READ.

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues of the Senate, I couldn't let this sentiment go by without stopping for a moment just to recognize someone who has devoted 36 years of his life working for the Department of Inland Fisheries and Wildlife. John Boland is classic. He's a name unto himself. When you talk about the Department of Inland Fisheries and Wildlife you talk about John Boland. You talk about professional. You talk about a person who's been there and has done that in so many areas of fisheries and wildlife management. I think it's important today that we recognize this time, as he is retiring after a long and much appreciated career within state government. Thank you, Mr. President.

PASSED, in concurrence.

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Joseph Giacomantonio, of Saco, on the occasion of his retirement from the Scarborough Police Department. Mr. Giacomantonio served in the United States Air Force for 4 years before starting his career as a police officer in 1984. He served with the Kittery Police Department and the Scarborough Police Department. He is well known for his active work as a K-9 officer as well as for programs he has spearheaded. Mr. Giacomantonio is responsible for starting the bicycle helmet exchange program, the Police Explorers Program and the Volunteers in Police Services Program. He served as the D.A.R.E. Program State Coordinator and the Community Resource Officer for Scarborough. He was awarded a commendation for bravery. Mr. Giacomantonio has made an incredible difference in the lives of Scarborough citizens during his time as a police officer. We extend our appreciation to Mr. Giacomantonio for his contributions to the City of Scarborough and the State and send him our best wishes for a happy retirement;

SLS 395

Sponsored by Senator MILLETT of Cumberland.
Cosponsored by Senators: BOYLE of Cumberland, VALENTINO of York, Representatives: CHENETTE of Saco, HOBBS of Saco, SIROCKI of Scarborough, VOLK of Scarborough.

READ.

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

Senator **MILLETT:** Thank you Mr. President. Members of the Senate, today I rise to recognize a man who has faithfully served the community of Scarborough since 1985. Joseph Giacomantonio retired from the Scarborough Police Department this April after spending 28 years on the force. During those years he made many contributions to the community. He and his

partner, Bandit, were certified as a canine team and worked together to find missing people and track down suspects for five years. He organized Scarborough's first OUI roadblock. He conducted a successful bicycle helmet exchange program, where 200 helmets were given out to community members. He secured grant financing to improve staffing at the department. He was awarded commendation for rescuing a local resident during a house fire. He served as the department's military surplus coordinator, which helped the department save precious funds. He started the Police Explorers Program and the Volunteers in Police Services Program. He also dedicated much of his career and time to the children of the community and state. He became the D.A.R.E. Program State Coordinator in 2002. As you know, the D.A.R.E. Program educates our children about the dangers of drug and alcohol use and teaches them ways to stand up to peer pressure and gives them the skills they need to avoid involvement in drugs, gangs, and violence. He also was involved with Camp Postcard, or Police Officers Striving to Create and Reinforce Dreams, which is a free week-long summer camp in Poland, Maine for 5th and 6th graders. The camp aims to help our youth build healthy relationships, learn life skills, reduce school dropout rates, improve literacy, and brighten the future of each camper. Clearly, he has made significant contributions to his police department, his community, and the state of Maine. Although he is now retired, he has not stopped serving. He will be deployed any day to Bagdad, Iraq, where he will partner with another canine. This time he will be handling a bomb detecting canine at the Embassy. We wish to thank him for his continued sacrifice in order to serve and protect his fellow Americans. We wish Officer Giacomantonio the very best as he embarks on this next journey and pray for his safe return upon its completion. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Joseph Giacomantonio and his wife, Deb, who are here from the town of Saco. They are here as the guests today of the Senators from Senator Millett, Senator Boyle, and Senator Valentino. Will they please rise and accept the warm greetings of the Maine State Senate.

The President requested the Sergeant-At-Arms escort the Senator from Sagadahoc, Senator **GOODALL** to the rostrum where he assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **SETH A. GOODALL** of Sagadahoc County.

Hub Furniture, as it celebrates 100 years of doing business in the Greater Portland area. Founded in 1913 by Sam Novick and Max Simonds, 2 immigrants from the same village in Russia, Hub Furniture has been a mainstay in the area through the years. The first 2 stores were on Congress Street and in the 1960s, Hub Furniture moved to its present location in the Old Port. Mr.

Novick's widow bought out the Simonds family around 1951 and the store is currently owned and operated by Sam Novick, the grandson of the founder, his wife, Bette, his mother, Rose and his son, Andrew Novick. Hub Furniture has plans to celebrate its continued success by giving back to the community as it has in the past, by holding a benefit bash with proceeds to go to the Preble Street Resource Center, the United Way of Greater Portland and the Jewish Community Alliance of Southern Maine. We extend our congratulations and best wishes to Hub Furniture and the Novick family on this important anniversary;

SLS 396

Sponsored by President ALFOND of Cumberland.
Cosponsored by Senator: HASKELL of Cumberland,
Representatives: CHIPMAN of Portland, DION of Portland,
FARNSWORTH of Portland, HARLOW of Portland, JORGENSEN
of Portland, MOONEN of Portland, RUSSELL of Portland,
STUCKEY of Portland.

READ.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Alfond.

Senator **ALFOND:** Thank you Mr. President Pro Tem. I am proud to stand here this morning to talk about an incredible business in the state of Maine. Hub Furniture, 100 years in business. It's a milestone that few businesses are ever able to achieve. Hub Furniture has not only been in business for 100 years, but the Novick's, who are here today, have owned and operated the acclaimed furniture store since its founding. Hub has been a cornerstone of the Portland business scene since its inception. Founded by two Russian-Jewish immigrants in 1913, Hub Furniture has been headquartered in two separate locations on the Portland peninsula before settling on Fore Street in the 1960's. The Novick's have a long history of supporting the community. For example, Hub Furniture recently donated 25 rocking chairs for each of the 25 apartments at the Florence House, which provides housing for homeless women. Their 100th anniversary party is this Thursday and will benefit Preble Street, the United Way, and the Jewish Community Alliance of Southern Maine. Hub Furniture and the Novick's are a true Maine treasure. I am so honored to have sponsored the sentiment today recognizing their fine works and I am sure that the entire Senate Chamber will join me at the appropriate time in awarding the Novick's this incredible award and Hub Furniture their incredible accomplishment. Thank you, Mr. President Pro Tem.

PASSED.

Sent down for concurrence.

THE PRESIDENT PRO TEM: The Chair is pleased to recognize in the rear of the chamber the Novick family; Betty, Sam, and Andrew. Would they please rise and accept the greetings of the Senate.

The Sergeant-At-Arms escorted the Senator from Sagadahoc, Senator **GOODALL** to his seat on the floor.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1125

ORDERED, the Senate concurring, that the Joint Standing Committee on Energy, Utilities and Technology shall report out, to the House, a bill regarding energy policy that, notwithstanding any provision to the contrary, including but not limited to Joint Rule 206, is sponsored by Representative Hobbins of Saco, Representative Fredette of Newport and Senator Cleveland of Androscoggin.

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

READ. Pursuant to Joint Rule 103 a Division was had. 34 Members having voted in the affirmative and no Members having votes in the negative, with 34 being more than two-thirds of the members present and voting the Joint Order was **PASSED**, in concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Regarding the Use of Mobile Poultry Processing Units"

H.P. 587 L.D. 836

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

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

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

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

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Cumberland, Senator **ALFOND** to the rostrum where he resumed his duties as President.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Authorize InterCoast Career Institute To Grant the Degree of Associate Degree in Applied Science"

H.P. 154 L.D. 193

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

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

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

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Develop a Grant Program To Establish a Teacher-led School Model"

H.P. 775 L.D. 1106

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

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

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

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

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Lessen the Impact of High Feed and Fuel Costs on Maine Dairy Farmers"

H.P. 540 L.D. 789

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-281)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-281)**.

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

READ ONCE.

Committee Amendment "A" (H-281) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Change Compensation for Career and Technical Education Region Cooperative Board Meeting Attendance"

H.P. 314 L.D. 464

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-279)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-279)**.

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

READ ONCE.

Committee Amendment "A" (H-279) **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 **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Expand Crossbow Hunting"

H.P. 713 L.D. 1015

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-274)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-274)**.

