

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

In Senate Chamber
Friday
June 7, 2013

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

Prayer by Dr. James Haddix, All Souls Congregational Church in
Bangor.

DR. HADDIX: Eternal God, we begin our day with words of
gratitude. Grateful for creation, its wonders and benefits.
Grateful for life and life's blessings. Grateful for this great nation,
for this state, and for our institutions of democracy and freedom
which shine like beacons across dark places of want and despair
and tyranny. We are grateful for the work we are able to do and
for the privilege of gathering in this time and place to make
choices for the future of the people who have elected this Senate
and who have entrusted their welfare in part to this government.
Remind us again that public service is a high calling in our
democracy. Make us all eager to serve the public good and the
highest ideals of our common life. Help all who make our laws
remember who they serve, that they may not be partial to the
poor or defer to the great, but in righteousness judge their
neighbors. Hold us all in service to the sense of justice and
judgment that reaches for the same standards to which we expect
others to attain. Help us be at least as good as we claim to be for
the sake of the hopeful public. Give us a vision of the
commonwealth first seen by those who faithfully served here
before us. Lift the veil of the future to keep before us always the
faces of those precious Your sight, who will be effected
profoundly by the decisions made in this chamber. Grant us a
vision of the far off years, as they may be if redeemed by Your
grace, and let us take heart in our own day to do right, to act with
integrity, to listen with care and openness with those with whom
we disagree, and to sacrifice our own pride for the sake of Your
children and ours. Amen.

Pledge of Allegiance led by Senator Colleen M. Lachowicz of
Kennebec County.

Reading of the Journal of Thursday, June 6, 2013.

Doctor of the day, Noreen Flanagan, MD of Scarborough.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent 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)

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, June 3, 2013, Reports **READ**. On motion by Senator
VALENTINO of York, the Bill and accompanying papers
INDEFINITELY POSTPONED, in NON-CONCURRENCE.

Comes from the House, that Body **INSISTED** and **ASKED FOR A
COMMITTEE OF CONFERENCE**.

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

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **AGRICULTURE,
CONSERVATION AND FORESTRY** on Bill "An Act To Establish
the Livestock Damage Compensation Fund"
S.P. 450 L.D. 1307
(C "A" S-169)

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

Minority - **Ought to Pass as Amended by Committee
Amendment "A" (S-169)** (6 members)

In Senate, June 5, 2013, on motion by Senator **JACKSON** of
Aroostook, the Minority **OUGHT TO PASS AS AMENDED** Report
READ and **ACCEPTED** and the Bill **PASSED TO BE
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT
"A" (S-169)**.

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

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

Non-Concurrent Matter

Bill "An Act To Amend the Laws Governing Mental Responsibility for Criminal Conduct"

H.P. 1022 L.D. 1433
(C "A" H-297)

In Senate, June 3, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-297)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-297) AS AMENDED BY HOUSE AMENDMENT "A" (H-346)** thereto, in **NON-CONCURRENCE**.

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

Joint Resolution

The following Joint Resolution:

H.P. 1129

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES CONGRESS AND THE UNITED STATES TRADE REPRESENTATIVE REGARDING THE USE OF TRADE PROMOTION AUTHORITY IN INTERNATIONAL TRADE POLICY

WE, your Memorialists, the Members of the One Hundred and Twenty-sixth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States, the United States Congress and the United States Trade Representative as follows:

WHEREAS, the State strongly supports international trade when fair rules of trade are in place and seeks to be an active participant in the global economy, and the State seeks to maximize the benefits and minimize any negative effects of international trade; and

WHEREAS, existing trade agreements have effects that extend significantly beyond the bounds of traditional trade matters, such as tariffs and quotas, and can undermine Maine's constitutionally guaranteed authority to protect the public health, safety and welfare and its regulatory authority; and

WHEREAS, a succession of federal trade negotiators from both political parties over the years have failed to operate in a transparent manner and have failed to meaningfully consult with the State on the far-reaching effect of trade agreements on state and local laws, even when obligating the State to comply with the terms of these agreements; and

WHEREAS, Article II, Section 2 of the United States Constitution empowers the President of the United States "...by and with the advice and consent of the Senate, to make treaties, provided two thirds of Senators present concur..."; and

WHEREAS, the trade promotion authority implemented by the United States Congress and the President of the United States with regard to international trade and investment treaties and agreements entered into over the past several years, commonly known as fast-track negotiating authority, does not adequately provide for the constitutionally required review and approval of treaties; and

WHEREAS, the United States Trade Representative, at the direction of the President of the United States, is currently negotiating or planning to enter into negotiations for several multilateral trade and investment treaties, including the Trans-Pacific Partnership Agreement and the Trans-Atlantic Trade and Investment Partnership; and

WHEREAS, proposals are under consideration to review these and future trade and investment agreements pursuant to a fast-track model; and

WHEREAS, the current process of consultation with states by the Federal Government on trade policy fails to provide a way for states to meaningfully participate in the development of trade policy, despite the fact that trade rules could undermine state sovereignty; and

WHEREAS, under current trade rules, states have not had channels for meaningful communication with the United States Trade Representative, as both the Intergovernmental Policy Advisory Committee on Trade and the state point of contact system have proven insufficient to allow input from states, and states do not always seem to be considered as a partner in government; and

WHEREAS, the President of the United States, the United States Trade Representative and the Maine Congressional Delegation will have a role in shaping future trade policy legislation; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that future trade policy include reforms to improve the process of consultation both between the Executive Branch and Congress and between the Federal Government and the states; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request that the fast-track model of consultation and approval of international treaties and agreements be rejected with respect to pending agreements and agreements not yet under negotiation; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States, the United States Congress and the United States Trade Representative seek to develop a new middle ground approach to consultation that meets the constitutional requirements for treaty review and approval while at the same time allowing the United States Trade Representative adequate flexibility to negotiate the increasingly complicated provisions of international trade treaties; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States, the United States Congress and the United States Trade Representative seek a meaningful consultation system that increases transparency, promotes information sharing, allows for timely and frequent consultations, provides state-level trade data analysis, provides legal analysis for states on the effect of trade on state laws, increases public participation and acknowledges and respects each state's sovereignty; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request that each instance in which trade promotion authority is authorized by the United States Congress be limited to a specific trade agreement to help ensure the adequate review and approval of each international trade treaty; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the United States Trade Representative and to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 449

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

June 5, 2013

The Honorable Justin L. Alfond
President of the Senate of Maine
126th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Michael Timmons of Cumberland, for appointment to the Maine State Harness Racing Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

| | | | |
|--------|-----------------|----|--|
| YEAS | Senators | 2 | Jackson of Aroostook, Sherman of Aroostook |
| | Representatives | 10 | Dill of Old Town, Black of Wilton, Cray of Palmyra, Hickman of Winthrop, Jones of Freedom, Kent of Woolwich, Marean of Hollis, Noon of Sanford, Saucier of Presque Isle, Timberlake of Turner |
| NAYS | | 0 | |
| ABSENT | | 1 | Sen. Boyle of Cumberland |

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Michael Timmons of Cumberland, for appointment to the Maine State Harness Racing Commission be confirmed.

Signed,

S/Troy D. Jackson
Senate Chair

S/James F. Dill
House Chair

READ and **ORDERED PLACED ON FILE**.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#179)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Michael Timmons** of Cumberland for appointment to the Maine State Harness Racing Commission was **CONFIRMED**.

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

The Following Communication: S.C. 426

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

June 5, 2013

The Honorable Justin L. Alford
President of the Senate of Maine
126th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Appropriations and Financial Affairs has had under consideration the nomination of Shirrin L. Blaisdell of Manchester, for appointment to the Maine Public Employees Retirement System Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

| | | | |
|--------|-----------------|----|---|
| YEAS | Senators | 3 | Hill of York, Cain of Penobscot, Flood of Kennebec |
| | Representatives | 10 | Rotundo of Lewiston, Carey of Lewiston, Chase of Wells, Clark of Easton, Frey of Bangor, Jorgensen of Portland, Keschl of Belgrade, Rochelo of Biddeford, Sanborn of Gorham, Winsor of Norway |
| NAYS | | 0 | |
| ABSENT | | 0 | |

Thirteen members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Shirrin L. Blaisdell of Manchester, for appointment to the Maine Public Employees Retirement System Board of Trustees be confirmed.

Signed,

S/Dawn Hill
Senate Chair

S/Margaret R. Rotundo
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#180)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Shirrin L. Blaisdell** of Manchester for appointment to the Maine Public Employees Retirement System Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 427

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

June 5, 2013

The Honorable Justin L. Alfond
 President of the Senate of Maine
 126th Maine State Legislature
 State House
 Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Criminal Justice and Public Safety has had under consideration the nomination of Carleton L. Barnes, Jr. of Calais, for appointment to the State Board of Corrections.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

| | | | |
|--------|-----------------|---|---|
| YEAS | Senators | 1 | Plummer of Cumberland |
| | Representatives | 9 | Dion of Portland, Casavant of Biddeford, Kaenrath of South Portland, Lajoie of Lewiston, Long of Sherman, Marks of Pittston, Pease of Morrill, Plante of Berwick, Wilson of Augusta |
| NAYS | | 0 | |
| ABSENT | | 3 | Sen. Gerzofsky of Cumberland, Sen. Dutremble of York, Rep. Tyler of Windham |

Ten members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Carleton L. Barnes, Jr. of Calais, for appointment to the State Board of Corrections be confirmed.

Signed,

S/Stanley J. Gerzofsky
 Senate Chair

S/Mark N. Dion
 House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#181)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Carleton L. Barnes, Jr.** of Calais for appointment to the State Board of Corrections was **CONFIRMED**.

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

The Following Communication: S.C. 428

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

June 5, 2013

The Honorable Justin L. Alfond
 President of the Senate of Maine
 126th Maine State Legislature
 State House
 Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Morten Arntzen of New Canaan, CT, for reappointment to the Maine Maritime Academy, Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 1 Millett of Cumberland
 Representatives 8 MacDonald of Boothbay,
 Daughtry of Brunswick,
 Hubbell of Bar Harbor,
 Kornfield of Bangor,
 McClellan of Raymond,
 Nelson of Falmouth, Pouliot
 of Augusta, Rankin of Hiram

NAYS 0

ABSENT 4 Sen. Johnson of Lincoln,
 Sen. Langley of Hancock,
 Rep. Johnson of Greenville,
 Rep. Maker of Calais

Rep. Soctomah of Passamaquoddy Tribe was absent.

Nine members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Morten Arntzen of New Canaan, CT, for reappointment to the Maine Maritime Academy, Board of Trustees be confirmed.

Signed,

S/Rebecca J. Millett
 Senate Chair

S/W. Bruce MacDonald
 House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#182)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Morten Arntzen** of New Canaan, CT, for reappointment to the Maine Maritime Academy, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 429

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

June 5, 2013

The Honorable Justin L. Alfond
 President of the Senate of Maine
 126th Maine State Legislature
 State House
 Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Arthur K. Watson, Jr. of New Canaan, CT, for reappointment to the Maine Maritime Academy, Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 1 Millett of Cumberland
 Representatives 8 MacDonald of Boothbay,
 Daughtry of Brunswick,
 Hubbell of Bar Harbor,
 Kornfield of Bangor,
 McClellan of Raymond,
 Nelson of Falmouth, Pouliot
 of Augusta, Rankin of Hiram

NAYS 0

ABSENT 4 Sen. Johnson of Lincoln,
 Sen. Langley of Hancock,
 Rep. Johnson of Greenville,
 Rep. Maker of Calais

Rep. Soctomah of Passamaquoddy Tribe was absent.

Nine members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Arthur K. Watson, Jr. of New Canaan, CT, for reappointment to the Maine Maritime Academy, Board of Trustees be confirmed.

Signed,

S/Rebecca J. Millett
Senate Chair

S/W. Bruce MacDonald
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#183)

YEAS: Senators: None

NAYS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFSKY, 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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Arthur K. Watson, Jr.** of New Canaan, CT, for reappointment to the Maine Maritime Academy, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 430

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

June 5, 2013

The Honorable Justin L. Alfond
President of the Senate of Maine
126th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Jason A. Oney of Falmouth, for appointment to the Maine Maritime Academy, Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

| | | | |
|------|-----------------|---|---|
| YEAS | Senators | 2 | Millett of Cumberland, Langley of Hancock |
| | Representatives | 8 | MacDonald of Boothbay, Daughtry of Brunswick, Hubbell of Bar Harbor, Kornfield of Bangor, McClellan of Raymond, Nelson of Falmouth, Pouliot of Augusta, Rankin of Hiram |

NAYS 0

ABSENT 3 Sen. Johnson of Lincoln,
Rep. Johnson of Greenville,
Rep. Maker of Calais

Rep. Soctomah of Passamaquoddy Tribe was absent.

Ten members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Jason A. Oney of Falmouth, for appointment to the Maine Maritime Academy, Board of Trustees be confirmed.

Signed,

S/Rebecca J. Millett
Senate Chair

S/W. Bruce MacDonald
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#184)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Jason A. Oney** of Falmouth for appointment to the Maine Maritime Academy, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 431

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

June 5, 2013

The Honorable Justin L. Alfond
President of the Senate of Maine
126th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of M. Michelle Hood of Bar Harbor, for reappointment to the University of Maine System, Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 2 Millett of Cumberland, Langley of Hancock
Representatives 8 MacDonald of Boothbay, Daughtry of Brunswick, Hubbell of Bar Harbor, Kornfield of Bangor, McClellan of Raymond, Nelson of Falmouth, Pouliot of Augusta, Rankin of Hiram

NAYS 0

ABSENT 3 Sen. Johnson of Lincoln, Rep. Johnson of Greenville, Rep. Maker of Calais

Rep. Soctomah of Passamaquoddy Tribe was absent.

Ten members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of M. Michelle Hood of Bar Harbor, for reappointment to the University of Maine System, Board of Trustees be confirmed.

Signed,

S/Rebecca J. Millett
Senate Chair

S/W. Bruce MacDonald
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#185)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **M. Michelle Hood** of Bar Harbor for reappointment to the University of Maine System, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 432

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

June 5, 2013

The Honorable Justin L. Alford
President of the Senate of Maine
126th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Environment and Natural Resources has had under consideration the nomination of Honorable James W. Parker of Veazie, for appointment to the Board of Environmental Protection.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

| | | | |
|--------|-----------------|---|---|
| YEAS | Senators | 2 | Boyle of Cumberland, Saviello of Franklin |
| | Representatives | 7 | Welsh of Rockport, Ayotte of Caswell, Campbell of Orrington, Grant of Gardiner, Harlow of Portland, Long of Sherman, Reed of Carmel |
| NAYS | Senators | 1 | Gratwick of Penobscot |
| | Representatives | 3 | Chipman of Portland, Cooper of Yarmouth, McGowan of York |
| ABSENT | | 0 | |

Nine members of the Committee having voted in the affirmative and four in the negative, it was the vote of the Committee that the nomination of Honorable James W. Parker of Veazie, for appointment to the Board of Environmental Protection be confirmed.

Signed,

S/James A. Boyle
Senate Chair

S/Joan W. Welsh
House Chair

READ and ORDERED PLACED ON FILE.

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

Senator **GRATWICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, I wish to rise and present the Minority Report on the Honorable James Parker. We had a long discussion and during that he volunteered that he does not acknowledge the overwhelming data, the scientific data, that seems to relate to climate change. I'm very concerned that Mr. Parker's ideology will override his good judgment on this board. I would urge others to join me in putting the green light up. Thank you, Mr. President.