Report **READ**.

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

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Relating to Title Insurers Issuing Closing or Settlement Protection"

H.P. 1038 L.D. 1444

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-283)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-283)**.

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

READ ONCE.

Committee Amendment "A" (H-283) **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 **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Relating to Insurance Company Formation and Dissolution"

H.P. 1066 L.D. 1485

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-282)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-282)**.

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

READ ONCE.

Committee Amendment "A" (H-282) **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 **JUDICIARY** on Resolve, Directing the Attorney General To Confer with Tribal Governments To Establish Procedures Regarding the Tribal Provisions of the Federal Violence Against Women Act of 1994

H.P. 996 L.D. 1400

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-275)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-275)**.

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

READ ONCE.

Committee Amendment "A" (H-275) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Restore the Resource Development Centers to Full Operation"

H.P. 503 L.D. 752

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

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
McELWEE of Caribou
PRINGLE of Windham
STUCKEY of Portland

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

Signed:

Senator:

HAMPER of Oxford

Representatives:

MALABY of Hancock
SANDERSON of Chelsea
SIROCKI of Scarborough

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-271)**.

Reports **READ**.

Senator **CRAVEN** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** 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 Craven.

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I just wanted to say a few words about what this bill does. The purpose of the bill is to restore contracts with the Resource Development Centers that provide professional and development services to licensed and registered childcare providers and referral services to parents in need of childcare. These services were in place and have been funded with federal block grants. They moved into the Department of Health and Human Services and were delivered through the training under the Maine Roads to Quality. Later they were RFP out into the community and are now being delivered through the department at the USM and also some classes available on-line. This bill is a wonderful early childhood education bill that provides services to

families in order to find adequate local care providers, but also provides excellent training for childcare providers. So far the classes have been cut dramatically. The quality of the classes were cut or very specific, some college level classes offered as opposed to practical childcare provision classes being offered through the Resource Centers. I would ask for your support in making sure that our childcare providers and our families have quality services in their lives. Thank you.

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

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, this L.D. 752 is a question between bricks and mortar or the internet. We are providing the same services with no testimony given in the committee as far as reduction in quality, providing the same services through USM for \$127,000 versus \$1.3 million a year. You make the financial choice, ladies and gentlemen of the Senate. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Craven 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 (#137)

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

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

ABSENT: Senator: BURNS

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-271) **READ** and **ADOPTED**, in concurrence.

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

Off Record Remarks

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve the Administration of the Child Care Subsidy Program and To Prevent Erroneous Termination of Child Care Services"

H.P. 579 L.D. 828

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

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
PRINGLE of Windham
STUCKEY of Portland

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

Signed:

Senator:

HAMPER of Oxford

Representatives:

MALABY of Hancock
McELWEE of Caribou
SANDERSON of Chelsea
SIROCKI of Scarborough

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-272)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-272).**

Reports **READ.**

Senator **CRAVEN** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-272)** 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 Craven.

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, this is, again, an early childhood support bill. It's more technical than it is anything else. Often, when the department makes a mistake, for example, of checking the eligibility of families who receive vouchers for their childcare, they are immediately cut off and are not given an opportunity to make sure that they can appeal the findings. This bill would require the department to continue paying the subsidy while they were looking to see if the person continues to be eligible, especially if a person is working and they did not have another adult in the house to care for the child while they were working. It has caused people to lose their jobs because they didn't have the childcare subsidy. This is a very very small change. Often the department has to retroactively pay anyways. In order to support people in their work, I would ask you to vote in favor of this change. Thank you.

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

Senator **HAMPER:** Thank you Mr. President. There seems to be a little bit of duel this morning, Mr. President. Ladies and gentlemen of the Senate, L.D. 828 would remove deadlines that are statutory or in rules with the department at this time. When a family is going to be losing the childcare subsidy the department notifies the family in three different ways and three different deadlines are extended, plus the department has the ability to give a little extra time on top of that. This bill, as it is written, would be the Majority Report and removes all deadlines and makes things quite indefinite. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Craven to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (H-272) 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 (#138)

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

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

ABSENT: Senator: BURNS

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-272)** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-272) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Patient-directed Care at the End of Life"

H.P. 758 L.D. 1065

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

Signed:

Senators:

CRAVEN of Androscoggin
HAMPER of Oxford
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
MALABY of Hancock
McELWEE of Caribou
PRINGLE of Windham
SANDERSON of Chelsea
SIROCKI of Scarborough

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

Signed:

Representative:

STUCKEY of Portland

(Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Minority **Ought To Pass** Report.)

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow a Junior Hunter To Take One Antlerless Deer without an Antlerless Deer Permit"
H.P. 83 L.D. 101

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-263)**.

Signed:

Senators:

DUTREMBLE of York
BURNS of Washington
HASKELL of Cumberland

Representatives:

SHAW of Standish
BRIGGS of Mexico
CRAFTS of Lisbon
DAVIS of Sangerville
EVANGELOS of Friendship
MARKS of Pittston
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:

Representatives:

ESPLING of New Gloucester
KUSIAK of Fairfield

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-263)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-263) **READ** and **ADOPTED**, in concurrence.

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

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Prevent the Reduction in Adoption Subsidy after an Agreement Has Been Signed by the Prospective Adoptive Parents and the Department of Health and Human Services" (EMERGENCY)
H.P. 761 L.D. 1068

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-276)**.

Signed:

Senators:

VALENTINO of York
BURNS of Washington
TUTTLE of York

Representatives:

BEAULIEU of Auburn
CROCKETT of Bethel
DeCHANT of Bath
GUERIN of Glenburn
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:

Representative:

PRIEST of Brunswick

(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-276)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-276) **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

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Provide Flexibility in the State Prevailing Wage and Benefit Rates"

H.P. 762 L.D. 1069

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-131)**.

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

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-131) AS AMENDED BY HOUSE AMENDMENT "A" (H-252)** thereto.

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, **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 **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect Earned Pay"

H.P. 842 L.D. 1198

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-256)**.

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

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-256)**.

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 in opposition to the report that has been presented. This is legislation, Mr. President, that was addressed in the prior session and I believe that it was clear in the discussion that it's a matter of fairness to come before you today with this report clearly divided because there were some members who felt that we had had adequate opportunity to

address this previously. I ask the members of the Body to follow my light and reject this report. Thank you, Mr. President.

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, vacation pay, under Maine law, is treated as wages earned. These wages are earned prior to a worker being laid off. Vacation pay is pay that workers earn before getting laid off and people have already earned their vacation pay. It belongs to them. These prior earnings should not delay their jobless benefits. It is arbitrarily unfair and, I think, discriminatory in some respects that laid off workers are treated differently depending on whether they used their vacation or not. Can you imagine two people who work together. One likes to ice fish and he takes three weeks of vacation every winter and uses his vacation then. The other one works every day of the year and saves his vacations and accumulates his vacation time. Let say he's probably accumulated about eight weeks. If both people get laid off, under current law, one worker can collect unemployment one week after his waiting period. The other wouldn't be able to collect his wages until four weeks after his waiting period. In my plant this actually happened to me. My coworker took his vacation. We both are senior employees. He takes his pay January 1st, or January 2nd actually because it's a holiday January 1st, and takes it to have the money to put in a bank and see if he can earn .75% to .5% so when he does go on vacation he'll have that little extra. People like myself like to wait and make sure that I have it if I have an opportunity to spend three or four weeks later on after vacation season is over. If we both get laid off I take a pounding and he's off scot-free. To me, it just doesn't make any sense.

People who get laid off are in a tough spot. Many of them face the very challenging task of surviving on unemployment insurance. The average weekly benefit in Maine is just a little bit more than \$270 a week, before taxes. Laid off workers know this is likely not enough to pay all their bills, just as they know that if they have banked vacation time built up that is not enough to pay the bills for very long. Laid off workers are looking for the security of an unemployment check when they are laid off they can maintain an economic baseline while they get back on their feet. We shouldn't be delaying that unemployment benefit for people. We did take this bill up two years ago. The idea of what they were trying to do before is to make sure that all weeks were covered so that you'd have to lose your whole vacation. I actually earned my vacations for 2013 in 2012. Monies I've already earned. If I get laid off in 2013 I'm going to have to use two of my weeks of vacation to pay off my unemployment so I can extend my unemployment later on down the road. If you are going to get 26 weeks unemployment you are going to get 26 weeks unemployment whether or not you are forced to take your vacation or not. To me, it just doesn't make any sense, Mr. President, that we would penalize one and not the other. I would ask you to support the motion of the Ought to Pass as Amended. 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 (#139)

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

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

ABSENT: Senator: BURNS

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **PATRICK** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED.**

READ ONCE.

Committee Amendment "A" (H-256) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Allow 2 Eligible Organizations To Jointly Hold a Game of Beano or Bingo"

H.P. 126 L.D. 151

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-266).**

Signed:

Senators:
TUTTLE of York
MASON of Androscoggin

Representatives:

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

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

Signed:

Senator:

PATRICK of Oxford

Representative:

JOHNSON of Eddington

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-266)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-266) **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 As Amended

Senator **BOYLE** for the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Exempt Farmers from Certain Oversight in Shoreland Areas"
S.P. 231 L.D. 641

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-164)**.

Report **READ**.

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

Senator **GRATWICK** for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Relating to Orally Administered Cancer Therapy"

S.P. 217 L.D. 627

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-160)**.

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

READ ONCE.

Committee Amendment "A" (S-160) **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 **PATRICK** for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Allow Collaborative Practice Agreements between Authorized Practitioners and Pharmacists"

S.P. 395 L.D. 1134

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-161)**.

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

READ ONCE.

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

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

Ordered sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Repeal the Law Allowing Concealed Weapons in State Parks with Certain Exceptions"
S.P. 410 L.D. 1173

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

Signed:

Senator:

PLUMMER of Cumberland

Representatives:

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

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

Signed:

Senators:

GERZOFISKY of Cumberland
DUTREMBLE of York

Representatives:

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

Reports **READ.**

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Amend the Law Pertaining to Defective or Unreasonably Dangerous Goods"

S.P. 462 L.D. 1331

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-163).**

Signed:

Senators:

VALENTINO of York
TUTTLE of York

Representatives:

PRIEST of Brunswick
DeCHANT of Bath
MONAGHAN-DERRIG of Cape Elizabeth
MOONEN of Portland
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

Representatives:

BEAULIEU of Auburn
CROCKETT of Bethel
GUERIN of Glenburn
PEAVEY HASKELL of Milford

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

Reports **READ.**

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

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

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Require the Membership of the State Workforce Investment Board To Include Representatives of the Local Workforce Investment Boards"

S.P. 535 L.D. 1451

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-162).**

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

Reports **READ.**

Senator **PATRICK** of Oxford 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.

ENACTORS

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

Emergency Measure

An Act To Create an Open Enrollment Period Consistent with Federal Regulations for Health Insurance Exchanges
 H.P. 563 L.D. 812
 (C "A" H-240)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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 Amend the Laws Governing Weight Tolerance for Certain Vehicles
 H.P. 1065 L.D. 1484
 (S "A" S-120)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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, Directing the Department of Education To Examine School Security
 H.P. 629 L.D. 905
 (C "A" H-227)

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

Acts

An Act Criminalizing Trafficking in Contraband in State Hospitals Serving Adults

S.P. 87 L.D. 251
 (C "A" S-124)

An Act To Protect Newborns Exposed to Drugs or Alcohol
 H.P. 194 L.D. 257
 (C "A" H-234)

An Act To Increase Patient Choice in Health Care Facilities and Health Care Settings

S.P. 179 L.D. 447
 (C "A" S-122)

An Act Regarding Timber Harvesting on Land Managed by the Division of Parks and Public Lands

S.P. 184 L.D. 491

An Act To Enable Municipalities To Establish Business Development Loan Programs Using Municipally Raised or Appropriated Money

H.P. 405 L.D. 586
 (C "A" H-229)

An Act To Make Records of External Review Proceedings Overseen by the Bureau of Insurance Confidential

S.P. 239 L.D. 648
 (C "A" S-113)

An Act To Examine Fees Charged by Municipalities Concerning Outdoor-related Activities

H.P. 608 L.D. 857
 (C "A" H-224)

An Act To Streamline, Amend and Clarify Certain Professional and Occupational Licensing Statutes

S.P. 292 L.D. 867
 (C "A" S-115)

An Act Regarding the Disclosure of Certain Records in Criminal Matters

H.P. 623 L.D. 900

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
 (C "A" S-110)

An Act To Provide for and Recognize the Right of the Houlton Band of Maliseet Indians To Fish for Marine Organisms

H.P. 666 L.D. 953
 (C "A" H-225)

An Act To Improve Efficiency in the Collection of Beverage Containers

S.P. 362 L.D. 1080
 (C "A" S-116)

An Act To Clarify the Criteria of the Health Professions Loan Program as It Affects Physicians Practicing Neurology-psychiatry
S.P. 375 L.D. 1093
(C "A" S-119)

An Act To Amend the Motor Fuel Distribution and Sales Act
S.P. 479 L.D. 1360

An Act To Clarify the Permitted Use of Aquatic Pesticides
S.P. 516 L.D. 1430

An Act To Repeal Certain Maine Criminal Code Provisions Addressing So-called Bath Salts Containing Synthetic Hallucinogenic Drugs and Instead To Define Them as Schedule W Drugs
H.P. 1033 L.D. 1439

An Act To Amend the Laws Pertaining to Employee Health Insurance
H.P. 1072 L.D. 1495

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 Join in a Prohibition on Motor Fuel Containing Corn-based Ethanol

H.P. 97 L.D. 115
(S "A" S-105)

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 (#140)

YEAS: Senators: BOYLE, 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

ABSENT: Senator: BURNS

This being an Emergency Measure and having received the affirmative vote of 34 members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act To Improve Insurance Coverage for First Responders
S.P. 71 L.D. 235
(C "A" S-76)

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

An Act Concerning the Collection of Sales Tax by Any Businesses Making Sales to Persons in Maine
H.P. 251 L.D. 346
(C "A" H-194; S "A" S-118)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#141)

YEAS: Senators: BOYLE, 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

ABSENT: Senator: BURNS

This being an Emergency Measure and having received the affirmative vote of 34 members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act To Improve Access to Career and Technical Schools
H.P. 487 L.D. 715
(C "A" H-223)

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

An Act To Improve the Accuracy of Fuel Tax Reporting
S.P. 341 L.D. 996
(C "A" S-109)

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

An Act To Address Human Trafficking, Sex Trafficking and Prostitution
H.P. 824 L.D. 1159

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

An Act To Enhance Efforts To Use Locally Produced Food in Schools
H.P. 829 L.D. 1185
(C "A" H-233)

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

An Act To Promote and Expand Awareness of the Educational Opportunity Tax Credit
H.P. 926 L.D. 1300
(C "A" H-238)

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

An Act To Increase Mileage Reimbursement and Compensation for Jurors
H.P. 1012 L.D. 1424
(C "A" H-232)

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

Resolves

Resolve, Directing the Commissioner of Professional and Financial Regulation To Convene a Working Group To Consider Reforms of the Practices of the Nursing Home Administrators Licensing Board

H.P. 374 L.D. 555
(C "A" H-241)

Resolve, To Review and Amend the Rules Regarding Hospital Charity Care Guidelines

H.P. 429 L.D. 610
(C "A" H-236)

Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Recreational Therapists

S.P. 443 L.D. 1281
(C "A" S-117)

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

Senate at Ease.

Senate called to order by the President.

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 (5/16/13) matter:

JOINT RESOLUTION - Affirming the Friendship Between the State of Maine and the Republic of China
H.P. 943

Tabled - May 16, 2013, by Senator **JACKSON** of Aroostook

Pending - **ADOPTION**, in **NON-CONCURRENCE**

(In House, May 15, 2013, **READ** and **ADOPTED AS AMENDED BY HOUSE AMENDMENT "B" (H-154).**)

(In Senate, May 16, 2013, **READ.**)

ADOPTED, in **NON-CONCURRENCE.**

On motion by Senator **GOODALL** of Sagadahoc, the Senate **RECONSIDERED** whereby the Joint Order was **ADOPTED**, in **NON-CONCURRENCE.**

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **ADOPTION**, in **NON-CONCURRENCE**

The Chair laid before the Senate the following Tabled and Later Assigned (5/22/13) matter:

HOUSE REPORTS - from 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

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-200)** (5 members)

Tabled - May 22, 2013, by Senator **LACHOWICZ** of Kennebec

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, May 21, 2013, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 22, 2013, Reports **READ**.)