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

Senator **SAVIELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'll just speak briefly. We're supposed to vote on a person's qualifications, not his ideology. James Parker is qualified by a long shot, with his over 40 years of experience working in the environmental engineering field. He made it very clear to us during the testimony, I heard the interview with him, that he deals with the facts that are in front of him. He'll make an excellent, excellent member of this Board of Environmental Protection. Thank you, Mr. President.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#186)

YEAS: Senators: GRATWICK, JOHNSON, LACHOWICZ

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

3 Senators having voted in the affirmative and 32 Senators having voted in the negative, and 3 being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **James W. Parker** of Veazie for appointment to the Board of Environmental Protection was **CONFIRMED**.

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

The Following Communication: S.C. 434

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON LABOR, COMMERCE, RESEARCH AND
ECONOMIC DEVELOPMENT**

June 5, 2013

The Honorable Justin L. Alfond
President of the Senate of Maine
126th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of Douglas K. Damon of Bangor, for appointment to the Loring Development Authority of Maine.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

| | | | |
|------|-----------------|---|--|
| YEAS | Senators | 1 | Patrick of Oxford |
| | Representatives | 9 | Herbig of Belfast, Campbell of Newfield, Duprey of Hampden, Gilbert of Jay, Hamann of South Portland, Lockman of Amherst, Mason of Topsham, Mastraccio of Sanford, Volk of Scarborough |

NAYS 0

ABSENT 3 Sen. Cleveland of Androscoggin, Sen. Cushing of Penobscot, Rep. Winchenbach of Waldoboro

Ten members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Douglas K. Damon of Bangor, for appointment to the Loring Development Authority of Maine be confirmed.

Signed,

S/John L. Patrick
Senate Chair

S/Erin D. Herbig
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#187)

YEAS: Senators: None

NAYS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFSKY, 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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Douglas K. Damon** of Bangor for appointment to the Loring Development Authority of Maine was **CONFIRMED**.

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

The Following Communication: S.C. 435

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON LABOR, COMMERCE, RESEARCH AND
ECONOMIC DEVELOPMENT**

June 5, 2013

The Honorable Justin L. Alfond
President of the Senate of Maine
126th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of Mark L. Wilcox of Mapleton, for appointment to the Loring Development Authority of Maine.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

| | | | |
|--------|-----------------|---|--|
| YEAS | Senators | 2 | Patrick of Oxford, Cushing of Penobscot |
| | Representatives | 9 | Herbig of Belfast, Campbell of Newfield, Duprey of Hampden, Gilbert of Jay, Hamann of South Portland, Lockman of Amherst, Mason of Topsham, Mastraccio of Sanford, Volk of Scarborough |
| NAYS | | 0 | |
| ABSENT | | 2 | Sen. Cleveland of Androscoggin, Rep. Winchenbach of Waldoboro |

Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Mark L. Wilcox of Mapleton, for appointment to the Loring Development Authority of Maine be confirmed.

Signed,

S/John L. Patrick
Senate Chair

S/Erin D. Herbig
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#188)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Mark L. Wilcox** of Mapleton for appointment to the Loring Development Authority of Maine was **CONFIRMED**.

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

The Following Communication: S.C. 437

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON LABOR, COMMERCE, RESEARCH AND
ECONOMIC DEVELOPMENT**

June 5, 2013

The Honorable Justin L. Alfond
President of the Senate of Maine
126th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of John D. Murphy of Fort Kent, for appointment to the Maine Educational Loan Authority.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

| | | | |
|--------|-----------------|---|--|
| YEAS | Senators | 1 | Patrick of Oxford |
| | Representatives | 9 | Herbig of Belfast, Campbell of Newfield, Duprey of Hampden, Gilbert of Jay, Hamann of South Portland, Lockman of Amherst, Mason of Topsham, Mastraccio of Sanford, Volk of Scarborough |
| NAYS | | 0 | |
| ABSENT | | 3 | Sen. Cleveland of Androscoggin, Sen. Cushing of Penobscot, Rep. Winchenbach of Waldoboro |

Ten members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of John D. Murphy of Fort Kent, for appointment to the Maine Educational Loan Authority be confirmed.

Signed,

S/John L. Patrick
Senate Chair

S/Erin D. Herbig
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#189)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **John D. Murphy** of Fort Kent for appointment to the Maine Educational Loan Authority was **CONFIRMED**.

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

The Following Communication: S.C. 433

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON LABOR, COMMERCE, RESEARCH AND
ECONOMIC DEVELOPMENT**

June 5, 2013

The Honorable Justin L. Alfond
President of the Senate of Maine
126th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of Abigail C. Yacoben of West Bath, for appointment to the Maine Labor Relations Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

LEGISLATIVE RECORD - SENATE, FRIDAY, JUNE 7, 2013

YEAS Senators 2 Patrick of Oxford, Cushing of Penobscot

Representatives 8 Herbig of Belfast, Campbell of Newfield, Duprey of Hampden, Gilbert of Jay, Hamann of South Portland, Lockman of Amherst, Mason of Topsham, Mastraccio of Sanford

NAYS 0

ABSENT 3 Sen. Cleveland of Androscoggin, Rep. Volk of Scarborough, Rep. Winchenbach of Waldoboro

Ten members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Abigail C. Yacoben of West Bath, for appointment to the Maine Labor Relations Board be confirmed.

Signed,

S/John L. Patrick
Senate Chair

S/Erin D. Herbig
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#190)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Abigail C. Yacoben** of West Bath for appointment to the Maine Labor Relations Board was **CONFIRMED**.

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

The Following Communication: S.C. 438

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON LABOR, COMMERCE, RESEARCH AND
ECONOMIC DEVELOPMENT**

June 5, 2013

The Honorable Justin L. Alfond
President of the Senate of Maine
126th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of Steven L. Weems of Brunswick, for reappointment to the Midcoast Regional Redevelopment Authority.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

| | | | |
|--------|-----------------|---|--|
| YEAS | Senators | 1 | Patrick of Oxford |
| | Representatives | 9 | Herbig of Belfast, Campbell of Newfield, Duprey of Hampden, Gilbert of Jay, Hamann of South Portland, Lockman of Amherst, Mason of Topsham, Mastraccio of Sanford, Volk of Scarborough |
| NAYS | | 0 | |
| ABSENT | | 3 | Sen. Cleveland of Androscoggin, Sen. Cushing of Penobscot, Rep. Winchenbach of Waldoboro |

Ten members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Steven L. Weems of Brunswick, for reappointment to the Midcoast Regional Redevelopment Authority be confirmed.

Signed,

S/John L. Patrick
Senate Chair

S/Erin D. Herbig
House Chair

READ and ORDERED PLACED ON FILE.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, I want to get up briefly and comment on Steve Weems reappointment to the Midcoast Regional Redevelopment Authority for the Old Brunswick Naval Air Station. I wanted to just mention briefly his many many years of economic development, job creation, business creation activities that he's been involved with, not only in the state of Maine but in the nation as a whole and even internationally. I wanted to comment briefly on his strong community involvement with being on the Board of Directors of the town, as a town councilor, and his many years of living and representing Brunswick in a very positive way. I just wanted to make sure that I had that on the record because he is what we really really truly need to get this redevelopment of this base done. Thank you very much, 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, I also, too, want to echo some words of complement to Mr. Weems. His service to his community and to the Midcoast Regional Redevelopment Authority actually brought state acclaim and national acclaim. They are doing a fantastic job and I'm very appreciative of the Governor reappointing Mr. Weems. He's done a great job, being a citizen from the town of Brunswick. I think it was a great choice to renominate Mr. Weems and I was proud to vote for him. Thank you.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#191)

YEAS: Senators: None

NAYS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFSKY, 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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Steven L. Weems** of Brunswick for reappointment to the Midcoast Regional Redevelopment Authority was **CONFIRMED**.

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

The Following Communication: S.C. 436

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON LABOR, COMMERCE, RESEARCH AND
ECONOMIC DEVELOPMENT**

June 5, 2013

The Honorable Justin L. Alfond
President of the Senate of Maine
126th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of Dale C. Crowley of Addison, for appointment to the Washington County Development Authority.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

LEGISLATIVE RECORD - SENATE, FRIDAY, JUNE 7, 2013

YEAS Senators 2 Patrick of Oxford, Cushing of Penobscot
 Representatives 8 Herbig of Belfast, Campbell of Newfield, Duprey of Hampden, Gilbert of Jay, Hamann of South Portland, Mason of Topsham, Mastraccio of Sanford, Volk of Scarborough

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Dale C. Crowley** of Addison for appointment to the Washington County Development Authority was **CONFIRMED**.

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

NAYS 0

ABSENT 3 Sen. Cleveland of Androscoggin, Rep. Lockman of Amherst, Rep. Winchenbach of Waldoboro

Off Record Remarks

Ten members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Dale C. Crowley of Addison, for appointment to the Washington County Development Authority be confirmed.

Signed,

S/John L. Patrick
 Senate Chair

S/Erin D. Herbig
 House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#192)

YEAS: Senators: None
 NAYS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFKY, GOODALL, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

The Following Communication: S.C. 439

**STATE OF MAINE
 ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
 COMMITTEE ON LABOR, COMMERCE, RESEARCH AND
 ECONOMIC DEVELOPMENT**

June 5, 2013

The Honorable Justin L. Alfond
 President of the Senate of Maine
 126th Maine State Legislature
 State House
 Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of Ronald P. Green, Jr. of Plymouth, for reappointment to the Workers' Compensation Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 1 Patrick of Oxford
 Representatives 8 Herbig of Belfast, Campbell of Newfield, Duprey of Hampden, Gilbert of Jay, Hamann of South Portland, Lockman of Amherst, Mason of Topsham, Mastraccio of Sanford
 NAYS 0

ABSENT 4 Sen. Cleveland of Androscoggin, Sen. Cushing of Penobscot, Rep. Volk of Scarborough, Rep. Winchenbach of Waldoboro

Nine members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Ronald P. Green, Jr. of Plymouth, for reappointment to the Workers' Compensation Board be confirmed.

Signed,

S/John L. Patrick
Senate Chair

S/Erin D. Herbig
House Chair

READ and ORDERED PLACED ON FILE.

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

Senator **CUSHING:** Thank you Mr. President. I know we have a full schedule and I appreciate the courtesy of allowing me to rise to speak on this nominee. I'm pleased today to be able to vote for Mr. Green. We don't always agree on some of the issues that come before our committee, but I have found him to be willing to observe the issue and weigh it on its balance. For an issue as important as workers' comp, to have good representation is critical. I'm pleased to be able to vote in sustaining this decision of the committee.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#193)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Ronald P. Green, Jr.** of Plymouth for reappointment to the Workers' Compensation Board was **CONFIRMED**.

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

The Following Communication: S.C. 440

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

June 5, 2013

The Honorable Justin L. Alfond
President of the Senate of Maine
126th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Marine Resources has had under consideration the nomination of Geoffrey S. Smith of Portland, for appointment to the Marine Resources Advisory Council.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

| | | | |
|--------|-----------------|----|---|
| YEAS | Senators | 1 | Johnson of Lincoln |
| | Representatives | 10 | Kumiega of Deer Isle, Chapman of Brooksville, Devin of Newcastle, Dickerson of Rockland, Doak of Columbia Falls, Kruger of Thomaston, Parry of Arundel, Saxton of Harpswell, Weaver of York, Winchenbach of Waldoboro |
| NAYS | | 0 | |
| ABSENT | | 2 | Sen. Mazurek of Knox, Sen. Woodbury of Cumberland |

Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Geoffrey S. Smith of Portland, for appointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Christopher K. Johnson
Senate Chair

S/Walter A. Kumiega
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#194)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Geoffrey S. Smith** of Portland for appointment to the Marine Resources Advisory Council was **CONFIRMED**.

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

The Following Communication: S.C. 442

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

June 5, 2013

The Honorable Justin L. Alfond
President of the Senate of Maine
126th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on State and Local Government has had under consideration the nomination of Stacey L. Morrison of Gardiner, for appointment to the Maine Governmental Facilities Authority.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

| | | | |
|--------|-----------------|---|--|
| YEAS | Senators | 1 | Lachowicz of Kennebec |
| | Representatives | 8 | Graham of North Yarmouth, Boland of Sanford, Bolduc of Auburn, Chenette of Saco, Cotta of China, Hayes of Buckfield, Nadeau of Winslow, Pease of Morrill |
| NAYS | | 0 | |
| ABSENT | | 4 | Sen. Collins of York, Sen. Gerzofsky of Cumberland, Rep. MacDonald of Old Orchard Beach, Rep. Nadeau of Fort Kent |

Nine members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Stacey L. Morrison of Gardiner, for appointment to the Maine Governmental Facilities Authority be confirmed.

Signed,

S/Colleen M. Lachowicz
Senate Chair

S/Anne P. Graham
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **STATE AND LOCAL GOVERNMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#195)

Representatives 8

Graham of North Yarmouth, Boland of Sanford, Bolduc of Auburn, Chenette of Saco, Cotta of China, Hayes of Buckfield, Nadeau of Winslow, Pease of Morrill

YEAS: Senators: None

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

NAYS 0

ABSENT 4

Sen. Collins of York, Sen. Gerzofsky of Cumberland, Rep. MacDonald of Old Orchard Beach, Rep. Nadeau of Fort Kent

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Stacey L. Morrison** of Gardiner for appointment to the Maine Governmental Facilities Authority was **CONFIRMED**.

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

Nine members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Rebecca A. Grant of Augusta, for reappointment to the State Civil Service Appeals Board be confirmed.

Signed,

S/Colleen M. Lachowicz
Senate Chair

S/Anne P. Graham
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **STATE AND LOCAL GOVERNMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#196)

YEAS: Senators: None

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

The Following Communication: S.C. 441

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

June 5, 2013

The Honorable Justin L. Alfond
President of the Senate of Maine
126th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on State and Local Government has had under consideration the nomination of Rebecca A. Grant of Augusta, for reappointment to the State Civil Service Appeals Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 1 Lachowicz of Kennebec

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Rebecca A. Grant** of Augusta for reappointment to the State Civil Service Appeals Board was **CONFIRMED**.

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

The Following Communication: S.C. 443

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

June 5, 2013

The Honorable Justin L. Alford
President of the Senate of Maine
126th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on State and Local Government has had under consideration the nomination of Daniel G. Casavant of Waterville, for appointment to the State Civil Service Appeals Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

| | | | |
|--------|-----------------|---|---|
| YEAS | Senators | 1 | Lachowicz of Kennebec |
| | Representatives | 8 | Graham of North Yarmouth, Boland of Sanford, Bolduc of Auburn, Chenette of Saco, Cotta of China, Hayes of Buckfield, Nadeau of Winslow, Pease of Morrill |
| NAYS | | 0 | |
| ABSENT | | 4 | Sen. Collins of York, Sen. Gerzofsky of Cumberland, Rep. MacDonald of Old Orchard Beach, Rep. Nadeau of Fort Kent |

Nine members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Daniel G. Casavant of Waterville, for appointment to the State Civil Service Appeals Board be confirmed.

Signed,

S/Colleen M. Lachowicz
Senate Chair

S/Anne P. Graham
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **STATE AND LOCAL GOVERNMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#197)

YEAS: Senators: None

NAYS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFSKY, 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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Daniel G. Casavant** of Waterville for appointment to the State Civil Service Appeals Board was **CONFIRMED**.