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

The Chair laid before the Senate the following Tabled and Later Assigned (5/30/13) matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Secretary of State, Attorney General and Treasurer of State

S.P. 441 L.D. 1279

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-139)** (9 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - May 30, 2013, by Senator **LACHOWICZ** of Kennebec

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

(In Senate, May 30, 2013, Reports **READ**.)

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 Minority Report of a committee action that I believe was a considerable vote in favor of this motion. This leaves Maine as an outlier again. There is a packet on your desk that was provided that may be of interest to the members. Our state is one of only a handful

that still presents the issue to the Legislature for decision. I think in today's society more and more people are expecting transparency in their government. What I am simply asking for in your consideration is to not support the Minority Report and accept a 9-3 Majority Report that would allow this matter to go before the voters so that they could determine if they feel it's time for Maine to join many of our colleagues, 85% of other states, in having public elections for their Constitutional Officers. 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 did push for the Minority Report. This is something I changed my mind about primarily because this is a Constitutional Amendment. It's a really big deal. I have to say in all the talking I had with people in my district not once did I hear anyone bring up that this was something that needed to be changed. I heard a lot of other things that people want to change, but that's not what's before me at this moment. I also talked to a man fairly recently who came down here. I had never met him. He was a constituent of mine. He came up to me and he whispered to me, "You talk about a lot of things in here that I don't think we need to be talking about. You make a lot of laws. Maybe we don't need them." I thought maybe he was right. Maybe he was right. This guy who just came down from Clinton one day just to see what it is we do here, just to see what it is I do here, thought that maybe we talk about a lot of stuff that doesn't have a lot of bearing in what his life is like every day. A Constitutional Amendment is a big deal. I keep hearing about people who want them, but this has never been the one that I've heard. I urge you to support the Minority Ought Not to Pass Report. Thank you very much.

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 in opposition to this motion. I had a bill in that dealt with one-third of this popular election. I had a bill in on the Attorney General. I had folks take a look at why we should do that. My rationale before the committee, when my bill went before the committee, was that Attorney General needs to know his or her stuff, so to speak. I've been here with all the elected Attorney Generals. Some, frankly maybe didn't know their stuff. I'm not casting aspersions on any of those folks. The other issue when I put mine in was that we are one of the few states that don't have a Lieutenant Governor. If I had my druthers I'd have a Lieutenant Governor. We have people always in waiting that haven't had any statewide experience. The whole point of putting this bill, and particularly my bill, before the people is that they would have to go out and campaign from one end of the state to the other. We don't have anyone waiting now, running for these offices. We've got the Governorship. I think we need an assistant there or someone who has at least gone statewide. I'm a little surprised that people wouldn't be interested in that, but I understand some of the realities of life around here. Someone asked me whether I had it in for a particular person. The present Attorney General's name came up. I served with her on Judiciary. Great lady. Had nothing to do with her. I know that was kind of a rumor at times. She and I get along. She has a

certain way about her, as we all know, so we get along in her parameters, so to speak. I would ask you to oppose the motion and put this out to the vote of the people so we can be in tune with the other 40 something states that do this statewide.

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 York, Senator Collins.

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, when this bill came before the State and Local Committee, which I'm a member obviously, it was a very strong vote. I believe the committee vote was 10-2 in favor of this action. It came up during the committee proceedings and public hearing that a lot of folks back home, when the committee members were discussing it, that they were surprised, the folks back home were surprised, to find out that we do, in fact, we as the Maine Legislature, elect the Secretary of State, Attorney General, and State Treasurer. They were surprised at that. As time evolved with my many terms here in the Maine Legislature, I'm still astonished at the number of people who still think that this is wrong and that we should be having these folks elected based upon their job qualifications, their ability to do the job, and not just as a simple political favor. These are very important positions. They should be elected. I would strongly suggest to everybody in this Chamber today to vote against the pending motion. Thank you.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'll try to be brief. I haven't supported this in the past and I won't be today. We may be an outlier but I actually like the way the state does it. It's been done like that for as long as I know and probably as long as the Constitution of Maine has been drafted. Quite honestly, I don't think that having high priced elections actually always get you the best person either. I think that both sides of the aisle can say that people get vetted. There are numerous candidates that come up for these positions. People do get vetted. Probably it doesn't get done by everyone in the Legislature, but it certainly does get vetted. I think that in my time we've had good candidates that definitely had the background and the knowledge to do the position. I certainly didn't agree with decisions that I think all of them made at some time or another. Unfortunately, not everyone thinks like me. I just don't like the idea that this is going to get to be a high priced election, that the people that have the most amount of money are probably going to be the ones that get out and are seen more than the other ones. I'm for this motion and I will be supporting it. Thank you.

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

Senator **CUSHING:** Thank you Mr. President. I appreciate your forbearance in allowing me to rise again to speak on this issue. I think there were some very important points that were raised in the discussion here as to why opposing the current motion before

is valid. This is an opportunity, Mr. President, to ask the people of the state of Maine if they think it is time for us to follow our colleagues in over 85% of the other states in giving the citizens an opportunity to speak on this issue. I think if we were concerned about the issue related to spending on elections, and that was how it was accomplished, we might have a different individual sitting in the second floor chair and we might have had different nominees for the recent elections for the Executive Branch. To my understanding, Mr. President, this issue before us today, the Minority Report, does not truly reflect the good work of the committee and I would respectfully ask the clerk to read the report before you call the roll. Thank you, Mr. President.

At the request of Senator **CUSHING** of Penobscot, Reports **READ.**

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

Senator **SHERMAN:** Thank you Mr. President. I won't prolong this. Just two comments. The first one is, in reference to my comments. To my good friend from Allagash, who I've learned to have a great respect for, who is leading the Ag Committee now, the two comments are that we're now in a more complicated world. When you talk about going back to the nostalgia times, we're in a more complicated world. Just think of the number of lawsuits that have been involved with the Attorney General involved. That's point number one. It's rather complicated. Number two, if we went back to the past, if I remember it correctly, I was actually doing other work other than here. They didn't used to have a second session in this house. Years ago something called the Executive Council. If you wanted to make adjustments to the budget we could let the Executive Council come back and do that. We wouldn't have to come back here in January. Thank you very much.

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues of the Senate, I was a candidate for a Constitutional Office. I don't know how many of the folks here ever were, but I thought I'd give that a shot at one point in time. I was not successful, obviously. I want you to think about what it would have been like for somebody to have been attempting to become one of the Constitutional Officers and exactly what that path is. I did it because I truly thought I would be in a good position to be able to manage that and I thought that it would be a service to my community and to my state. I am concerned here when the good Senator from York mentioned the fact that people were surprised that we were not popularly elected to become a Constitutional Officer. I think the reason that people are surprised by that is we have not had a problem. We have not had a problem with the folks who have been serving in our Constitutional Offices. Did we disagree ever with what any of them did? Perhaps, but it just has not made the news. It has not been an issue around the state about who are our Constitutional Officers. What if I was deciding that I wanted to run for higher office, let's say I had ambitions to sit on a different floor than I am now? I could think of no better way to find out how my polling would be than if I set out to run for Constitutional Office. Whether or not I was qualified might be secondary in my thinking. Perhaps I'd just like to see how I'd poll,

how an election would go. That, frankly, is my concern about electing our Constitutional Officers. I'm going to be supporting this Minority Report. I think, indeed, here what we have is a solution looking for a problem, which we do not have. Thank you.