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

The Following Communication: S.C. 444

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

June 5, 2013

The Honorable Justin L. Alford
 President of the Senate of Maine
 126th Maine State Legislature
 State House
 Augusta, Maine 04333-0003

ROLL CALL (#198)

YEAS: Senators: None

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Transportation has had under consideration the nomination of John E. Dority of Augusta, for reappointment to the Maine Turnpike Authority Board of Directors.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

| | | | |
|--------|-----------------|----|--|
| YEAS | Senators | 2 | Mazurek of Knox, Collins of York |
| | Representatives | 10 | Theriault of Madawaska, Gillway of Searsport, McLean of Gorham, Nutting of Oakland, Parry of Arundel, Peoples of Westbrook, Powers of Naples, Turner of Burlington, Verow of Brewer, Werts of Auburn |
| NAYS | | 0 | |
| ABSENT | | 1 | Sen. Valentino of York |

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **John E. Dority** of Augusta for reappointment to the Maine Turnpike Authority Board of Directors was **CONFIRMED**.

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

The Following Communication: S.C. 445

**STATE OF MAINE
 ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
 COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

June 5, 2013

The Honorable Justin L. Alford
 President of the Senate of Maine
 126th Maine State Legislature
 State House
 Augusta, Maine 04333-0003

Signed,

S/Edward J. Mazurek
 Senate Chair

S/Charles K. Theriault
 House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **TRANSPORTATION** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Veterans and Legal Affairs has had under consideration the nomination of Michael T. Healy of Freeport, for reappointment to the Commission on Governmental Ethics and Election Practices.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 2 Tuttle of York, Mason of Androscoggin

Representatives 10 Luchini of Ellsworth, Beaulieu of Auburn, Fowle of Vassalboro, Gifford of Lincoln, Johnson of Eddington, Kinney of Limington, Longstaff of Waterville, Russell of Portland, Saucier of Presque Isle, Schneck of Bangor

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Michael T. Healy** of Freeport for reappointment to the Commission on Governmental Ethics and Election Practices was **CONFIRMED**.

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

NAYS 0

ABSENT 1 Sen. Patrick of Oxford

The Following Communication: S.C. 446

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

Rep. Mitchell of Penobscot Nation was absent.

June 5, 2013

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Michael T. Healy of Freeport, for reappointment to the Commission on Governmental Ethics and Election Practices be confirmed.

The Honorable Justin L. Alford
President of the Senate of Maine
126th Maine State Legislature
State House
Augusta, Maine 04333-0003

Signed,

Dear Mr. President:

S/John L. Tuttle
Senate Chair

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Veterans and Legal Affairs has had under consideration the nomination of Margaret E. Matheson of Augusta, for reappointment to the Commission on Governmental Ethics and Election Practices.

S/Louis J. Luchini
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **VETERANS AND LEGAL AFFAIRS** be overridden?"

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

| | | | |
|--------|-----------------|----|--|
| YEAS | Senators | 2 | Tuttle of York, Mason of Androscoggin |
| | Representatives | 10 | Luchini of Ellsworth, Beaulieu of Auburn, Fowle of Vassalboro, Gifford of Lincoln, Johnson of Eddington, Kinney of Limington, Longstaff of Waterville, Russell of Portland, Saucier of Presque Isle, Schneck of Bangor |
| NAYS | | 0 | |
| ABSENT | | 1 | Sen. Patrick of Oxford |

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#199)

YEAS: Senators: None

NAYS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFSKY, 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

Rep. Mitchell of Penobscot Nation was absent.

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Margaret E. Matheson of Augusta, for reappointment to the Commission on Governmental Ethics and Election Practices be confirmed.

Signed,

S/John L. Tuttle
Senate Chair

S/Louis J. Luchini
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **VETERANS AND LEGAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#200)

YEAS: Senators: None

NAYS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFSKY, 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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Margaret E. Matheson** of Augusta for reappointment to the Commission on Governmental Ethics and Election Practices was **CONFIRMED**.

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

The Following Communication: S.C. 447

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

June 5, 2013

The Honorable Justin L. Alfond
President of the Senate of Maine
126th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Veterans and Legal Affairs has had under consideration the nomination of Orland G. McPherson of Eliot, for reappointment to the State Liquor and Lottery Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

| | | | |
|--------|-----------------|----|--|
| YEAS | Senators | 2 | Tuttle of York, Mason of Androscoggin |
| | Representatives | 10 | Luchini of Ellsworth, Beaulieu of Auburn, Fowle of Vassalboro, Gifford of Lincoln, Johnson of Eddington, Kinney of Limington, Longstaff of Waterville, Russell of Portland, Saucier of Presque Isle, Schneck of Bangor |
| NAYS | | 0 | |
| ABSENT | | 1 | Sen. Patrick of Oxford |

Rep. Mitchell of Penobscot Nation was absent.

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Orland G. McPherson of Eliot, for reappointment to the State Liquor and Lottery Commission be confirmed.

Signed,

S/John L. Tuttle
Senate Chair

S/Louis J. Luchini
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **VETERANS AND LEGAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#201)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Orland G. McPherson** of Eliot for reappointment to the State Liquor and Lottery Commission was **CONFIRMED**.

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

The Following Communication: S.C. 448

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

June 3, 2013

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

Dear President Alfond and Speaker Eves:

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

L.D. 1141 An Act To Increase the Sales Tax To Support Revenue Sharing

L.D. 1256 An Act To Establish Tax Fairness

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

Sincerely,

S/Sen. Anne M. Haskell
Senate Chair

S/Rep. Adam A. Goode
House Chair

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

ORDERS

Joint Resolution

On motion by Senator **JOHNSON** of Lincoln (Cosponsored by Representative KUMIEGA of Deer Isle and Senators: BOYLE of Cumberland, CRAVEN of Androscoggin, DUTREMBLE of York, LACHOWICZ of Kennebec, MAZUREK of Knox, Representatives: CHAPMAN of Brooksville, DEVIN of Newcastle, HUBBELL of Bar Harbor, WINCHENBACH of Waldoboro), the following Joint Resolution:

S.P. 599

**JOINT RESOLUTION
RECOGNIZING OCEAN ACIDIFICATION AS A THREAT TO
MAINE'S COASTAL ECONOMY, COMMUNITIES AND WAY OF
LIFE**

WHEREAS, the ocean environment and its resources are vital to the economy, cultural identity and daily lives of many Maine citizens and communities; and

WHEREAS, coastal residents and communities in Maine depend on healthy and abundant ocean resources for their livelihoods, recreation and ways of life; and

WHEREAS, over 10% of jobs in Maine are in ocean-related industries, including live marine resources, marine construction, tourism, recreation, offshore minerals, ship building and marine transportation, resulting in 60,000 jobs and \$3,000,000,000 in gross domestic product in 2009; and

WHEREAS, in 2012, live landings and harvestings of Maine soft-shell clams, mahogany quahogs, blue mussels and lobsters totaled more than 154,000,000 pounds with a market value of nearly \$356,000,000, and the lobster catch alone accounted for almost 126,000,000 pounds of landings, with a value to the lobstermen of more than \$338,000,000; and

WHEREAS, much of Maine's economy is based on tourists that come to see our picturesque coast, harbors and working waterfront communities; and

WHEREAS, the world's oceans have absorbed more than a quarter of the carbon dioxide released into the atmosphere since the start of the Industrial Revolution, causing changes in ocean chemistry known as ocean acidification; and

WHEREAS, ocean acidification is caused primarily by increased atmospheric concentrations of carbon dioxide, and acidification of coastal waters is exacerbated by runoff, pollution and some natural processes; and

WHEREAS, shell-forming marine organisms with calcium carbonate exoskeletons, such as shellfish, lobsters, crabs and plankton, which are the base of the food chain in the Gulf of Maine, are particularly susceptible to the change in the chemical composition of the ocean; and

WHEREAS, 90% of the value of Maine's fisheries comes from shell-producing species such as lobster, which made up 77% of the total value of all Maine landings in 2012; and

WHEREAS, the species that support much of Maine's coastal economy are at risk to changes in the chemical composition of the Gulf of Maine, and these impacts include weakened shells, reduced growth and reproductive success, lowered resistance to disease, increased susceptibility to predation and other changes to biological and physiological processes; and

WHEREAS, ocean acidification has already had significant economic impacts in other parts of the United States, including along the coast of the state of Washington, where acidification killed billions of oyster larvae and nearly destroyed the region's oyster hatcheries, bringing significant economic harm to that state's shellfish industry, which supports 3,200 jobs and generates \$270,000,000 annually; and

WHEREAS, the Gulf of Maine has been identified as the most susceptible region on the Eastern Seaboard to ocean acidification, potentially due to the colder and fresher water coming in from the Labrador current, the large proportion of riverine freshwater input and the gulf's semi-enclosed shape; and

WHEREAS, ocean acidification, as one of multiple drivers of environmental change in the Gulf of Maine, has the potential to threaten livelihoods and activities that have been at the core of Maine's coastal communities for hundreds of years; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize that ocean acidification, as one of multiple consequences of environmental change in the Gulf of Maine, presents a threat to Maine's coastal economy, communities and way of life; and be it further

RESOLVED: That We support research and monitoring in order to better understand ocean acidification in the Gulf of Maine and Maine's coastal waters, to anticipate its potential impacts on Maine's residents, businesses, communities and marine environment and to develop ways of mitigating and adapting to ocean acidification; and be it further

RESOLVED: That the federal agencies conducting research into ocean acidification or mitigation of these impacts to our coast should prioritize research on those species such as lobster that will further our understanding of how our changing oceans will

affect key species that support significant portions of our State's economy; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Secretary of Commerce; the United States Secretary of Agriculture; the Administrator of the National Oceanic and Atmospheric Administration within the Department of Commerce; the Director of the National Science Foundation; the chair of the White House Council on Environmental Quality; the chair of the federal Interagency Working Group on Ocean Acidification; and the Maine Congressional Delegation.

READ.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, tomorrow, June 8th, people around the planet will celebrate World Oceans Day to honor the body of water that links us all. This year's theme is "Together we have the power to protect the ocean" and I ask you all to follow my light in recognizing ocean acidification as one of the serious threats to the ocean and, consequently, a threat to all of our ocean related industries.

On motion by Senator **JOHNSON** of Lincoln, the Joint Resolution was **ADOPTED.**

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow Ignition Interlock Devices on Vehicles Operated by First-time Offenders of Operating Under the Influence"

H.P. 899 L.D. 1260

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-369).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-369).**

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

READ ONCE.

Committee Amendment "A" (H-369) **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 Revise the Laws Concerning Criminal History Record Information and Intelligence and Investigative Information"

H.P. 1070 L.D. 1493

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-360)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-360)**.

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

READ ONCE.

Committee Amendment "A" (H-360) **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 Implement the Recommendations of the Government Oversight Committee and the Office of Program Evaluation and Government Accountability Regarding Child Development Services"

H.P. 27 L.D. 34

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-380)**.

Report **READ**.

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

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Ensure Just and Reasonable Sewer Utility Rates"

H.P. 959 L.D. 1342

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-352)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-352)**.

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

READ ONCE.

Committee Amendment "A" (H-352) **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 To Provide Consistency in the Regulation of Motorized Recreational Gold Prospecting"

H.P. 800 L.D. 1135

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-373)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-373)**.

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

READ ONCE.

Committee Amendment "A" (H-373) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide Additional Funding for Respite Care for the Elderly and for Adults with Disabilities"

H.P. 54 L.D. 62

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-372)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-372)**.

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

READ ONCE.

Committee Amendment "A" (H-372) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Prescription Medications for Children under the MaineCare Program"

H.P. 488 L.D. 716

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-368)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-368)**.

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

READ ONCE.

Committee Amendment "A" (H-368) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve Work Readiness for Families Facing Significant Barriers to Employment"

H.P. 960 L.D. 1343

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-345)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-345)**.

Report **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.

On motion by Senator **JACKSON** of Aroostook, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT**, in concurrence. (Roll Call Ordered)

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Laws Governing Hospital Leave Days for MaineCare Recipients" (EMERGENCY)

H.P. 972 L.D. 1364

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-370)**.

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

READ ONCE.

Committee Amendment "A" (H-370) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide Clarity and Consistency in Routine Public Health Licensing Activities"

H.P. 990 L.D. 1387

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-371)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-371)**.

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

READ ONCE.

Committee Amendment "A" (H-371) **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 Remove the Requirement That a Person Training Dogs on Sundays Possess a Valid Hunting License" (EMERGENCY)

H.P. 119 L.D. 144

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-357)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-357)**.

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

READ ONCE.

Committee Amendment "A" (H-357) **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 Amend the Hunting Laws as They Pertain to the Training of Dogs"

H.P. 508 L.D. 757

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-358)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-358)**.

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

READ ONCE.

Committee Amendment "A" (H-358) **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 Regarding the Buying and Selling of Animal Parts"

H.P. 714 L.D. 1016

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-359)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-359)**.

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

READ ONCE.

Committee Amendment "A" (H-359) **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 Bill "An Act To Amend the Freedom of Access Act"

H.P. 861 L.D. 1216

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-389)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-389)**.

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

READ ONCE.

Committee Amendment "A" (H-389) **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 Bill "An Act To Strengthen the Laws Governing Mandatory Reporting of Child Abuse or Neglect"

H.P. 1094 L.D. 1523

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-388)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-388)**.

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

READ ONCE.

Committee Amendment "A" (H-388) **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 Relating to Employee Leasing Company Registration"

H.P. 715 L.D. 1017

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-382)**.

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

READ ONCE.

Committee Amendment "A" (H-382) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Allow County Law Enforcement To Participate in Mutual Aid Agreements"

H.P. 804 L.D. 1139

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-377)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-377)**.

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

READ ONCE.

Committee Amendment "A" (H-377) **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 **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Increase Transparency in Reporting of Party Committees, Political Action Committees and Ballot Question Committees"

H.P. 910 L.D. 1271

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-340)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-340)**.

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

READ ONCE.

Committee Amendment "A" (H-340) **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 **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Provide for the Aroostook Band of Micmacs Certain Rights Regarding Hunting, Fishing and Wildlife Management"

H.P. 995 L.D. 1399

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

Signed:

Senators:
BURNS of Washington
HASKELL of Cumberland

Representatives:
SHAW of Standish
BRIGGS of Mexico
CRAFTS of Lisbon

DAVIS of Sangerville
ESPLING of New Gloucester
MARKS of Pittston
SHORT of Pittsfield
WOOD of Sabattus

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-289)**.

Signed:

Senator:
DUTREMBLE of York

Representatives:
EVANGELOS of Friendship
KUSIAK of Fairfield

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Further Protect Pregnant Women under the Maine Human Rights Act"

H.P. 581 L.D. 830

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

Signed:

Senators:
VALENTINO of York
BURNS of Washington
TUTTLE of York

Representatives:
PRIEST of Brunswick
CROCKETT of Bethel
GUERIN of Glenburn
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-294)**.

Signed:

Representatives:

BEAULIEU of Auburn
DeCHANT of Bath
MONAGHAN-DERRIG of Cape Elizabeth
MOONEN of Portland

(Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought Not To Pass** Report.)

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Establish Minimum Fuel Economy Standards for State Vehicles"

H.P. 766 L.D. 1073

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

Signed:

Senators:

LACHOWICZ of Kennebec
COLLINS of York
GERZOFISKY of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-310)**.

Signed:

Representatives:

GRAHAM of North Yarmouth
BOLDUC of Auburn

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require Notice to and Input from Municipalities in Which Certain Group Homes Are Located" H.P. 556 L.D. 805

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

Signed:

Senators:

LACHOWICZ of Kennebec
GERZOFISKY of Cumberland

Representatives:

GRAHAM of North Yarmouth
BOLAND of Sanford
BOLDUC of Auburn
COTTA of China
HAYES of Buckfield

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

Signed:

Senator:

COLLINS of York

Representatives:

CHENETTE of Saco
MacDONALD of Old Orchard Beach
NADEAU of Winslow
NADEAU of Fort Kent
PEASE of Morrill

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

Reports **READ**.

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

Senate

Ought to Pass As Amended

Senator JACKSON for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend the Laws Governing Animal Trespass"

S.P. 445 L.D. 1283

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-237)**.

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

READ ONCE.

Committee Amendment "A" (S-237) **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.

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-216)**.

Report **READ**.

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.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT**. (Roll Call Ordered)

Senator BOYLE for the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Clarify Solid Waste Policy" (EMERGENCY)

S.P. 243 L.D. 694

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-220)**.

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

READ ONCE.

Committee Amendment "A" (S-220) **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 Clarify Provisions of the Whitewater Rafting Laws"

S.P. 114 L.D. 281

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

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

READ ONCE.

Committee Amendment "A" (S-230) **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 CRAVEN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Sustain Emergency Medical Services throughout the State"

S.P. 435 L.D. 1274

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-218)**.

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

READ ONCE.

Committee Amendment "A" (S-218) **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 VALENTINO for the Committee on **JUDICIARY** on Bill "An Act To Extend the Statute of Limitations on Certain Civil Professional Negligence Suits"

S.P. 282 L.D. 744

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-232)**.

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

READ ONCE.

Committee Amendment "A" (S-232) **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 CRAVEN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Create Child Advocacy Centers in Maine"

S.P. 468 L.D. 1334

Senator PATRICK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Establish Uniform Quorum, Meeting and Chair Requirements for Professional and Occupational Licensing Boards"
S.P. 73 L.D. 237

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

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

READ ONCE.

Committee Amendment "A" (S-219) **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 HASKELL for the Committee on **TAXATION** on Bill "An Act To Extend and Improve the Maine Seed Capital Tax Credit Program"
S.P. 281 L.D. 743

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-213)**.

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

READ ONCE.

Committee Amendment "A" (S-213) **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 HASKELL for the Committee on **TAXATION** on Bill "An Act To Amend the Tax Laws"
S.P. 333 L.D. 988

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-214)**.

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

READ ONCE.

Committee Amendment "A" (S-214) **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 HASKELL for the Committee on **TAXATION** on Bill "An Act Regarding the Valuation of Certain Vehicles"
S.P. 486 L.D. 1379

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-215)**.

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

READ ONCE.

Committee Amendment "A" (S-215) **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 Grow the Maine Economy by Promoting Maine's Small Breweries and Wineries"
S.P. 529 L.D. 1447

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-224)**.

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

READ ONCE.

Committee Amendment "A" (S-224) **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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Implement Managed Care in the MaineCare Program"
S.P. 552 L.D. 1487

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
MALABY of Hancock
McELWEE of Caribou
PRINGLE of Windham
SANDERSON of Chelsea
SIROCKI of Scarborough
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 "A" (S-217)**.

Signed:

Senator:
HAMPER of Oxford

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

Reports **READ**.

On motion by Senator **CRAVEN** of Androscoggin, **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 Prohibit the Use of Eminent Domain in Certain Public-Private Partnerships"

S.P. 54 L.D. 165

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

Signed:

Senators:
VALENTINO of York
TUTTLE of York

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-233)**.

Signed:

Senator:
BURNS of Washington

Representatives:

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

Reports **READ**.

Senator **VALENTINO** of York moved the Senate **ACCEPT** 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.

On motion by Senator **JACKSON** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by Senator **VALENTINO** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Provide an Exemption for Incidentally Caught Lobsters" (EMERGENCY)

S.P. 591 L.D. 1549

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

Signed:

Senator:
WOODBURY of Cumberland

Representatives:

KUMIEGA of Deer Isle
KRUGER of Thomaston
PARRY of Arundel
SAXTON of Harpswell
WEAVER of York
WINCHENBACH of Waldoboro

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

Signed:

Senators:
JOHNSON of Lincoln
MAZUREK of Knox

Representatives:

CHAPMAN of Brooksville
DEVIN of Newcastle
DICKERSON of Rockland
DOAK of Columbia Falls

Reports **READ**.

Senator **JOHNSON** of Lincoln moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

On motion by Senator **JACKSON** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by Senator **JOHNSON** of Lincoln to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act To Restore to Jimmy J. Soucy the Right To Maintain Existing Structures on Property in Sinclair"

S.P. 95 L.D. 262

Had the same under consideration and asked leave to report:

That the Bill be **Passed To Be Engrossed**. That the Senate **READ** and **ACCEPT** the Report and send down for concurrence.

That the House **Recede** and **Concur** with the Senate.

On the Part of the Senate:

Senator **JACKSON** of Aroostook
Senator **BOYLE** of Cumberland
Senator **SHERMAN** of Aroostook

On the Part of the House:

Representative **NOON** of Sanford
Representative **MAREAN** of Hollis
Representative **BLACK** of Wilton

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

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Ensure the Continuation of Dairy Farming
S.P. 148 L.D. 368
(C "A" S-170)

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

Emergency Measure

An Act To Strengthen Maine's Wildlife Laws
S.P. 423 L.D. 1225
(C "A" S-173)

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.

Emergency Measure

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

H.P. 1117 L.D. 1550
(C "A" H-292)

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

Emergency Resolve

Resolve, Regarding Pesticide Applications and Public Notification in Schools

H.P. 26 L.D. 33
(C "A" H-308)

Comes From the House, **FAILED FINAL PASSAGE**.

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and signed by the President, in **NON-CONCURRENCE**.

Sent down for concurrence.

Emergency Resolve

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
H.P. 893 L.D. 1259
(C "A" H-257)

Comes From the House, **FAILED FINAL PASSAGE.**

On motion by Senator **JACKSON** of Aroostook, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in **NON-CONCURRENCE.**

An Act To Allow Collaborative Practice Agreements between Authorized Practitioners and Pharmacists
S.P. 395 L.D. 1134
(C "A" S-161)

An Act To Amend the State Government Evaluation Act
H.P. 805 L.D. 1140
(C "A" H-309)

An Act To Encourage Financing of Manufactured Housing for the Workforce
H.P. 847 L.D. 1203
(C "A" H-298)

An Act Regarding Computers Used To Commit a Crime or Facilitate the Commission of a Crime
H.P. 941 L.D. 1316
(C "A" H-317)

An Act To Update the Fair Credit Reporting Act Consistent with Federal Law
S.P. 504 L.D. 1410

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
(C "A" S-162)

An Act To Ensure Ethical Standards for Court Reporters
S.P. 543 L.D. 1469
(C "A" S-176)

An Act To Make Minor Changes and Corrections to Statutes Administered by the Department of Environmental Protection
H.P. 1074 L.D. 1497
(C "A" H-300)

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

Acts

An Act To Expand Moose Hunting Opportunities
S.P. 66 L.D. 177
(C "A" S-167)

An Act To Reduce the Licensing Fee for Certain Tournament Games
S.P. 125 L.D. 329
(C "A" S-155)

An Act To Prohibit the Sharing of Certain Personal Information by the Department of the Secretary of State
H.P. 438 L.D. 619
(C "A" H-319)

An Act To Facilitate the Use of Electronic Monitoring
H.P. 593 L.D. 842
(C "A" H-296)

An Act To Allow the Return of Excess Funds by a Municipality That Forecloses on Real Estate
H.P. 602 L.D. 851
(C "A" H-293)

An Act To Enhance the Development and Implementation of Integrated Pest Management Programs
H.P. 627 L.D. 903
(C "A" H-291)

An Act To Amend the Laws on Extended Warranties for Used Cars To Make Terms of Coverage Transparent
H.P. 658 L.D. 934
(C "A" H-320)

An Act To Enhance Enforcement of the Mandatory Reporting of Abuse and Neglect
S.P. 349 L.D. 1024
(C "A" S-177)

An Act To Provide a Uniform Process for the Use of Orders Awarding Parental Rights and Responsibilities To Dispose of a Child Protective Case
H.P. 776 L.D. 1107
(C "A" H-318)

An Act Relating to the Unlawful Cutting of Trees
S.P. 26 L.D. 59
(C "A" S-175)

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

An Act To Refund the Sales Tax Paid on Fuel Used in Commercial Agricultural Production
S.P. 256 L.D. 707
(C "A" S-168)

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

An Act Regarding Service of Small Claims Notices
S.P. 289 L.D. 864
(C "A" S-178)

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

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
(C "A" S-166)

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

An Act To Provide Flexibility in the State Prevailing Wage and
Benefit Rates

H.P. 762 L.D. 1069
(H "A" H-252 to C "A" H-131)

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

An Act Regarding Working Waterfront Projects
H.P. 320 L.D. 470
(C "A" H-302)

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

An Act To Ensure That the Standard of a Student's Best Interest
Is Applied to Superintendent Agreements for Transfer Students
H.P. 349 L.D. 530
(C "A" H-316)

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

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

An Act To Facilitate Veterans' and Their Spouses' Access to
Employment, Education and Training
H.P. 802 L.D. 1137
(C "A" H-321)

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

An Act To Expand Crossbow Hunting
H.P. 713 L.D. 1015
(C "A" H-274)

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

Resolves

Resolve, To Ensure the Continued Accessibility and Affordability
of a High School Equivalency Exam for Maine Residents
S.P. 174 L.D. 442
(C "A" S-172)

Resolve, Authorizing the Sale of the Guy P. Gannett House in
Augusta for Use as a Museum
S.P. 485 L.D. 1378
(C "A" S-174)

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

Resolve, Directing a Review of Strategies To Improve the
Affordability and Accessibility of Oral Chemotherapy Treatment
S.P. 217 L.D. 627
(C "A" S-160)

On motion by Senator **GOODALL** of Sagadahoc, placed on the
SPECIAL STUDY TABLE, pending **FINAL PASSAGE**, in
concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

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

Senator **TUTTLE**: Thank you Mr. President. Members of the Senate, I think that yesterday was the 70th Anniversary of D-Day. My father fought in the second invasion of Omaha Beach and survived. I had a neighbor who went in the first movement on Omaha Beach and was wounded four times and lived to survive. He ended up in Italy and got injured another two times and lived into his 80's. My father-in-law, Francois Sevigny, passed away this morning at 5 am. He was a WWII veteran. He was 86 years old. He was an Army veteran and he received two Bronze Stars for his service in the Philippines. Longfellow writes that good men all remind us that we can live our lives sublime. Departing leave behind us footprints on the sands of time. My father-in-law taught me a lot about life and what is important in life is not how many elections you win or how many state championships you have. What counts most in life is what type of husband and father you are. Rest in peace, P  p  . Mr. President, I would ask that when the Senate adjourns today it do so in memory of Francois Sevigny of Springvale. Thank you, Mr. President.

Senator **GRATWICK** of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator **GRATWICK**: Thank you Mr. President. Just to let everybody know, the Cross Insurance Center in Bangor, which has now been 2-1/2 years in the making, will be opening this Sunday for Bangor High School graduation. It's a wonderful thing for Bangor. I invite everybody there who would like to go to the high school graduation to see this place. It's really a great tribute to the city of Bangor. They took it on during these economic hard times and we're very proud of that city. Thank you, sir.

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

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

On motion by Senator **GOODALL** of Sagadahoc,
RECESSED until 2:00 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:

Bill "An Act To Amend the Laws Governing Mental Responsibility for Criminal Conduct"

H.P. 1022 L.D. 1433
(C "A" H-297)

Tabled - June 7, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **FURTHER CONSIDERATION**

(In Senate, June 3, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-297)**, in concurrence.)

(In House, June 6, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-297) AS AMENDED BY HOUSE AMENDMENT "A" (H-346)** thereto, in **NON-CONCURRENCE.**)

On motion by Senator **JACKSON** of Aroostook, the Senate **RECEDED** and **CONCURRED.**

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

HOUSE REPORT - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Implement the Recommendations of the Government Oversight Committee and the Office of Program Evaluation and Government Accountability Regarding Child Development Services"

H.P. 27 L.D. 34

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

Tabled - June 7, 2013, by Senator **MILLETT** of Cumberland

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

(In House, June 6, 2013, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-380).**)

(In Senate, June 7, 2013, Report **READ.**)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-380) **READ.**

On motion by Senator **MILLETT** of Cumberland, Senate Amendment "A" (S-238) to Committee Amendment "A" (H-380) **READ.**

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

Senator **MILLETT**: Thank you Mr. President. Ladies and gentlemen of the Senate, this amendment delays implementation of a section of this bill until January 1, 2015. It allows the completion of a new computerized data system, which would result in no financial impact and would remove the fiscal note on this bill.

On motion by Senator **MILLETT** of Cumberland, Senate Amendment "A" (S-238) to Committee Amendment "A" (H-380) **ADOPTED**.

Committee Amendment "A" (H-380) as Amended by Senate Amendment "A" (S-238) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-380) AS AMENDED BY SENATE AMENDMENT "A" (S-238)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

HOUSE REPORT - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve Work Readiness for Families Facing Significant Barriers to Employment"
H.P. 960 L.D. 1343

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-345)**

Tabled - June 7, 2013, by Senator **JACKSON** of Aroostook

Pending - **ACCEPTANCE OF REPORT**, in concurrence (Roll Call Ordered)

(In House, June 6, 2013, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-345)**.)

(In Senate, June 7, 2013, Report **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#202)

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-345)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-345) **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:

SENATE REPORT - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Create Child Advocacy Centers in Maine"

S.P. 468 L.D. 1334

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-216)**

Tabled - June 7, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **ACCEPTANCE OF REPORT** (Roll Call Ordered)

(In Senate, June 7, 2013, Report **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#203)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, the **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-216)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-216) **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:

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Prohibit the Use of Eminent Domain in Certain Public-Private Partnerships"

S.P. 54 L.D. 165

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-233)** (6 members)

Tabled - June 7, 2013l, by Senator **JACKSON** of Aroostook

Pending - motion by Senator **VALENTINO** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report (Roll Call Ordered)

(In Senate, June 7, 2013, Reports **READ**.)

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, if it was up to me eminent domain would be no more. The power of government to take our private property has been so abused it could be called the power to steal. Section 21 of the Maine Constitution says, "Private property shall not be taken for public use without just compensation." What is just compensation in this day and age? The price of real estate has fallen like a rock. If your property is taken, and you were paid just compensation, would you be able to pay off the mortgage? Maybe not, even though it would be fair market value. A man I know had a thriving business taken from him and a decade later he was still paying off the loans because the amount he received was so low he couldn't pay his debt, even though he hired an attorney to fight the State. Let me tell you about another friend whose property was taken to re-route a road. The first hint he had he was going to lose his property was a letter from the Department of Transportation telling him his property had been taken and they needed to look inside of the building to determine the value. He had paid \$38,000 for the building. He had spent \$15,000 to remodel it. He was offered \$12,000 for the property. He refused the offer and hired an attorney. In the end, he received \$18,000. By the time everything was said and done, he got nothing for the building and didn't recover all he had spent to remodel the building. According to the law, he received just compensation. When you start looking, there is horror story after horror story about the abuse of eminent domain. It needs to be fixed. It's one thing to take private property for public use. This bill wouldn't do anything to take away that power. It's an altogether different thing when government takes private property

and transfers it to another private person. It's just plain wrong. I put in a bill to change the Constitution to fix that, but there isn't enough support to change it yet. I didn't fight it when the bill was killed, but the day is coming when the support will be there to make that change. This is a different bill.