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

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, I rise in support of the Minority Ought Not to Pass because I do agree that this is a solution in search of a problem. I also don't buy into the fact that we need more statewide races to make politics in Maine better. Maine politics are pretty great because you can go from being a millworker to a Congressman. You can go from being a teacher to being the State Treasurer. You can go from being a Mayor to being the Chief Executive. You don't have to run time and time and time and time again at the statewide level in order to make a difference, to take that leap, and to be a leader for the state of Maine. We don't need more statewide elections with lots more campaign finance to improve Maine politics. Right now, because of Maine, because of the way we are, because of communities that we live in, we're elected because we reach out. We're elected because we make a difference, because we are leaders. To add more statewide elections when we're already seeing the statewide elections we have in place grow and multiply and grow and multiply time and time again will only put us closer to states that we mock, who have lots of statewide contested elections that get very nasty. I think right now we don't have a problem. I think the officers we have in place are goods and the ones we've had in the past are good. We don't have a problem that needs fixing. Most of all, I don't want to change the nature of Maine politics. You can go from being, well there are so many of us and we do so many things, a small business owner and you can become the State Auditor. You can become the Attorney General after being a defense attorney or working anywhere in the state of Maine. You have a lot of opportunities in front of you and good people end up in these positions. We don't need to fix this problem that we don't have. Thank you, 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, what are we afraid of? Let's put this out to the voters for these three Constitutional Officers. Let the best qualified person win the election with all the confidence of the people of Maine behind their election. We all go through elections here in the Maine Legislature. Usually the best person wins. I think the same should be applied to the Constitutional Officers. Very important positions here in state government. Sometimes I equate state government and the Maine Legislature to my business background. I was a food broker years ago. I always surrounded myself with the best and brightest I could afford. They always made me look good. I think we should do the same thing with our Constitutional Officers. We should be electing the best qualified person, man or woman, to hold those positions, to help us here in the state of Maine, and guide us on the right path. These Constitutional Officers are vitally important to the progress of Maine and the economy of Maine. They could bring to the table a lot more than I think what is present today and what I've witnessed in past sessions. Ladies and gentlemen, I

repeat my first appeal. Vote against the pending motion. Thank you.

THE PRESIDENT: The Senator from Aroostook, Senator Sherman, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **SHERMAN:** Thank you Mr. President. I am asking for a point of information, if I may. I'm struck by the good Senator from Penobscot with the list of people who run here and there. I could make an inquiry about that, but I won't. Does anyone have a list of Attorney Generals that were Republican when there was a Democrat majority? It would seem to me that when the Democrats get majority or Republicans get majority that becomes a Republican Attorney General. It has never been a cross pollination, so to speak. That's an interesting dilemma that you have to deal with.

THE PRESIDENT: The Senator from Aroostook, Senator Sherman poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Cain.

Senator **CAIN:** Thank you Mr. President. I believe there is at least one example in recent history where the longest serving Attorney General in the state of Maine, James Tierney, served for approximately a decade and overlapped with Governors of different parties. Thank you, Mr. President.

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

Senator **TUTTLE:** Thank you Mr. President. I think there was also a Secretary of State by the name of Rodney Quinn that was also in that situation.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#142)

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

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

ABSENT: Senator: BURNS

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 NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Increase Public Awareness Regarding School Budget Elections"
H.P. 258 L.D. 383

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-253)** (3 members)

Tabled - May 31, 2013, by Senator **MILLETT** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, May 30, 2013, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(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. Men and women of the Senate, just a brief introduction to this bill. I would urge you to oppose it. This bill just would include a statement at the polls. It would require, in the already required listing, that it would indicate the percentage of increase or decrease in the school budget over the previous year just as a point of information for voters. Thank you.

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

Senator **MILLETT:** Thank you Mr. President. Members of the Senate, the Majority Ought Not to Pass is a bipartisan report. The reasons this include testimony from the Maine Town and City Clerk's Association citing concerns with lack of adequate time to print absentee ballots with specific budget information. Under 20A MRSA 1486, 3C, "Absentee ballots must be delivered to the municipal clerk no later than a day after the date of the regional school unit budget meeting." Many local school budget meetings finish late in the evening and printing overnight would be challenging, to say the least. The Maine Municipal Association testified with similar concerns and added that it is their belief that

the printed ballot question should be as content neutral as possible. Thus, if the change between the current year and the prior year budget must be embedded in the budget question, as this bill and the Minority Amendment would require, the information explaining the variance would need to similarly be reported. That could be problematic and cumbersome. A great deal of testimony was provided by supporters, presenting low turn-out figures for local referendums. This bill does nothing to address voter turn-out. The committee also heard testimony about concerns regarding the posting of ballot information in polling locations. The committee asked the Maine Town and City Clerk's Association to survey its members about the posting of printed information at polling places. The results did not reflect any serious systemic problems and the committee felt that the survey process served to remind the state's clerks about the importance of posting materials in accessible and prominent locations. As such, and given the testimony, the bipartisan majority vote was Ought Not to Pass. I urge you to support the Majority Report. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Millett 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 (#143)

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

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

ABSENT: Senator: BURNS

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **MILLETT** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Protect Charter Schools by Requiring Them To Be Operated as Nonprofit Organizations"
H.P. 463 L.D. 671

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-245)** (8 members)

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

Tabled - May 31, 2013, by Senator **MILLETT** of Cumberland

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

(In House, May 30, 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-245)**.)

(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. Men and women of the Senate, I rise to oppose the pending motion. We have a Charter Commission in place, tasked to review all of the RFPs for incoming charter schools. They have done a really tremendous job up to this point. They follow a stringent set of guidelines. They have denied more than they have let in. I believe we should let the commission do its work before we try to micromanage the process. Thank you.

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

Senator **MILLETT:** Thank you Mr. President. Members of the Senate, the 125th Legislature wisely introduced charter schools into Maine in a cautious and reasonable fashion by instituting a cap of ten schools in ten years. This allows the Charter Commission to be careful and approve only those applications that reflect a strong curriculum that fits the needs of Maine students. The law, however, while requiring applicants to be nonprofit, allows these applicants to contract with for-profit educational service providers, or ESPs, to run the schools. This is not in the best interest of our children. Nationally the performance of these ESPs has been poor, to say the least. Ohio, Georgia, Florida, Oregon, and California, all states that allow for-profit charter schools have filed lawsuits against these corporations for a wide range of misconduct. Worse yet, they have done a dismal job of educating students. A 2012 National Education Policy Center study found that only 48% of the for-profit charter schools met federal yearly progress standards while 56% of nonprofit charter schools met the benchmarks. John Morley in the Yale Law Journal writes that nonprofits minimize the unusually high agency costs that characterize the relationship between charter operators, parents, regulators, and donors, whereas for-profits only survive through economies of scale which we all understand is not suited to deal with the intricacies of student learning.

Make no mistake, for-profit charter schools is a booming business. Hedge fund managers and Wall Street banks have

both discovered "windfall profits" as a result of the 39% new markets tax credit created by the American Recovery and Investment Tax Act of 2009 to fund new charter school construction. According to a report in 2010 a lender who uses it can double its money in seven years. Imagine Schools, one of the nation's charter school management companies, is notable not as much for its academic results as for its real estate plays. After receiving approval to open up schools in a state its real estate company will buy a campus and has the school pay rent. When the school pays rent the real estate company sells the campus to a real estate investment trust, which then leases the campus back to the school. The school eventually sends rent payments to two companies, sometimes as high as 40% of the publically funded budget, which leaves the school struggling to pay for things like textbooks. Meanwhile, the tiered lease system offers a 10% return on investment for owners and investors of the companies. This bill will make sure that decisions made by charter school operators are made in the best interest of the students. This bill eliminates the drive to reduce educational programs to their least common denominator and, thus, achieve economies of scale. This bill will prevent predators from using public funds to profit on real estate tricks in Maine. This bill will assure that the focus is where it should be, on educating our students. I urge you to support the Majority Report.