There is talk of a private developer building a highway across Maine called the East-West Highway. That comes across my district. We're probably years away from anything ever happening and the developer says eminent domain wouldn't be used to build the road. Most people don't believe it can be done without eminent domain taking some of the property. What if this developer isn't the person that ends up building the road? Then that promise is out the window and these people's property is at jeopardy. All these people have heard about the way some people have been treated with eminent domain. They don't want to have their property taken in this matter. Who could blame them? If you had worked all your life to own your little slice of God's country, you wouldn't want to have it taken either. Even if the developer is right and no one gives up his property unless he wants to, there is always that possibility hanging there over those people. We don't know where the road's going, so every landowner in our area lives under the cloud of losing their home. They've been under this cloud for some time now and it may be years before it's settled. Let's take that worry away, change the law so that it can't happen. This bill is very limited and would only affect private toll highways and public-private partnerships and no other use of eminent domain. It fixes the problem. It lifts the cloud so many people in Maine are living under. We need to defeat the current motion and move onto the the Minority Report if we're going to do that. I would ask for your support to remove this cloud from the people in my district. Thank you.

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

Senator **VALENTINO:** Thank you Mr. President. Ladies and gentlemen of the Senate, this bill has nothing to do with just compensation. This is the last of three bills dealing with eminent domain that the Judiciary Committee has dealt with this session. This bill, An Act to Prohibit the Use of Eminent Domain in Certain Public-Private Partnerships, which are called PPPs. PPPs are allowed under Title 23 Highways. There is an extensive section governing PPPs, including standards for review. They are only allowed between the Maine Department of Transportation and a private entity if the capital cost of the project is over \$25 million or if new toll roads are being considered. Maine does not and has not ever had a PPP. The majority of the Judiciary Committee voted not to expand the prohibition of eminent domain to a transportation facility under PPPs since we felt the current statute covered the concerns of those testifying at the public hearing. I just want to remind everyone that we are talking about the bill, the Ought Not to Pass bill. We are not talking about the amendment. The amendment is not properly before us. The definition of a transportation facility under Title 23 includes highways, bridges, rail lines, piers, airports, trails, ferries, and buildings. Currently the use of eminent domain is not allowed if the condemnation of property is to be transferred to an individual or a for-profit business entity.

This bill does not reference the East-West Highway, but since testimony was clearly directed to the East-West Highway today I will address those comments. I personally do not support the East-West Highway and I voted in the Minority last session

when the Legislature voted to spend \$300,000 for a feasibility study. I also served on the Transportation Committee. Transportation had seven bills on the East-West Highway subject and a full day of hearings with dozens of people testifying against the highway. One of the bills this Body passed last month was to repeal the funds allocated for the feasibility study of this highway. Another bill we passed redid the PPP statute to include greater transparency in these projects and to make documents public and open to FOIA. Transportation already addressed the East-West Highway issue. Judiciary did not see the need to change the entire eminent domain statute which would affect all takings. The Maine Municipal Association also spoke against this bill. Thank you.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just want to speak briefly on this. I had issues with the original bill. I didn't fully support it at the time and I'm rising now to oppose the motion of that is on the floor right now because I think there is a concern. I think we can address the concern. I want to do what I can to allay the concerns that I find in my community and I find in other communities. Again, the issue of the East-West Highway has been brought up here several times today. Whether or not this has anything to do with that isn't the issue. The issue is people have concerns. They have concerns that government may be able to take their private property unduly. There has been a lot of discussion in this Chamber in the last few weeks about the concerns of government intervening in our private lives and our personal property. I've listened to those very carefully. Some times I've been on one side. Some times I've been on the other side. Right now I share the concerns that many of my constituents have, that government would be able to do this and a private venture take your property without due course. I think that we ought to consider that very carefully on behalf of our constituents. If it's a reassurance for them that this won't take place, I think you ought to vote this down and let's get onto the alternative. Thank you very much, Mr. President.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, there have been many occasions where eminent domain has been used to take property from people and turn it over to another private person. I believe there was a supermarket in Bangor built not too long ago. People did not want to sell their private property. It was taken by the city. I believe that there are examples of it in Portland. If people want to see those I will gladly dig them up. The use of eminent domain to take property and turn it over to another private owner has been used over and over again. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#204)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **VALENTINO** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED.**

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **MARINE RESOURCES** on Bill "An Act To Provide an Exemption for Incidentally Caught Lobsters" (EMERGENCY)
S.P. 591 L.D. 1549

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-229)** (7 members)

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

Tabled - June 7, 2013, by Senator **JACKSON** of Aroostook

Pending - motion by Senator **JOHNSON** of Lincoln to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report (Roll Call Ordered)

(In Senate, June 7, 2013, Reports **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 urge you to vote against the motion, the Ought Not to Pass motion. There are some very good reasons why we ought to take into consideration what's happening in the fishing industry in this state. I know that this is a very emotional issue for people and that you've certainly had the opportunity to look at a lot of material. I would ask you to take a look at the two pieces that were distributed to your desks. I think it might be helpful for you. I'm going to mention a few of the issues that surround this very important matter for our state, for my community but also for our state and for a significant industry here in the state of Maine. Right now it is currently legal to take by-caught lobsters when you are in federal waters. I believe you will see what federal waters are if you take a look at the map

that's been provided to you. It is also legal to take those lobsters, along with your fish, to Gloucester, Massachusetts, to take them there and to sell them there. There are a dozen Maine boats now currently doing that. Those boats are home-based in Maine. They are owned by Maine people. They employ Maine fishermen. They berth here in Maine. They get their ice, their supplies, their gear, and their food when they are getting ready to go back out. That's an important industry and the income that comes into this state, from the infrastructure that is supported by these fishermen as well as by, frankly, their own income tax. These are Maine residents and their taxes are being paid here in the state of Maine. Right now their licenses are at risk. Their Maine licenses are at risk for having those lobsters which are legally caught by federal law on their boats out in that federal water. That is the simple thing that this bill does. It removes that restriction so that the activity that has been going on for years, and, frankly, ladies and gentlemen, will continue to go on, will not cost them their Maine licenses. If it costs them their Maine licenses they will procure licenses. They own these boats. They've got an investment. They will procure licenses from Massachusetts and they will have to be residents there. We will lose this industry. We will lose these employees. We will lose these taxes. The infrastructure that is supporting them is going to be gone, or significantly reduced. I won't say it's the end of the world. I don't believe in that kind of hyperbole. Maybe there will be a few who will stay and say, "I'll abide by these rules." Ladies and gentlemen, that's not what the fishing industry is up against right now. They've had significant reductions by federal regulations that have been imposed on them. They are making it because of the extra that they can get by taking these by-caught lobsters. Now is dragging the best way to catch a lobster? Probably not, but it's being done. They are being sold and, no matter the outcome of this bill, that is going to continue. We do not save a single lobster by voting against this bill. It is still going to continue as long as the market is there and the feds allow it. I would encourage you to think about what the implications are of this part of our Maine law that creates such an excessive fine for your Maine license that you would be restricted from continuing to operate here in the state of Maine. We would all love to see, and look forward to the day, our fishing industry begin to rebound and once again is as healthy as it has been in the past. When that happens, if we don't have any boats, if we don't have any fishermen, and if we don't have any infrastructure, how in the world are we going to get them back here? This bill has a three year sunset on it. There are people on both sides of this issue committed to continuing to work. I ask you, I plead with you, to give these fishermen an opportunity to be able to fish this year and not risk their licenses so we don't lose this very important industry. Thank you.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I have a great deal of respect for the Senator from Cumberland, Senator Haskell's desire to protect an industry that's in trouble. There is a lot more at stake here than what happens to 12 boats in Portland. I draw your attention to the other piece of paper which I distributed. It has on one side pictures of fish and lobsters side-by-side, landed on the same boat. The other side it talks about why this is bad public policy for Maine. Lobsters off shore in Area 3 are brood stock for Maine's

trap-caught lobster and areas we regulate. Spawning stock off shore has increased precisely because of the good conservation measures that Maine's trap-only coastal lobster fishing industry has undertaken. Its low impact on the ocean floor and the 5" carapace maximum size leads to larger, and that is of the trapped industry, prolific brood stock lobsters off shore. A study by scientist and a paper on what the prevalence is of different sized lobsters near shore and off shore finds that the ones that are more important to breeding because they are more successful in producing larger larvae staged lobsters and protecting them, the larger lobsters are predominantly found off shore, not in the in shore waters, in spite of the fact that if they managed to get into one of our lobsterman's traps they would be returned. It's very important to note that the dragging destroys habitat on the sea floor. It is actually damaging to the lobsters that are caught in that manner. If there is any question as to whether some are going to be thrown back by the draggers, there is a big problem with how they are mangled by the process by which they are caught. There is a problem with their gills being silted up because of the silt plume that is created by the dragging operation.

Unfortunately, we've heard in testimony from groundfishermen, from Mr. Ogland who testified before the committee on another bill, L.D. 1097 earlier in this session, that they often target off shore and oversized lobsters. That's a real problem for the brood stock for our near shore trap fishery that is a sustainable fishery only because of the sacrifices that they have made regarding their practices and has survived under pressure for 150 years now as a sustainable fishery. That fishery shouldn't be in danger, it should not be destroyed by condoning increased, and admittedly targeted, landing and destruction of that brood stock by draggers. The fishing practices that lead to the current crisis in groundfish species should not be rewarded by legalizing the same destructive practice in the lobster fishery.

I have a great deal of sympathy for the groundfishing boats and the businesses that support them. In fact, the Marine Resources Committee has unanimously supported making important groundfish permits available through investing and expansion of a permit bank. It will not condone those in one fishery profiting through targeted destruction of the healthy brood stock of the lobster fishery that exists only because of lobstermen's sacrifices and implementing good conservation practices for over 150 years. If you care about doing the right thing to protect Maine's most valuable fishery, and it is valued in excess of a billion dollars, if you care about sending the right message from Augusta about preserving future jobs, because there are about 7,000 jobs in Maine's lobster industry, follow my light and support the Ought Not to Pass on L.D. 1549. Thank you.

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

Senator **GRATWICK:** Thank you very much Mr. President. Men and women of the Senate, very briefly. If you want some interesting summer reading this summer, I recommend strongly that you read that book called the Lobster Coast by Colin Woodard, the journalist from Portland. Very good. A history of Maine, but particularly relevant here is the history of the Maine fishery, which is truly fascinating. I suspect you are aware that Gulf of Maine at one time was unique in the history of the world. It was a closed area which had the best fishing in the world for a long time. You read accounts of people shoveling fish over the

side of their dories, almost more than they could have in the dories. They would almost sink the dories. This was an incredibly fertile area. We've destroyed it. We have, however, preserved the lobster industry. The lobster industry, with its 7,000 participants, is really the mainstay of many Maine communities along the coast. They really represent a critical part of Maine. It seems wholly inappropriate that we destroy this part of Maine. We have the capability to destroy it by destroying feed stock. This bill, to my way of thinking, not only preserves some of the ground from excessive dragging but it also is a first step in changing what I think is a very wrong headed federal policy that will, if persisting, destroy this particular fishery that is so essential to Maine. I urge, as well, people to follow my light and vote for the Ought Not to Pass Minority Report. Thank you, Mr. President.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise in support of the motion also. I'll tell you, it is a very difficult thing to do. All of you, I think, understand this. It's very difficult to pit one industry against the other, especially when we're talking about a small business. That's what these are. I know these folks out of the port of Portland, it's a small business. I live on the coast and I represent an awful lot of small businessmen and women, all the way from Eastport down to Steuben. They make a living, not with three boats or four boats, basically with one boat. Every day they are going out and harvesting lobster. I'm very very concerned about this bill, how it might encroach on that industry. I don't know. I'm not a lobsterman. There are probably not any in the Chamber here, around the horseshoe at least. Lobstermen are very concerned about what this will do. I'm hearing from my folks back home. I think we need to really be very careful when we venture into something like this.

Again, I think it's terrible that we have to pit one industry against the other. I'm very very sorry that the groundfish industry is in the condition that it is in. We recently passed a bill here regarding the alewives that, at least I was reassured, is going to help that industry. I don't know what the results of that is going to be, but I do know that if we start allowing the brood stock to be taken away, unnecessarily, that we are going to hurt the industry that is flourishing quite well now. It has flourished because we have protected it. Those that are in the industry go out of their way to protect it and we try to do the same thing here through the Legislature.

To me, it seems a little bit absurd that we would try to encourage, through legislation, something that has been at least implicated to us by the way of a handout that would encourage groundfishermen to go into areas where the lobster are plentiful and increase their catch and take those down to Massachusetts instead of the state of Maine, we're talking about 500 lobsters times three or four pounds or five pounds or whatever they, where they are going to turn them in. I can't imagine that they wouldn't turn in their fish while they are down there also and steam back to Portland. I just don't understand why we would encourage that type of activity. I would much rather have those coming ashore here in Maine. I think what we are doing, if we don't turn this bill down, is encouraging more than just by-catch. We're encouraging intentional catch. Again, I don't know the veracity of that comparison that was given to us, but if it's true that would really concern me, that we are encouraging something that is

going to hurt an industry that, frankly, keeps my county going and some of the other counties represented in Chamber. I would encourage you to think long and hard about this, to me, competing issue and support the lobstermen and vote in acceptance of the pending motion on the floor. Thank you, Mr. President.

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

Senator **MAZUREK:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm just going to say a couple of brief statements about this issue. Number one, I come from Rockland, Maine. Rockland has the distinction to be called the Lobster Capital of the World. I know a lot of people down there who make their living lobstering. It would be very easy for them to take as many lobsters as they want and do like the groundfishermen did and wipe out their stock within the matter of a couple of years. They've learned that the best way to keep their business going is through good conservation methods, good farming techniques. We don't want to make it any easier, or tempting, to change that. These guys work very hard. They work very long hours. Their stock is plentiful. I was at the seafood show held at the Samoset. I go over every year. The lobstermen have various displays. I talked to a number of them there. They are all very concerned about changing the rules. They like them the way they are. They are comfortable with them. They know what they can do. They know their limitations. I don't think that we want to fool around with a successful industry. It's close to a billion dollars a year, not just for the lobstermen but for the trucking industry and for all the associated industries that are coupled with it. I would strongly urge that we do not accept this motion that's on the floor now and vote against it.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, you've heard from Washington County. You've heard from Knox County. Now you are going to hear from York County. I am in favor of the current motion, Ought Not to Pass. I was unclear on how to vote on this issue until last evening, when I called a couple of lobstermen I know down in south coastal Maine. One is a former President of the Southern Maine Lobstermen's Association. Very knowledgeable. I grew up with this individual. Talking about growing up, I got to know a lot of these lobstermen and their families. It seems as though it is generational. With a lobsterman, you can always tell what he does for a living by his last name. There are a lot of very familiar names and they've been lobstering for many generations. As a matter of fact, when I was a young man, many years ago, when it was legal to do it, I used to dive for lobsters. This was when scuba gear became popular. I used to dive for lobsters. I thought I'd found my niche in life, I was making money hand over fist. The year after that they passed a law that prohibited that. In any event, I called a few of the folks that I know that are still in the lobster industry. They are not in favor of this legislation, only because of the fact that they feel as though it would jeopardize their industry. They have a lot of compassion for the groundfishermen. They understand their plight. It seems as though that groundfishing industry has not been well managed. On the other hand, as the good Senator from Knox, Senator

Mazurek, mentioned, this lobster industry is highly regulated, for their own benefit. They've done a good job managing the lobsters along the coast of Maine. This, potentially, could put it in jeopardy. I've been handed many pieces of information about this. One is quoted as saying that there are 700 lobstermen versus 50 groundfishing jobs, primarily out of the Port of Portland. I guess I just had to get up and say something about my end of the coast and how they feel basically the same way as Washington County and Knox County. They are just not in favor of this legislation. Thank you.

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

Senator **MILLETT:** Thank you Mr. President. Permission to ask a question through the Chair.

THE PRESIDENT: The Senator may pose her question.

Senator **MILLETT:** Thank you Mr. President. I'm wondering whether any members could answer where Massachusetts trawlers are allowed to drag and how that compares to where Maine trawlers are allowed to drag? Thank you, Mr. President.

THE PRESIDENT: The Senator from Cumberland, Senator Millett poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Haskell.

Senator **HASKELL:** Thank you very much Mr. President. I am certainly not an expert on this, but I'm going to look at the fact sheet that was presented here at my request from the Deputy Commissioner and talk about the various areas and what the impact is if this bill does not pass and these boats become Massachusetts licensed boats. Area 3 begins off shore, starting at about 40 miles off shore. You can see this in the map. Right now, in that off shore area 40 miles off, there are only three Maine residents that have lobster trap permits. If this bill should pass, and these boats become home ported in Massachusetts, the Maine lobster conservation laws will not apply to them. They can land lobsters caught by trawl or gill net in Area 1, which is of great concern to those in the southern part of the state, just beyond the three mile limit line outside of the state waters. This makes a significant difference. If they are Massachusetts based they are going to be under different conservation laws. I believe even the size that can be caught and kept is different than under Maine conservation laws. We do lose some ground on conservation if these become Massachusetts ported boats as opposed to Maine vessels.

If I may continue, Mr. President. While I'm here I'd like to add just one more piece about the infrastructure. While there has been a lot of talk about Portland, I would remind people that the infrastructure that's available there, the Fish Exchange and vessel services, those operations that are there, service boats all up and down the coastline. It's not just about boats that are berthed in Portland. That infrastructure has been waning, and I know it's been waning in other communities. Fishermen tell me and lobstermen tell me that you used to be able to steam into any port, any time of night or day, and get ice. Now you have to call ahead and there are very few places where you can get it, on demand, the way that you need it. Infrastructure is being lost. This last piece of infrastructure here is a very difficult thing for

lobstermen, as well as fishermen, to be able to take if we lose that kind of infrastructure. I think that's the best I can do at responding to the good Senator's question regarding lines. As I understand, 40 miles out is where Area 3 begins. Massachusetts boats, outside of state waters, can then trawl in Area 1 under their Massachusetts license.

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, as you know, Penobscot has a strong lobstering history. In all seriousness, I rise today and respectfully ask you to consider not supporting the Minority Report of the committee. As I understand the issue, it is not uncommon to some of the other agricultural issues that have faced Maine. We are a state who prides itself on what we provide to our neighbors and to the states that surround us in the world. In agriculture we provide berries. Our blueberry crop is well known. Our potato crop is well known and well respected. Vegetables now, certainly our historic forest products, and finally milk. I don't think I have to tell many of you in this Body the challenges that the dairy industry has faced because of economic conditions and shifts in the requirements for that industry. As I understand this issue, the other agricultural industry that Maine has been long known for is the sea. I agree with many of my colleagues who have spoken about the tremendous work that people within the lobstering industry, and the community that supports that, has done to maintain a consistent and healthy lobster population so that we can make sure our industry is well taken care of. The reality is that when you're harvesting from the sea there are sometimes cross-overs. That is a fact of life, regardless of how cautious and conscientious people are. While I'm not going to debate whether or not the groundfish industry was not as well regulated and overseen as the lobster industry, I do want you to think of something. These are people who live in Maine, who have a history in Maine, that have done well enough and been conscientious enough in the groundfish industry that they still exist in Maine. Do we want to say, by this action, that they are no longer a valuable asset to our agricultural industry and place them in a position where, through no fault of their own, they are forced to go to Massachusetts in order to be able to compete in a continually changing environment? The lobsters that they take in an incidental by-catch are on their boat and many times, because of the nature of the seas and where the fish stock is that they pick up, they would like to come to their home state and come to the Portland Fish Market and sell that. They are at a disadvantage if they have a by-catch that is not allowed because they are going to be monitored by those within the Marine Patrol industry. What we are talking about is allowing them the opportunity to still bring their fish to Portland and not be penalized for by-catch. It's 500 lobsters. We're not talking about poundage here. We're not talking about encouraging the change of the numbers they can take. What we're saying is to accept the realities of what goes on and protect the infrastructure of the groundfishing industry that still remains in Maine. I respectfully ask that you follow those of us who will not be supporting this report. Thank you, Mr. President.

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

Senator **LANGLEY**: Thank you Mr. President. My remarks will be brief. I come from a district that has one harbor, lands more lobster than all of southern New England combined. That's the harbor at Stonington. My question is really through you, Mr. President, the Chair. I was listening to the good Senator from Rockland who was, I thought, supporting this Ought Not to Pass, Minority Report, but at the end said he was opposing the motion. I was following his comments intently and just wanted to see if he was on the right report. Thank you.

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

Senator **TUTTLE**: Thank you Mr. President. Members of the Senate, I hadn't planned on speaking on this issue. You've heard that before. In a previous life I was the Senate Chair of the Marine Resources Committee. Back 25 years ago we didn't have anybody that was from my party who actually represented the coast, so I had told them that I had a few relatives who were lobsterfishermen and they said, "Well, John, that's good enough. You are the new Chair of Marine Resources." I did enjoy that committee. What you have to realize, like Senator Collins said, most of our lobsterfishermen can't afford to live on the coast. What they do is they live in Sanford, they live in Arundel, Lyman, and places like that. I'm sorry, Senator Cleveland, I'll try to be quicker. Most of the communications that I have received are against dragging. Historically, dragging is not the most environmental way and the proper way to get lobsters. What we've seen is the groundfishing industry decimated by practices over the years that, from a conservation perspective, have devastated the industry and we find ourselves in the situation that we are now. By encouraging the dragging, it will only exacerbate that. We would not only have a problem with the groundfishing industry, we'll have a problem with our lobster industry. What we should do is pass a federal law to not allow draggers from Massachusetts or anywhere to come within Maine waters, federal or whatever, and not land them in Maine. That's wrong. By passing this bill, we're encouraging things to go and continue the other way. I've relatives who are lobsterfishermen. We've discussed this every holiday. I think that if we support this bill I think we're just going in the wrong direction. I will be supporting the motion of Ought Not to Pass. Thank you, Mr. President.

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

Senator **BURNS**: Thank you Mr. President. Ladies and gentlemen of the Senate, I'll try to be very brief. There are a couple of things I just wanted to respond to. I think we need to keep in mind lobsters migrate. We keep talking about 40 miles out. Many of my fishermen fish outside, but lobsters migrate over that limit. They don't know where the 40 mile mark is. We're talking, to a great extent here, about brood stock also. I think it's just, to me, so absurd to encourage the intentional catch by these draggers, by these groundfishermen, as compared to the incidental or by-catch, which we're told over and over again is already going on now. It's already going on now, than we ought to probably do a better job at monitoring that. Once again we're pitting one industry against the other. We're talking about 7,000 lobstermen versus around 50 groundfishermen.

The other issue to me is that our lobstermen also have to contend with different regulations in Canada than they do in the

state of Maine. To me, this is just one more issue that is further endanger, or put in jeopardy, our lobster industry. I think we'd really be remiss if we put one more obstacle in the way. I think we need to be extremely careful about the industry that we have, that supports our coastline. This is just as important to our coastline as any other issue we've talked about, whether it's the gas pipeline coming into Central and Southern Maine or whether it's mining in Aroostook County. This is extremely important to our coast. Once again, I'd urge you to support the Minority Report. Thank you very much.

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

Senator **JOHNSON**: Thank you Mr. President. Once again, ladies and gentlemen, I rise to speak to a few of the points that have been raised. It would be nice to think that what we're really doing if we pass the law is allow only what happens by accident while fishing for other species. Unfortunately, the testimony of drag fishermen, groundfishermen, before our committee says otherwise. As far as the question of losing boats to Massachusetts, there are roughly 50 groundfish boats and about 12 of them are out of Portland. There are other things, and I hope those are better incentives for them to stay here and build our infrastructure, besides telling them that it's okay to land lobster in Massachusetts, which they may have targeted off shore in Maine.

We have already passed in this Body, and it is sitting on the Appropriations Table, a \$3.5 million investment in a permit bank. That's a way of helping the groundfish boats, that are based in Maine, have access to affordable permits for species that they catch and the process of their attempting to target other species that they may already have a permit for, or deciding that there is a good supply of species that they want to catch and they can go out and get a permit. It's particularly helpful if some of the permits in that permit bank are for what they call "choke species", those that are likely to be caught in the course of trying to catch the other species that are more abundant, but which have very strict limits on what you can catch. That's one of the things that we're doing to actually entice Maine groundfish boats to stay in Maine because only Maine boats will be able to take advantage of that permit bank.

There are other things that we could do that would make a difference. The bottom of the page that I had circulated to all of your desks, one of the things that would be helpful is investing in flash freezing technology in the Portland waterfront area so that we can do better at helping what's landed in Portland reach markets. There are no facilities nearby that offer that capability. I heard in discussion with a lobsterman who visited us in the Chamber earlier this week, who had spent some time as a groundfisherman in his past as well, how Monkfish is one of the species that they will slice and only keep the tails at sea. They discard the heads and guts overboard off shore. His point was that lobstermen could really use that head and guts. They are going to other countries, as well as the coast of Maine, to find what they can use as bait for their lobster traps and the cost of bait is a problem there. There's another opportunity for our groundfishermen, to get better price points, a better way of marketing some of what they might land or bring in with their nets. I think that those sorts of things and tackling those problems to help the groundfish industry out are the better way of enticing the boats to stay here, support the Portland area infrastructure, and support the industry in a healthy way that isn't detrimental to one

of the most important fisheries that we have in the state of Maine, our lobster fishery, and the many many lobsterfishermen and women. I've got to tell you, I've heard a couple out of Friendship just the other day. Both wrote to me because she works on the lobster boat too. To them, this is very worrisome. I heard from a lot of lobstermen who feel that way. I hope you will support me and support them with your vote for this Ought Not to Pass motion on L.D. 1549. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Lincoln, Senator Johnson 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 (#205)

YEAS: Senators: BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, DUTREMBLE, GERZOFISKY, GOODALL, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, VALENTINO

NAYS: Senators: BOYLE, CUSHING, FLOOD, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

28 Senators having voted in the affirmative and 7 Senators having voted in the negative, the motion by Senator **JOHNSON** of Lincoln to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down 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 **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Corporate and Other Entity Campaign Advertising Disclosure and Accountability" H.P. 521 L.D. 770

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

Signed:

Senators:
TUTTLE of York
MASON of Androscoggin

PATRICK of Oxford

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-379)**.

Signed:

Representative:
RUSSELL of Portland

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

Reports **READ**.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Establish Hospital Administrative District No. 5, a Regional Hospital Administrative District in Lincoln County" (EMERGENCY) H.P. 799 L.D. 1127

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

Signed:

Senators:
LACHOWICZ of Kennebec
COLLINS of York

Representatives:

GRAHAM of North Yarmouth
COTTA of China
HAYES of Buckfield
NADEAU of Fort Kent
PEASE of Morrill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-391)**.

Signed:

Representatives:

BOLAND of Sanford
 BOLDUC of Auburn
 CHENETTE of Saco
 MacDONALD of Old Orchard Beach
 NADEAU of Winslow

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

Reports **READ**.

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

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

ENACTORS

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

Emergency Measure

An Act To Reduce Energy Costs, Increase Energy Efficiency, Promote Electric System Reliability and Protect the Environment
 H.P. 1128 L.D. 1559
 (H "A" H-350)

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

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise this afternoon just to speak about this very important piece of legislation. I know that there has been a great deal of lobbying going on surrounding this discussion and I know that the committee of jurisdiction, the Energy, Utilities and Technology Committee, has worked incredibly hard on this issue. I served there myself for six years and served as Senate Chair last term. The issues that come before that committee are incredibly complex and I want to commend Senator Youngblood and Senator Cleveland for working very hard to come up with a compromise bill. It's not always easy to do that. I know that Senator Cleveland has worked incredibly hard to bring this bill forward. Senator Cleveland is to be commended for thinking big. I know that when he served here in his previous stint here in Augusta he brought forward a bill that ultimately brought us deregulation, which was obviously thinking big. This is probably the biggest thing since the deregulation bill. I guess I rise because I want everybody in the Chamber to fully recognize the implications of what we're voting on here today and to express a little bit of caution for this group. I know yesterday when we had the bill nobody spoke

against it, yet there were some of us that voted against it. I think it's important that everybody recognize that this bill doesn't happen without some degree of risk. I think it's admirable that we want to see natural gas come to the state of Maine. It's incredibly important to our businesses here in our state to have cheap energy, cost effective energy, and a supply that is dependable. That's incredibly important to Maine's economy. I also believe that that is going to happen whether or not we pass this bill today. I think that there are proposals that are already out there, companies that are talking about building pipelines have already met with individuals here in the state. I'm excited to hear that that's moving forward.

This bill, one of the aspects of this bill, would have Maine PUC, with the authority of the Governor, making the ultimate signoff on long term contracts for capacity, up to \$75 million a year worth of capacity. That could be an incredible catalyst. It also could end up being something that, if the market was to change, was a drag on Maine's economy. It does not come without some degree of risk. I think it's important that everybody in this Chamber fully recognizes that that does, indeed, have risks associated with it.

The bill also changes the authority for when the triennial plan is submitted from the Efficiency Maine Trust to the PUC. Currently the plan is approved and then the budget is brought here to the State House and has to go through an approval process. This would change that so that rather than having to take affirmative action to pass a budget it changes the threshold and now we would have to take affirmative action to change the budget. The budget would actually effectively be set by the resources identified in the triennial plan that is approved by the PUC. I find that a bit problematic. I don't know why this Legislature would want to change that threshold, that authority, that currently exists. It's worked well. Certainly there has been proposals to increase the system benefit charge over the years and sometimes that has been rejected, admittedly. It certainly is important to the people of the state of Maine and it's important to this Body and it ought to be important enough to vote for. It's very similar to what we refer to as indexing on the gas tax. We saw that happen a few years ago, where that was repealed. I think that any time we change that threshold it's a bit of concern to me. Also it eliminates Legislative approval. I spoke of that. It also adds a new tax on compressed natural gas and LNG, which seems to be a significant investment recently in our state with compression stations from Baileyville to places in Southern Maine. This will levy a new tax on these businesses. Again, a bit of a concern. It requires the PUC to do a formal assessment of non-transmission alternatives to every transmission line application. That's boring to you guys. I'm sure it is. Ladies and gentlemen, let me assure you that we've heard these bills in the committee year after year. Stand-alone bills that have been rejected year after year. When we add more red tape and more regulations to an already burdened process it creates delays and added costs. It also requires the Maine PUC, rather than just simply identifying the need because the PUC is the regulator in this, to not only just find the need but also requires that the PUC give preference to non-transmission alternatives.