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 because I just think this is one of those issues that is so important and often one that probably isn't necessarily anticipated by many of our constituents back home. One would just assume that the education of our young, our children, is done in a non-profit public way. Entities that are private, and they should be, are run for the return to the investor, for the shareholder. We have seen great success in our economy in our country ever since the founding due to capitalism. At times the country has been very consistent that there are some things that should stay outside the realm of for-profit entities. In my opinion, and I think many people's opinions, I believe the residents of Maine would say strongly that they believe that we ought to be focusing every dollar, every single dollar, on our children, on their education, and none of those dollars, not one, should be sent to someone in terms of their bottom line for profit. It's a real clear decision. Are we going to be investing every single dollar, every single public dollar, into public education and into children or, no matter how you slice and dice it, some of our public dollars will be sent to the bottom line to returns on shareholders investments? That's what we're voting on, folks. I would encourage you to support the Majority Ought to Pass Report.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, to me, and I know to many of my constituents, education is the most important service we provide in the state for the future of the state of Maine and for our children as they become young adults. As far as I'm concerned, the only return on investment we should be getting out of our school system is what they gain in education, what they gain in skills to

be effective adults, to be good citizens, and to move this state forward. By no means should we be allowing someone to profit at the expense of the quality and the capability of the education system that we put public dollars into. The beneficiaries should be our children. Thank you.

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 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 (#144)

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

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

ABSENT: Senator: BURNS

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **MILLETT** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-245) **READ** and **ADOPTED**, in concurrence.

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

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

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Further Ensure Effective Teaching and School Leadership"

H.P. 809 L.D. 1144

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-254)** (8 members)

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

Tabled - May 31, 2013, by Senator **MILLETT** of Cumberland

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

(In House, May 30, 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-254)**.)

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

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 Hancock, Senator Langley.

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, I rise in opposition to this bill. In essence, it really isn't needed at this time. It seeks to amend legislation that really hasn't been fully implemented yet. Teacher effectiveness rules and legislation potentially creates a conflict with the state getting an ESA waiver. Lastly, the Educator Effectiveness Council will be making recommendations to the Education Committee regarding the teacher programs that are in higher institutions of education. At this time this piece of legislation is just not needed. Thank you.

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

Senator **MILLETT:** Thank you Mr. President. Ladies and gentlemen of the Senate, the 125th Legislature enacted L.D. 1376, An Act to Ensure Effective Teaching and School Leadership, which establishes state guidelines for teacher and principal evaluation. Everyone agrees that more effective teaching and school leadership is in Maine the better learning experience our children will have in school. The law further directs the Commissioner of Education to calculate the amount of funds available to assist districts with developing and implementing the systems. Setting guidelines for evaluations will do little good if districts do not have the resources to implement them or could even do harm if schools must forego investments in books, technology, or teacher development programs in order to implement these guidelines. In understanding this challenge, but also our state's current fiscal status, the bill presently before us, L.D. 1144, An Act to Further Ensure Effective Teaching and School Leadership, simply states that should funds become available grants will be made to each school administrative unit equal to one tenth of one percent of the school administrative unit's total cost of education, thus ensuring consistency across school districts as this initiative is undertaken across Maine. This Body will be receiving a Majority Report from the Education and Cultural Affairs Committee in regards to implementing this initiative.

Finally, the bill requires appropriate qualifications in training protocols to ensure school administrative units employ qualified evaluators to implement performance evaluations and professional growth plans. It is basic common sense to make sure that evaluators have been trained in the particular model that the school administrative unit is employing to ensure meaningful

and accurate assessments of teacher performance and create consistency between evaluators themselves. An evaluation system lacks credibility if the reviewers are utilizing different benchmarks to arrive at different scores. L.D. 1144 seeks to strengthen the legislation passed in the 125th and to strengthen Maine's teacher effectiveness and school leadership. I urge you to unanimously support this bill. Thank you.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen, I rise to reinforce one of the things that the good Senator before me stated about the rating of teachers and the systems whereby that is done. This is actually extremely important. Tony Wagner, in writing about education and what was working and what wasn't in terms of introducing stronger education and more effective systems that would be put into place, ended up including, and I simplify somewhat because it's a whole book, that his major point was that the best way to improve education was to improve the skills of the teaching staff and what was most important in doing that is that you have a consistent and trustworthy evaluative process. You need that inter-rater reliability. You've got to have the faith of the teaching staff, that what they are being told for skills assessment is accurate, is fair, and identifies well what skills most need improving in the school. That's the way that we're going to improve education. Frankly, this is a bill which addresses exactly what we need to do in the state of Maine to improve education. I hope you will support the pending motion.

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 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 (#145)

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

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

ABSENT: Senator: BURNS

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **MILLETT** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-254) **READ** and **ADOPTED**, in concurrence.

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

Senate at Ease.

Senate called to order by the President.

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

An Act To Provide Transparency in Public-private Partnerships for Transportation Projects

H.P. 493 L.D. 721
(C "A" H-212)

Tabled - May 31, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **ENACTMENT**, in concurrence

(In Senate, May 23, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-212)**, in concurrence.)

(In House, May 29, 2013, **PASSED TO BE ENACTED.**)

On motion by Senator **GOODALL** of Sagadahoc, 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 (#146)

YEAS: Senators: BOYLE, 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

ABSENT: Senator: BURNS

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

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

Off Record Remarks

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

On motion by Senator **GOODALL** of Sagadahoc, **RECESSED** until 3:00 in the afternoon.

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 REPORT - from Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Expand Crossbow Hunting"
H.P. 713 L.D. 1015

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-274)**

Tabled - June 3, 2013, by Senator **DUTREMBLE** of York

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

(In House, May 31, 2013, the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-274)**.)

(In Senate, June 3, 2013, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-274) **READ** and **ADOPTED**, in concurrence.

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

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

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Provide Flexibility in the State Prevailing Wage and Benefit Rates"

H.P. 762 L.D. 1069

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-131)** (8 members)

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

Tabled - June 3, 2013, by Senator **PATRICK** of Oxford

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

(In House, May 31, 2012, 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-131) AS AMENDED BY HOUSE AMENDMENT "A" (H-252)** thereto.)

(In Senate, June 3, 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 (#147)

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

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

ABSENT: Senator: BURNS

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **PATRICK** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-131) **READ**.

House Amendment "A" (H-252) to Committee Amendment "A" (H-131) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-131) as Amended by House Amendment "A" (H-252) thereto, **ADOPTED**, in concurrence.

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

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

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Repeal the Law Allowing Concealed Weapons in State Parks with Certain Exceptions"

S.P. 410 L.D. 1173

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

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

Tabled - June 3, 2013, by Senator **GERZOFISKY** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 3, 2013, Reports **READ**.)

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

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Require the Membership of the State Workforce Investment Board To Include Representatives of the Local Workforce Investment Boards"

S.P. 535 L.D. 1451

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-162)** (7 members)

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

Tabled - June 3, 2013, by Senator **PATRICK** of Oxford

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

(In Senate, June 3, 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 (#148)

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

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

ABSENT: Senator: BURNS

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **PATRICK** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-162) **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 Today Assigned matter:

An Act To Improve the Accuracy of Fuel Tax Reporting
S.P. 341 L.D. 996
(C "A" S-109)

Tabled - June 3, 2013, by Senator **KATZ** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, May 22, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY** Committee Amendment "A" (S-109).)

(In House, May 31, 2013, **PASSED TO BE ENACTED**.)

On motion by Senator **MAZUREK** of Knox, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

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

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Include a Representative of the Aroostook Band of Micmacs in the House of Representatives"
H.P. 40 L.D. 45

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-141)** (12 members)

Minority - **Ought Not to Pass** (1 member)

Tabled - May 14, 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, May 9, 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-141)**.)

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

On motion by Senator **VALENTINO** of York, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

JOINT RESOLUTION - Affirming the Friendship Between the State of Maine and the Republic of China
H.P. 943

Tabled - June 3, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **ADOPTION**, in **NON-CONCURRENCE**

(In House, May 15, 2013, **READ** and **ADOPTED AS AMENDED BY HOUSE AMENDMENT "B" (H-154)**.)

(In Senate, June 3, 2013, **ADOPTED**, in **NON-CONCURRENCE**. On motion by Senator **GOODALL** of Sagadahoc, **RECONSIDERED**.)

House Amendment "B" (H-154) **READ** and **ADOPTED**, in concurrence.

ADOPTED AS AMENDED BY HOUSE AMENDMENT "B" (H-154), in concurrence.

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

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Require Firearms Used in the Commission of Certain Acts To Be Civilly Forfeited to the State and Destroyed"
H.P. 497 L.D. 724

Majority - **Ought to Pass** (11 members)

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

Tabled - May 20, 2013, by Senator **GERZOFISKY** of Cumberland

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

(In House, May 16, 2013, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-183)**.)