What's that mean, ladies and gentlemen? Cost effective? Is it cost? Is it price? All of these things should concern you. Ratepayers in the state of Maine are facing very high rates. I know that folks will tell you that Maine is fortunate. We have some of the lowest rates in New England. Ladies and gentlemen, that's not good enough. That's like being the tallest dwarf. We've

got to do better. When we add regulations and uncertainty and major changes, some of which I think all of us would hard pressed to explain, I think it should give us pause. There is one thing I learned serving six years on the Energy, Utilities and Technology Committee is that the whole energy market is like holding a water balloon. When you put your finger in one place it pops out someplace else. I'm not sure that we necessarily understand every implication of what we're doing here today and I would ask you to really consider carefully and ask yourself if you understand the effect that this bill has on the folks that you represent back home or are you simply pushing a button because you've been told it's the right thing to do. I know it's a tough issue. I really would encourage you to be very very careful and make absolutely sure that you fully and completely understand what you're voting on today because the effect will be large. I know that there is potential, but also recognize that there are significant new taxes involved in this bill. I hope that everybody is fully competent and understands this completely. Thank you, Mr. President.

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

Senator **CLEVELAND:** Thank you Mr. President. Men and women of the Senate, I'd like to begin by thanking my good friend and colleague, Senator Thibodeau from Waldo County, for his very kind remarks. I appreciate his recognition that these are complex ideas and to try to deal with those. I'd like to remind you though that when we have huge and big problems before us, small ideas will not solve the problem. You need to be bold and strong and seek the large response to the degree of which the problem presents us. Because this is an energy bill, it is a comprehensive and complex piece of legislation. I wanted to provide these remarks to clarify the intent of the bill and to provide guidance to future readers of our intent in this legislation here today. Many of these have guided our reasoning and thinking as we looked for solutions to the problems before us.

The public health, safety, and welfare have long been impaired by the limited energy choices and the high cost of energy available in Maine. Maine's electricity rates are currently among the highest in the nation. Maine's natural gas prices are among the highest in the nation. In 2012, the cost of heating and lighting the average Maine home was more than \$3,300 per year compared to the average of \$2,000 per year for the rest of the nation. In 2012, 70% of the Maine homes were heated with oil. Nationally 7% of the homes heat with oil. In combination with Maine's climate, these factors have weakened Maine's economy and imposed a painful choice on residents and businesses in Maine. Despite public and private efforts to reduce energy costs, with some recent success due to the decline in natural gas prices and expanded energy efficiency, Maine faces substantial increases in energy costs in 2013 which will continue to rise for several years thereafter. The increased possibility of loss of the regional electric grid reliability beginning in 2013 is due to three factors: the projected continued high cost of heating oil and gasoline; the placing and the rates of New England transmission and distribution utilities. Over several years, \$10 million in transmission upgrades; and thirdly, substantial increases in the price of natural gas due to inadequate natural gas capacity supply into the southern New England area during heating season. This will raise electricity and natural gas costs to Maine customers by more than \$200 million per year beginning in 2013 and will threaten regional electric reliability. In fact, we face rolling

blackouts this year. The huge size, timing, and unique characteristics of these cost increases and the threat to the grid reliability require prompt and strategic response action by public officials and agencies charged with protecting the public health, safety, and welfare.

The Maine Public Utilities Commission has responded in part by authorizing consumer rebates and on-bill financing programs on gas and transmission distribution utilities. On September 19, 2012 in Docket 2012-343, the Maine Public Utilities Commission authorized Bangor Hydroelectric Company to implement on-bill financing in a pilot program to provide financial assistance to customers in connection with the installation of electric heat pump heating systems. The Efficiency Maine Trust was a party to and agreed to this stipulation. On January 29, 2013 in Docket 2012-258, the Maine Public Utilities Commission authorized Summit Natural Gas of Maine to offer qualifying cost rebates to residential customers for equipment purchases, conversions, and installations necessary for households to burn natural gas fuel. The Commission observed that, "State energy officials have recently endorsed natural gas as a desirable fuel that can reduce Maine's dependency on the volatile and higher priced world old markets, benefiting consumers and businesses. Equipment and conversion rebates are a tool that may assist Maine's customers in making a transition by making the up-front capital expenditures more affordable. This is especially important for low income residential customers who are eligible for a more generous rebate under the plan." The Efficiency Maine Trust was a party to and agreed to this stipulation.

It is the goal of this legislation to accomplish the following actions to address these cost increases and grid reliability threats. First, in every reasonable manner, we should reduce the cost of energy to the residents of the state to the extent practical, focus expenditures and actions to lower costs to avoid cost increases in the years from 2013 through 2018. Two, design rates and programs of transmission and distribution utilities and gas utilities and the programs of the Efficiency Maine Trust, and reduce the share of regional capacity energy and transmission costs paid by the residents of Maine. Third, with the newly created natural gas pipeline capacity purchase capability of the Public Utilities Commission and through the participation in regional energy organizations by public and utility officials, cause the development by 2017 of at least a 2 billion cubic foot per day additional natural gas pipeline capacity into southern New England. This will substantially eliminate the so-called basis differential which has dramatically increased the cost of natural gas and the cost of electricity in New England and will help to ensure the reliability of the New England grid. Fourth, increase energy choices and lower energy costs in heating by facilitating the rapid build out of natural gas distribution systems in the state, permitting as many as may be appropriate in the light of the programs of the Efficiency Maine Trust and utility loans and on-bill financing at the option of the utility for customer installation of energy efficiency measures and efficient energy technologies including furnaces such as pellet boilers, heaters of any fuel, and all useful energy technologies such as heat pumps.

Men and women of the Senate, I want to tell you today that it is critical that we pass this bill and that it become not only passed but that it become law and take effect immediately. We know that if we don't pass this bill there will continue to be a \$200 million energy tax on Maine residents and businesses year after year after year, as far as we can see. The state of Maine and the citizens of Maine cannot afford this tax. It's a burden on our

economy. It reduces business growth and makes our businesses uncompetitive. Further, because of the natural gas constriction into the pipelines that come into New England, serving the electric generators that provide 52% of the electricity in this state, we face the potential of further rolling blackouts in New England. That is an unacceptable outcome for Maine and for the New England region. Further, if we do not pass this bill and it does not become law under the Emergency clause, the University of Maine will not have an opportunity to submit to the Public Utilities Commission a proposal to build an off-shore wind deep water pilot program because it will not re-open the opportunity for the Public Utilities Commission to consider their proposal. That would be a dramatic loss for an innovative and well thought out program by the University of Maine. Further, if we don't pass this bill, the Efficiency Maine Trust will not receive the funding necessary to reduce energy consumption, to reduce electricity costs in the state of Maine, to reduce the pollution as a result of that excess energy, and it will tend to increase costs for all electric energy users in the state of Maine. Further, without this program thousands of Maine residents will not have an opportunity to choose a less expensive fuel to heat their homes because it will not have the capital and the assistance to choose a different technology to be installed that is less expensive to heat their homes and they will be stuck with the problem of choosing between the essentials of life; between food, caring for their families, medications, gasoline for transportation, and many other essential costs. Maine citizens and homeowners simply cannot continue to afford to pay the astronomical costs of heating their homes. Finally, without this bill many of the major industries in this state like the paper mills, Bath Iron Works, and many other large institutions will be facing high energy costs. We know that some of these industries are struggling to stay competitive and to stay in business. They employ thousands and thousands of Maine residents who make good wages to support their families. We cannot afford to lose those businesses and we cannot afford not to lower our energy costs so that we're more attractive to businesses moving into the state of Maine to create more jobs that are critically needed. I urge you to support this bill. I urge you to take whatever support may be needed in the future to make sure that it becomes law in the state of Maine. Thank you.

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

Senator **YOUNGBLOOD:** Thank you Mr. President. Ladies and gentlemen of the Senate, there are risks in everything we do. I got in my vehicle this morning, many of you got in yours, and I drove to Augusta. That was a risk. The risk probably wasn't the driving. The risk was getting here and the things that we're facing these days. I spent my entire life, or a good part of it, in a business where I had to measure risk on a daily basis. I'm probably the most conservative person on our Energy and Public Utilities Committee. I think I took a very conservative approach and being ultimately convinced that this piece of legislation was necessary for the state of Maine. Is there is risk in voting for this? Absolutely. There is risk for not voting for this. There is risk if we don't do this in losing some of our most substantial employers in the state of Maine that are hanging by their fingernails, waiting for some energy relief. There is risk if we don't do this of not getting some of those new industries coming to Maine that we need so badly to help us with our budget issues in this state that we've been fighting over and will continue to discuss in the upcoming

days. There is risk in not doing this to the projected 50,000 installations that Summit Gas is talking about putting in here in the Kennebec Valley over the next five years. There is substantial risk if Mother Nature decides to give us a very very cold winter here not very far down the road and we don't have the supplies to take care of those homes, those businesses, that are going to be converting to natural gas. This bill, as I said the other day, is about capacity. There is going to be a pipeline coming to New England. We're going to benefit from that in lower electrical costs because most of that power that is generated on the ISO grid is done in Massachusetts with natural gas. We'll get some benefit. What we won't get, or what we may not get, we'll probably get a little bit of gas coming from that, but if we don't control some portion of that new line, and this really is about how they size the line, if we're not in they do not size the line nearly to the point they would with us in the ballgame. I believe the risk is there. The risk to our payers is not as great as what we're paying for long term contracts on all the wind farms that we're putting up, that we're forced to have. There is a balance, obviously, to everything. I'm willing to take the risk. I would urge you to take the risk and vote to enact this piece of legislation. Thank you very much, Mr. President.

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

Senator **THIBODEAU:** Thank you Mr. President. Certainly there is no villain in this. Folks come to different conclusions based on what they've looked at, their experience, and I guess I come to a different conclusion. I recognize that there is a congestion problem when it comes to natural gas, but I don't believe that that \$200 million tax, due to the congestion, that was referenced to is going to go unfixed if we take no action on this bill. I'd also like to suggest to you that we've taken risks before and entered, because we thought it was good public policy, a decade or two ago into long term contracts that were, in many cases, for 15¢ and 20¢ per kilowatt because we thought it was in the best public interest. Ladies and gentlemen, I can't tell you how wrong we were about those contracts. All of that serve on the Energy and Utilities Committee are very familiar with the term "stranded costs". Our ratepayers are paying for those costs, and continue to pay for those costs over time, driving up our electric rates, which is very unfortunate. One thing we can be sure of is that, based on this legislation, we'll watch our system benefit charge, which is a tax on our electric bills, go from \$14 million per cap to, just in a few short years, \$30 million. We can be sure that the money that ratepayers have paid in to house the nuclear waste in Wiscasset won't go to rate reduction, but instead will flow through an efficiency program. One of the really unfortunate things, that I can't discuss here today because it was an amendment that was offered previously, is not in the bill. That's unfortunate. What is in the bill is some very soft language, in my estimation, trying to make some sort of reference to the University of Maine's off-shore wind contract. I think that's unfortunate. We had an opportunity to offer much stronger language, which would have made this bill substantially better because our university system does deserve to deploy their off-shore wind technology. That's an incredible opportunity for our state to be an economic catalyst. I think we fell far far short in protecting the university system in this. That's very unfortunate. I'll be a long time trying to figure out and understand the politics behind that decision. Ladies and gentlemen, we have spent a decade encouraging that technology

at the university. A decade. Now it's in question as to whether or not that will ever be deployed. The fact of the matter is one of the contracts that the university is competing for is at the federal level. One of the key components is a long term contract. That long term contract exists because we created many years ago as a pilot project for deep water off-shore wind. What a shame. We had an opportunity to put some strong language and choose not to. Let me suggest to you that we know there is risk involved and that we know that there is potential for reward, but we can be sure that there are tens of millions, and over time hundreds of millions, of dollars' worth of new taxes in this bill. Thank you.

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with 6 Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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 "An Act To Facilitate Children's Testimony"

H.P. 1039 L.D. 1445

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-385)**.

Signed:

Senators:

VALENTINO of York
BURNS of Washington
TUTTLE of York

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 Not To Pass**.

Signed:

Representative:

CROCKETT of Bethel

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-385)**.

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-385) **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 **JUDICIARY** on Bill "An Act To Amend Public Access Laws To Improve Accountability for Public Funds by Making Public the Board Meetings of Hospitals Receiving Significant State Funding"

H.P. 790 L.D. 1118

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

Signed:

Senators:

VALENTINO of York
BURNS of Washington
TUTTLE of York

Representatives:

BEAULIEU of Auburn
CROCKETT of Bethel
GUERIN of Glenburn
MOONEN of Portland
MORIARTY of Cumberland
PEAVEY HASKELL of Milford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-383)**.

Signed:

Representatives:

PRIEST of Brunswick
DeCHANT of Bath
MONAGHAN-DERRIG of Cape Elizabeth
VILLA of Harrison

(Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought Not To Pass** Report.)

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

Reports **READ**.

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

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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Fairly Distribute the Debt Burden between the State and County Correctional Functions" H.P. 944 L.D. 1320

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

Signed:

Senators:

GERZOFKY of Cumberland
DUTREMBLE of York
PLUMMER of Cumberland

Representatives:

DION of Portland
CASAVANT of Biddeford
KAENRATH of South Portland
LAJOIE of Lewiston
LONG of Sherman
PEASE of Morrill
PLANTE of Berwick
TYLER of Windham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-356)**.

Signed:

Representatives:

MARKS of Pittston
WILSON of Augusta

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

Reports **READ**.

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

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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Establish the Forensic Advisory Committee"

H.P. 736 L.D. 1045

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

Signed:

Senators:

GERZOFKY of Cumberland
DUTREMBLE of York
PLUMMER of Cumberland

Representatives:

DION of Portland
CASAVANT of Biddeford
LAJOIE of Lewiston
LONG of Sherman
MARKS of Pittston
PEASE of Morrill
PLANTE of Berwick
TYLER of Windham
WILSON of Augusta

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-355)**.

Signed:

Representative:

KAENRATH of South Portland

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

Reports **READ**.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Laws Governing Pawn Transactions"

H.P. 64 L.D. 71

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-392)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-392)**.

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

READ ONCE.

Committee Amendment "A" (H-392) **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 MILLETT for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Governing Students Experiencing Education Disruption" S.P. 378 L.D. 1096

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-243)**.

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

READ ONCE.

Committee Amendment "A" (S-243) **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 Bill "An Act Regarding School Construction"

S.P. 429 L.D. 1235

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-239)**.

Report **READ**.