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

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

READ ONCE.

House Amendment "A" (H-183) **READ**.

Senator **GERZOFISKY** of Cumberland moved to **INDEFINITELY POSTPONE** House Amendment "A" (H-183), 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 PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Plummer.

Senator **PLUMMER:** Thank you Mr. President. Men and women of the Senate, I rise to oppose the Indefinite Postponement of House Amendment "A". House Amendment "A" allows the rightful owners of a firearm that has been used in the commission of certain crimes to exercise their right to ownership of that firearm. I believe I was the sponsor of the bill initially for the State Police. As I looked into it, I discovered that firearms, even very valuable firearms, \$5,000 or \$10,000 firearms, would, in fact, be required to be destroyed under the initial bill. The House Amendment that we're debating would correct that situation and allow the estate, if they want to, to register their claim for that firearm. If, in fact, the firearm was used in a suicide or a murder they could then request that the State Police keep it, they don't want to see it, and it could be destroyed. I believe that people

who own the firearm, or have rightful ownership to that firearm, should, in fact, be able to determine its final outcome. 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, we've had this issue in front of the committee several times. The victims have always come in and talked to us. Handguns get destroyed now. Rifles get auctioned off. This bill would correct that. Nobody, and I mean nobody, should keep the weapon that somebody else used to murder somebody. That weapon should be destroyed for the victim's sake, for the families of the victims, and for the people that are so impacted by this atrocious crime. I see no earthly reason why you wouldn't want to do that. Currently, if the gun is stolen from you and used in a crime, you have the opportunity to retrieve your property. If it was your gun, and you was killed or committed suicide, that gun shouldn't go to your estate. That gun should be destroyed. I would hope that people on both sides of the aisle would take the side of victims, the people that are most impacted by this. The people that are going to live with it for the rest of their lives should know that tool that was used to take their family member's life is going to be destroyed. It's not going to be put on a wall. This was the gun that did such a crime. This gun should be destroyed. It was a bad tool. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Gerzofsky to Indefinitely Postpone House Amendment "A" (H-183), 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 (#149)

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

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

ABSENT: Senator: BURNS

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **GERZOFSKY** of Cumberland to **INDEFINITELY POSTPONE** House Amendment "A" (H-183), in **NON-CONCURRENCE, PREVAILED.**

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 pending question before the Senate is the motion Passage to be Engrossed, 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 (#150)

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

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

ABSENT: Senator: BURNS

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the Bill was **PASSED TO BE ENGROSSED, in NON-CONCURRENCE.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/22/13) matter:

HOUSE REPORTS - from 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

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-206)** (2 members)

Tabled - May 22, 2013, by Senator **VALENTINO** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 21, 2013, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 22, 2013, Reports **READ**.)

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

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

The Chair laid before the Senate the following Tabled and Later Assigned (5/29/13) matter:

JOINT ORDER - To Report Out a Bill Regarding Energy Policy
S.P. 594

Tabled - May 29, 2013, by Senator **GOODALL** of Sagadahoc

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

(In Senate, May 29, 2013, on motion by Senator **CLEVELAND** of Androscoggin, **READ**.)

On motion by Senator **JACKSON** of Aroostook, the Joint Order **INDEFINITELY POSTPONED**.

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 Reduce the Licensing Fee for Certain Tournament Games"

S.P. 125 L.D. 329

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-155)** (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 **TUTTLE** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-155) **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.

Senate at Ease.

Senate called to order by the President.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator JACKSON for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Relating to the Unlawful Cutting of Trees"

S.P. 26 L.D. 59

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-175)**.

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

READ ONCE.

Committee Amendment "A" (S-175) **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 JACKSON for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Ensure the Continuation of Dairy Farming"

S.P. 148 L.D. 368

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-170)**.

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

READ ONCE.

Committee Amendment "A" (S-170) **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 JACKSON for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Provide Assistance to Maine's Dairy Farms"

S.P. 256 L.D. 707

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-168)**.

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

READ ONCE.

Committee Amendment "A" (S-168) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Senator MILLETT for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Ensure the Continued Accessibility and Affordability of a High School Equivalency Exam for Maine Residents (EMERGENCY)

S.P. 174 L.D. 442

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-172)**.

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

READ ONCE.

Committee Amendment "A" (S-172) **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 DUTREMBLE for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Expand Moose Hunting Opportunities"

S.P. 66 L.D. 177

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-167)**.

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

READ ONCE.

Committee Amendment "A" (S-167) **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 DUTREMBLE for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Strengthen Maine's Wildlife Laws"

S.P. 423 L.D. 1225

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-173)**.

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

READ ONCE.

Committee Amendment "A" (S-173) **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 LACHOWICZ for the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Sale of the Guy P. Gannett House in Augusta to a Nonprofit Organization for Use as a Museum

S.P. 485 L.D. 1378

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-174)**.

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

READ ONCE.

Committee Amendment "A" (S-174) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Senator TUTTLE for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Improve Laws Governing Financial Disclosure by Legislators and Certain Public Employees and Public Access to Information Disclosed"

S.P. 346 L.D. 1001

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-166)**.

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

READ ONCE.

Committee Amendment "A" (S-166) **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.

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 **JUDICIARY** on Bill "Joint Resolution Memorializing The President Of The United States And The Congress Of The United States To Provide To The Houlton Band Of Maliseet Indians Just And Equitable Compensation Comparable To The Settlement Provided To The Penobscot Nation And The Passamaquoddy Tribe"

H.P. 963

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

Signed:

Senators:

VALENTINO of York
TUTTLE of York
BURNS of Washington

Representatives:

PRIEST of Brunswick
BEAULIEU of Auburn
DeCHANT of Bath
GUERIN of Glenburn
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 To Pass as Amended by Committee Amendment "A" (H-278)**.

Signed:

Representative:

CROCKETT of Bethel

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

Reports **READ**.

On motion by Senator **VALENTINO** of York, the Joint Resolution and accompanying papers **INDEFINITELY POSTPONED**, in 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 **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Regarding Legislative Review of Portions of Chapter 27: Standards for Pesticide Applications and Public Notification in Schools, a Major Substantive Rule of the Board of Pesticides Control (EMERGENCY)

H.P. 26 L.D. 33

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-308)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-308)**.

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

READ ONCE.

Committee Amendment "A" (H-308) **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 **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Enhance the Development and Implementation of Integrated Pest Management Programs"

H.P. 627 L.D. 903

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-291)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-291)**.

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

READ ONCE.

Committee Amendment "A" (H-291) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Facilitate the Use of Electronic Monitoring To Prevent Domestic Violence"

H.P. 593 L.D. 842

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-296)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-296)**.

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

READ ONCE.

Committee Amendment "A" (H-296) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing Mental Responsibility for Criminal Conduct"

H.P. 1022 L.D. 1433

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-297)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-297)**.

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

READ ONCE.

Committee Amendment "A" (H-297) **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 **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act Regarding Working Waterfront Projects"

H.P. 320 L.D. 470

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-302)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-302)**.

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

READ ONCE.

Committee Amendment "A" (H-302) **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 **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Encourage Financing of Manufactured Housing for the Workforce"

H.P. 847 L.D. 1203

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-298)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-298)**.

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

READ ONCE.

Committee Amendment "A" (H-298) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the State Government Evaluation Act"

H.P. 805 L.D. 1140

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-309)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-309)**.

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

READ ONCE.

Committee Amendment "A" (H-309) **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 **TRANSPORTATION** on 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-292)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-292)**.

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

READ ONCE.

Committee Amendment "A" (H-292) **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 **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, Regarding Legislative Review of Portions of Chapter 17: Rules Regarding Proof of Ownership and Recruitment by Employers Employing Foreign Laborers To Operate Logging Equipment, a Major Substantive Rule of the Department of Labor (EMERGENCY)

H.P. 893 L.D. 1259

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-257)**.

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 To Pass**.

Signed:

Senator:

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 Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-257)**.

Reports **READ**.