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

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 Prohibit the Unauthorized Harvesting of Wild Mushrooms and Fiddleheads"

H.P. 293 L.D. 421

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

Signed:

Senators:

JACKSON of Aroostook
SHERMAN of Aroostook

Representatives:

DILL of Old Town
HICKMAN of Winthrop
JONES of Freedom
KENT of Woolwich
MAREAN of Hollis
SAUCIER of Presque Isle

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-351)**.

Signed:

Senator:

BOYLE of Cumberland

Representatives:

BLACK of Wilton
CRAY of Palmyra
NOON of Sanford
TIMBERLAKE of Turner

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

Reports **READ**.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Establish Superior Court as the Forum in Which Appeals of Agency Decisions Must Be Taken"

H.P. 791 L.D. 1119

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-384)**.

Signed:

Senators:

BURNS of Washington
TUTTLE of York

Representatives:

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

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

Signed:

Senator:

VALENTINO of York

Representative:

MOONEN of Portland

(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-384)**.

Reports **READ**.

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

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Concerning Liquor Licensing Laws for Holders of 2 Licenses"

S.P. 573 L.D. 1518

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-245)**.

Signed:

Senators:

TUTTLE of York
MASON of Androscoggin

Representatives:

LUCHINI of Ellsworth
BEAULIEU of Auburn
FOWLE of Vassalboro
GIFFORD of Lincoln
JOHNSON of Eddington
KINNEY of Limington
LONGSTAFF of Waterville
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

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-245) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Establish Ranked-choice Voting in the State"

S.P. 208 L.D. 518

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

Signed:

Senators:

TUTTLE of York
PATRICK of Oxford
MASON of Androscoggin

Representatives:

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

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

Signed:

Representatives:

RUSSELL of Portland
SAUCIER of Presque Isle

Reports **READ**.

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

On motion by Senator **WOODBURY** of Cumberland, 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 Woodbury.

Senator **WOODBURY:** Thank you Mr. President. We're in a period of history when the number of strong candidates in a general election campaign will very often be more than two. We all know this. We've all seen this in many of the races for higher office in the last decade. The question is whether the way we conduct elections now is the best way to handle multiple person races or whether there is a better way. I believe there is a better way. I believe ranked-choice voting is a better way. I see two problems with the approach we use now. First, where there are more than two candidates the winner of the election often wins with less than a majority of the votes cast. That concerns me. Second, it can put people in the situation of not voting for the person they believe in most for fear of helping the person they believe in least. They have to vote strategically rather than for their most preferred candidate.

As I'm sure you know, ranked-choice voting is a method of voting in which voters rank the candidates in the order of their preference. If no one candidate receives a majority of the votes, the candidate with the least votes is eliminated in a subsequent tabulation, and the votes are recounted as if the voters were choosing among the remaining candidates only. This continues until one candidate has received a majority of the votes or until just two candidates remain in the tabulation. Ranked-choice voting is functionally equivalent to having run-off elections, but without requiring the additional elections to be held. Ranked-choice voting does not inherently favor any political party or interest group. It simply ensures that the minority of the voters cannot dictate the outcome of the election. Additionally, it gives the voters more power because they can express their views through a wide range of choices on the ballot. Ranked-choice voting is a reform that fits the demands of voting policy in Maine, when we have so many multiple candidate elections taking place. I encourage you to vote against the current motion so that we can turn to the bill and make these improvements to our voting system. Thank you, Mr. President.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, I would hope that you would join the Majority of the Committee on Veterans and Legal Affairs in voting Ought Not to Pass on this proposal. The proposed ranked-choice voting method of determining winners in elections for Governor, Senators, and members of the House of Representatives is before you today. As the good Senator from Cumberland has told you, the initial round of counting is where the first choice marked on each ballot is counted. If more than two candidates receive votes after the initial round the Secretary of State would conduct a second round. In the second round the Secretary of State eliminates that candidate with the fewest votes. The bill also includes a provision that allows the legislative or governing authority of the municipality for election officials to provide the use of devices for marking ballots and also modification to form of ballots as long as those changes are consistent with the principles of the ranked-choice vote. We received much testimony from the Town Clerks' Association. Many of our small towns are still hand counting ballots. Imagine what your small town would have to go through if something like this were

adopted statewide. This bill raises issues with regard to being in conflict with the Constitution of Maine. First, the Constitution of Maine provides that a candidate for Governor or Maine Senate or Maine House is determined elected when the votes cast for the candidates achieve a plurality of all votes cast. Second, the Constitution of Maine provides that votes be received in a municipality where they were cast to be sorted, counted, and declared at an open meeting. Ranked-choice voting, as proposed, provides a method of counting that does not stop when the candidate receives a plurality of votes in the initial rounds. It requires additional rounds of counting. The Secretary of State said at the hearing it would cause some Constitutional issues that I think need to be addressed. With the regard that votes be acquired, sorted, counted, and declared in a municipality where they were cast, the city or town should consider whether the method of counting by ranked-choice voting would allow this. Imagine all your small towns having to do this and the implications of that.

Additionally, there are logistic and fiscal policy questions for us to consider if the Constitutional concerns are satisfied. Questions would include: will this method allow for citizen involvement and oversight of the post-voting election? Presently, as written, the bill seems to require an additional round, even after only two candidates remain in the previous round. What changes would be necessary to the way we conduct post-election procedures and what will be the cost in case of recounts? Who determines whether the ballot instructions are easy to understand and are simple, as required by both bills? If the Secretary of State reduces the number of candidates to appear on the ballot because of practical space requirements, how will the Secretary of State choose who will be included? Does the process required raise any concerns with regard to ballot security? I would say it does. What if the results are challenged? Does the process allow for a manner to recreate the counting so that it can be audited in a manner to find disparities or confirm results? My last question is: does this bill constitute a municipal mandate? I think it does.

There is also a fiscal note of \$2 million, in hard financial times. The proponents of this bill will tell you the cost is not \$2 million, it's a lot less. Having talked to the Secretary of State and an initial review from the committee, I think the costs are prohibited. For that reason, I would ask you to support the Majority Ought Not to Pass Report.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today unexpectedly on a subject that I didn't think I was going to speak about. Everything in this country, in every election I've ever been involved in, has been about majority rules. I work nice and hard in my campaigns, and I'm sure you all do also, so that we can get over that hump of majority rules. You get the majority vote and you win. I don't care if there are ten people in the race. If you get the majority of the vote, than you win. When I go to vote, and I go to the polls like you do, I don't expect it to be like an Oriental restaurant with a little bit from column A and a little bit from column B and a little bit from column C. I'd like to vote for the person that I think is the best candidate on that ballot. I want my vote to count; not once and not twice, like some people would like, but once. I think it's very important that we stay with our tradition of one vote, one

majority, and one rule. Thank you very much, ladies and gentlemen and all concerned.

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

Senator **WOODBURY:** Thank you Mr. President. I just want to respond to the administrative concerns that were raised by a previous speaker. First of all, I with that you would look at the fiscal note and see exactly what the fiscal note says. It is not \$2 million to conduct this kind of election. It is \$142,195 in fiscal year 2014 and \$194,675 in fiscal year 2015. The fiscal note is very clear about what that is for. It provides funding to update the ballot tabulating machines, purchase additional memory devices, and lease a high-speed voting tabulation unit process. This is administratively possible and makes for a better system. Thank you, Mr. President.

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues of the Senate, when ranked-choice voting was suggested in the city of Portland, the city where I live, I was skeptical. I was unsure. I didn't know how it was going to work. I'm one of those senior citizens that everybody worries about, about whether or not I'd be able to think past one to pick two people. Somehow I managed to come to grips with that. I also came to understand exactly how the system worked. This was an extraordinary pilot project here in the city of Portland. There were 19 candidates for one seat; 19 candidates in a highly contested race. I was the treasurer for one of those unsuccessful candidates, but it gave me an upfront and on the ground opportunity to watch how that race was run. It had a very different flavor than other races because when you were talking to folks you couldn't say, "Vote for me because Joe Schmo, who is running against me, is really one of those people that you wouldn't want to vote for." You couldn't do that because you were always looking to see whether or not you might be number two on that person's list and their Joe Schmo was number one. The tenor of that race was very different than some other races that I've seen. The literature was all positive and focused on the qualifications of the candidates and the debates were very civil in a way that I don't always see when I see some of these debates. The city spent some time making sure that people understood what it was and they made sure that people understood what the process was. They had a very open process. They said, "Our doors are going to be opened. We are going to help these folks while you watch us. Not behind closed, but while you watch us." Everybody got there to stand in a very crowded room that night and watch exactly how that worked. It was a fascinating process and I came to be a real believer. I, frankly, don't know if the way this bill has structured the implementation is the correct way or not. I'm assuming that it is. I feel very strongly that ranked-choice voting is a great way to run our races and I will be supporting this today. Thank you.

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, I just rise very quickly to agree with my colleague, the

Senator from York, Senator Tuttle. There are a lot of problems with this bill, in particular the pure fiscal note of the bill. It is \$2 million, but we believe it could cost a lot more than that. We are finishing up our upgrades in the Secretary of State's Office for new tabulation machines and the jury is still out on if those machines could do the job. I think that's a major concern. I also agree with the Constitutional concerns that the Senator raised. I hope you will join me and the Senator from York in voting for the Ought Not to Pass motion. Thank you.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I've got a fiscal note in front of me here and I don't see a \$2 million figure on it. I just wanted to note that it appears to have \$142,198 in fiscal year 2013-2014 and similar numbers in subsequent years. Seeing that information, I had to speak to that. My primary reason for rising is to say that I, in the course of running for this office, spoke with quite a few of my constituents who believe, from both parties, that ranked-choice voting is a good idea. I don't think I'm quite old enough yet that I think that I can't count past one. I do know that people are used to, all their lives, picking their first choice, their second choice, their third choice, and etcetera. That's all we're really asking people to do in ranked-choice voting, to vote for who they most would like to see in that office. I rather appreciate the comments of the Senator from Cumberland, Senator Woodbury, regarding this changing how people look at, not as a strategic choice, who they must vote for to avoid what they least want, but to vote for what they really want for a person in office. I think that's what our electoral process is really supposed to be about and I embrace the opportunity to make that become, once again, the real purpose for people choosing who they want to vote for in an election. Thank you.

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

Senator **PATRICK:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, as the third Senator on the Ought Not to Pass report, I will concur with the Senator from York and the Senator from Androscoggin. I have been on the Veterans and Legal Affairs Committee now for, this is my sixth term, and this bill has been before us a couple of times before. I will say that I believe in the future, ahead, this bill probably will be passed. I, myself, don't think it's ready for prime time yet. We've had much discussion on this issue in committee. We have yet to get over the hump where we believe that the bugs are worked out of the system. I would ask you to follow my light on the Ought Not to Pass Report. Thank you.

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

Senator **HAMPER:** Thank you Mr. President. Yes, the junior Senator from Oxford. Posing a question, Mr. President. I did some research and the only Joe Schmo I could find in Maine was in Auburn. How could the Senator from Cumberland be voting for somebody in Auburn? Thank you, Mr. President.

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending the motion by Senator **TUTTLE** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Facilitate the Licensing of International Mail Order Prescription Pharmacies by the Maine Board of Pharmacy"
S.P. 60 L.D. 171

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-241)**.

Signed:

Senators:

PATRICK of Oxford
CLEVELAND of Androscoggin

Representatives:

HERBIG of Belfast
CAMPBELL of Newfield
GILBERT of Jay
HAMANN of South Portland
LOCKMAN of Amherst
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 "B" (S-242)**.

Signed:

Senator:

CUSHING of Penobscot

Representatives:

DUPREY of Hampden
VOLK of Scarborough
WINCHENBACH of Waldoboro

Reports **READ**.

Senator **PATRICK** of Oxford moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-241)** 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 BY COMMITTEE AMENDMENT "A" (S-241)** Report.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Discourage Tenants from Damaging Rental Property"

S.P. 448 L.D. 1305

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

Signed:

Senators:

GERZOFKY of Cumberland
DUTREMBLE of York
PLUMMER of Cumberland

Representatives:

DION of Portland
CASAVANT of Biddeford
KAENRATH of South Portland
LAJOIE of Lewiston
LONG of Sherman
MARKS of Pittston
PEASE of Morrill
PLANTE of Berwick
TYLER of Windham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-240)**.

Signed:

Representative:

WILSON of Augusta

Reports **READ**.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator JOHNSON for the Committee on **MARINE RESOURCES** on Bill "An Act To Make Technical Changes to Maine's Marine Resources Laws and Elver Enforcement Mechanisms"

S.P. 588 L.D. 1545

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

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

READ ONCE.

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

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

Ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Preserve and Protect Ancient Burial Grounds and Burial Grounds in Which Veterans Are Buried"

S.P. 107 L.D. 274

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-248)**.

Signed:

Senators:

LACHOWICZ of Kennebec
COLLINS of York

Representatives:

GRAHAM of North Yarmouth
CHENETTE of Saco
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:

Representative:
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-248) **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.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Establish Ranked-choice Voting in the State"

S.P. 208 L.D. 518

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-244)** (2 members)

Tabled - June 7, 2013, by Senator **GOODALL** of Sagadahoc

Pending - motion by Senator **TUTTLE** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report (Roll Call Ordered)

(In Senate, June 7, 2013, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#206)

YEAS: Senators: BURNS, CAIN, COLLINS, CUSHING, FLOOD, GERZOFKY, GOODALL, HAMPER, HILL, JACKSON, KATZ, MASON, MAZUREK, PATRICK, PLUMMER, SHERMAN, THIBODEAU, THOMAS, TUTTLE, WHITTEMORE, YOUNGBLOOD

NAYS: Senators: BOYLE, CLEVELAND, CRAVEN, DUTREMBLE, GRATWICK, HASKELL, JOHNSON, LACHOWICZ, LANGLEY, MILLETT, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

ABSENT: Senator: SAVIELLO

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **TUTTLE** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Fairly Distribute the Debt Burden between the State and County Correctional Functions"

H.P. 944 L.D. 1320

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-356)** (2 members)

Tabled - June 7, 2013, by Senator **GERZOFKY** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

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

(In Senate, June 7, 2013, Reports **READ**.)

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

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

An Act To Refund the Sales Tax Paid on Fuel Used in Commercial Agricultural Production

S.P. 256 L.D. 707
(C "A" S-168)

Tabled - June 7, 2013, by Senator **JACKSON** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, June 3, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-168)**.)

(In House, June 6, 2013, **PASSED TO BE ENACTED**.)

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

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

An Act Regarding Service of Small Claims Notices
S.P. 289 L.D. 864
(C "A" S-178)

Tabled - June 7, 2013, by Senator **JACKSON** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, June 4, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-178).**)

(In House, June 6, 2013, **PASSED TO BE ENACTED.**)

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

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

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
(C "A" S-166)

Tabled - June 7, 2013, by Senator **JACKSON** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, June 3, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-166).**)

(In House, June 6, 2013, **PASSED TO BE ENACTED.**)

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

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

An Act To Provide Flexibility in the State Prevailing Wage and Benefit Rates

H.P. 762 L.D. 1069
(H "A" H-252 to C "A" H-131)

Tabled - June 7, 2013, by Senator **JACKSON** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, June 3, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-131) AS AMENDED BY HOUSE AMENDMENT "A" (H-252)** thereto, in concurrence.)

(In House, June 6, 2013, **PASSED TO BE ENACTED.**)

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

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

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

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

On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED**, until Monday, June 10, 2013, at 10:00 in the morning, in memory of and lasting tribute to Francois Sevigny of Springvale.