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

Senator **PATRICK:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, L.D. 1259 is a Resolve and this Resolve provides for the legislative review of portions of Chapter 17, Rules Regarding Proof of Ownership and Recruitment by Employers Employing Foreign Laborers to Operate Logging Equipment. It's a major substantive rule of the Department of Labor. The amendment, which is the Majority Report of the Joint Standing Committee on Labor, Commerce, Research and Economic Development, makes the authorization of the proposed major substantive rule condition on changes made to the rule to clarify that a foreign laborer may use only one type of equipment, for an employer to provide that a foreign laborer may not own any equipment used in the course of the employment directly or indirectly except as to equipment for which there is a prevailing rate established by the United States Department of Labor and to require that a penalty be assessed against the employer of that foreign laborer for a violation of this requirement with the potential prohibition against the employers employing foreign laborers for two years. These changes are intended to improve consistency with federal requirements and to address issues of fraud. Thank you, Mr. President.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I want to rise to put a couple of comments on the record. I passed out a three page document. It's actually a Maine Department of Labor, Bureau of Labor, standard proof of ownership form. It came right out of the

Department of Labor. For this proof of ownership form, it's Jean-Guy Robichaud & Fils Inc. That's a current company that's incorporated in United States, here in Maine. They are asking for the bonded workers to come and run their equipment. If you look on the front of this, Mrs. Robichaud is the President and she is signing the paperwork for this company. On the third page of the document you will see that Jonathan Robichaud, who I am quite sure is Mrs. Robichaud's son, is one of the workers that she's asking to come and run her equipment. What's really striking and unfortunate, and quite possibly fraudulent, about the whole document, is the third worker on there is Jean-Guy Robichaud, who is the owner of Jean-Guy Robichaud & Fils Inc. Mr. Robichaud is incorporated in Maine to bring his equipment into Maine and turning around and hiring himself to run his equipment, which I am sure was not the intent of the H2 Bonded Labor Program. I'm also quite sure that it's not something I certainly want to see, people bringing in their own equipment to do jobs that U.S. contractors are not having the opportunity to do. That's what the amendment does. It makes, I think, consistent with the federal law, that we're asking for workers, not businesses, to come to Maine. I think that all of us here, again being representatives of the people of the state of Maine, want to make sure that Maine businesses are taken care of over Canadian businesses. Thank you very much, ladies and gentlemen of the Senate.

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 (#151)

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

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

ABSENT: Senator: BURNS

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **PATRICK** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-257) **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:

ENACTORS

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

Emergency Measure

An Act Regarding Reconstruction of Residential Structures on Sand Dunes

S.P. 384 L.D. 1102
(C "A" S-132)

Comes From the House, **FAILED ENACTMENT**.

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and signed by the President, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

Acts

An Act To Stabilize Education Funding by Reducing the Impact of Changes in Property Valuation

S.P. 51 L.D. 130
(C "A" S-128)

An Act To Improve the Military Bureau Laws

S.P. 78 L.D. 242
(C "A" S-131)

An Act To Provide Clarity to Priority Chemical Reporting Requirements

S.P. 153 L.D. 373

An Act To Improve Maine's Charter School Laws

S.P. 171 L.D. 439
(C "A" S-127)

An Act To Allow Charter Schools To Request Waivers from Certain Requirements

S.P. 267 L.D. 729
(C "A" S-137)

An Act Regarding the Maine Guaranteed Access Reinsurance Association

S.P. 404 L.D. 1167
(C "A" S-126)

An Act To Clarify the Law Regarding Advertising Signs outside Premises Licensed To Sell Alcohol

S.P. 457 L.D. 1318
(C "A" S-129)

An Act To Increase the Monetary Limit for Card Games

S.P. 474 L.D. 1355
(C "A" S-130)

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

Ordered sent down forthwith.

An Act To Require a Warrant To Obtain the Location Information of a Cell Phone or Other Electronic Device

S.P. 157 L.D. 415
(C "A" S-106)

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

An Act To Amend the Motor Vehicle Laws

S.P. 494 L.D. 1392
(C "A" S-133)

On motion by Senator **MAZUREK** of Knox, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

Resolve

Resolve, Regarding Temporary Campgrounds

S.P. 215 L.D. 625
(C "A" S-134)

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

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Ensure Safe School Grounds"

H.P. 675 L.D. 961

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

Signed:

Senators:

JACKSON of Aroostook
SHERMAN of Aroostook

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-285)**.

Signed:

Senator:

BOYLE of Cumberland

Representatives:

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

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-285)**.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Limit MaineCare Reimbursement for Suboxone and Methadone Treatment"

H.P. 632 L.D. 908

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

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
PRINGLE of Windham
STUCKEY of Portland

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

Signed:

Senator:

HAMPER of Oxford

Representatives:

MALABY of Hancock
McELWEE of Caribou
SANDERSON of Chelsea
SIROCKI of Scarborough

(Representative BEAR of the Houlton Band of Maliseet Indians - 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**.

Senator **CRAVEN** of Androscoggin 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 Craven.

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, today I'm not going to talk about the advantages of people taking their Suboxone or their Methadone to keep their sobriety or to keep their job or to keep their family together. I'm going to talk about this being against the law. The federal government requires that states must cover all FDA approved prescription drugs of manufacturers that have entered into a rebate agreement with the federal government. States can impose restrictions, including prior authorization, and exclude certain drugs, but no provision allows the states to exclude Suboxone or Methadone or even apply a hard cap. The U.S. District Court for Maine ruled that Maine may not exclude coverage for Methadone in its Medicaid plan. If this bill gets passed we are not in compliance with federal law. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Craven 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 (#152)

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

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

ABSENT: Senator: BURNS

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Protect Public Health by Regulating Excessive Wood Smoke as a Nuisance"

H.P. 860 L.D. 1215

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

Signed:

Senator:

HAMPER of Oxford

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
MALABY of Hancock
McELWEE of Caribou
SANDERSON of Chelsea
SIROCKI of Scarborough

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-284)**.

Signed:

WINCHENBACH of Waldoboro

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

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

Reports **READ**.

Representatives:

GATTINE of Westbrook
PRINGLE of Windham
STUCKEY of Portland

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

(Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought Not To Pass** Report.)

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

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

The Doorkeepers secured the Chamber.

Reports **READ**.

The Secretary opened the vote.

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

ROLL CALL (#153)

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

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

ABSENT: Senator: BURNS

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **PATRICK** of Oxford to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Avoid Conflicts of Interest in State Government Labor Relations"

H.P. 1025 L.D. 1436

Reported that the same **Ought Not 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 To Pass as Amended by Committee Amendment "A" (H-287)**.

Signed:

Senator:

CUSHING of Penobscot

Representatives:

DUPREY of Hampden
LOCKMAN of Amherst
VOLK of Scarborough

Senate

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Establish the Livestock Damage Compensation Fund"

S.P. 450 L.D. 1307

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

Signed:

Senator:

SHERMAN of Aroostook

Representatives:

DILL of Old Town
CRAY of Palmyra
JONES of Freedom
KENT of Woolwich
MAREAN of Hollis
TIMBERLAKE of Turner

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-169).**

Signed:

Senators:

JACKSON of Aroostook
BOYLE of Cumberland

Representatives:

BLACK of Wilton
HICKMAN of Winthrop
NOON of Sanford
SAUCIER of Presque Isle

Reports **READ.**

Senator **JACKSON** of Aroostook moved the Senate **ACCEPT** the Minority **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 Minority **OUGHT TO PASS AS AMENDED** Report.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Androscoggin County Charter"

S.P. 366 L.D. 1084

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-153).**

Signed:

Senators:

LACHOWICZ of Kennebec
GERZOFKY of Cumberland
COLLINS of York

Representatives:

GRAHAM of North Yarmouth
BOLAND of Sanford
BOLDUC of Auburn
COTTA of China
MacDONALD of Old Orchard Beach
NADEAU of Fort Kent
NADEAU of Winslow
PEASE of Morrill

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

Signed:

Representatives:
CHENETTE of Saco
HAYES of Buckfield

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (S-153) **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.

Senate at Ease.

Senate called to order by the President.

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.

Off Record Remarks

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

On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED** to Tuesday, June 4, 2013, at 10:00 in the morning.