

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

In Senate Chamber
Friday
June 14, 2013

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

Prayer by Senator Margaret M. Craven of Androscoggin County.

SENATOR CRAVEN: Thank you, Mr. President. Good morning. Let us be in a thoughtful state of gratitude for the endless blessings we receive from this universe. At this time in the Legislative session we often have trouble keeping our equilibrium from being tired and having our nerves be a bit frayed. This morning the blessing is going to be for equilibrium.

Like the joy of the sea coming home from the shore, may the relief of laughter rinse through your soul. As the wind loves to call things to dance, may your gravity be lightened by grace. Like the dignity of moonlight restoring the earth, may your thoughts incline with reverence and respect. As water takes whatever shape it will, so may you be free about who you become. As silence smiles on the other side of what's said, may your sense of irony bring perspective. As time remains free of all that it frames, may your mind stay clear of all its names. May your prayer of listening deepen enough to hear in the depths the laughter of God. John O'Donohue.

National Anthem performed by Will Somes from Washington Academy

Pledge of Allegiance led by Senator John L. Patrick of Oxford County.

Reading of the Journal of Thursday, June 13, 2013.

Doctor of the day, Donald Strickland, MD of Gardiner.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **MARINE RESOURCES** on Bill "An Act To Require Labeling of Genetically Engineered Marine Organisms"

H.P. 621 L.D. 898

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-443)** (5 members)

In House, June 12, 2013, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-443) AS AMENDED BY HOUSE AMENDMENT "A" (H-466)** thereto.

In Senate, June 13, 2013, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, 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 **INSISTED**.

COMMUNICATIONS

The Following Communication: S.C. 474

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

June 12, 2013

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

Dear President Alford and Speaker Eves:

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

- | | |
|-----------|--|
| L.D. 1262 | An Act To Reduce Energy Costs |
| L.D. 1375 | An Act To Enhance Maine's Economy and Environment |
| L.D. 1425 | An Act To Create Affordable Heating Options for Maine Residents and Reduce Business Energy Costs |
| L.D. 1426 | An Act To Improve Maine's Economy and Lower Energy Costs through Energy Efficiency |

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

Sincerely,

S/Sen. John J. Cleveland
Senate Chair

S/Rep. Barry J. Hobbins
House Chair

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

The Following Communication: H.C. 202

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

June 13, 2013

Honorable Darek M. Grant
Secretary of the Senate
126th Maine Legislature
Augusta, Maine 04333

Dear Secretary Grant:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Ensure Accountability in State Contracts" (S.P. 406) (L.D. 1169).

Representative Nathan L. Libby of Lewiston
Representative Sharri K. MacDonald of Old Orchard Beach
Representative Amy Fern Volk of Scarborough

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and **ORDERED PLACED ON FILE.**

The Following Communication: H.C. 203

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

June 13, 2013

Honorable Darek M. Grant
Secretary of the Senate
126th Maine Legislature
Augusta, Maine 04333

Dear Secretary Grant:

The House voted today to insist on its previous action whereby An Act To Reduce Obesity among Schoolchildren (S.P. 397) (L.D. 1160) Failed of Passage to be Enacted.

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and **ORDERED PLACED ON FILE.**

ORDERS
Joint Order

Expressions of Legislative Sentiment recognizing:

Izzy Labbe, Maya Brown and Julia Bluhm, of Waterville, for receiving the 2013 Samantha Smith Award from the Maine Women's Fund. The 3 young women, of the Hardy Girls Healthy Women's SPARK project, were honored for their success in getting *Seventeen* magazine to change its policy regarding the use of Photoshop on models' photographs in the magazine. We extend our congratulations and best wishes to Izzy, Maya and Julia on their receiving this prestigious award;
SLS 491

Sponsored by Senator LACHOWICZ of Kennebec.
Cosponsored by Representatives: BECK of Waterville,
LONGSTAFF of Waterville.

READ.

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

Senator **LACHOWICZ:** Thank you Mr. President. Men and women of the Senate, I am lucky enough to live in city of Waterville where three wonderful young women live. Their names are Izzy Labbe, Maya Brown, and Julia Bluhm. These are women, I don't know if you've heard of them, that took on a magazine, Seventeen Magazine. They said, "We don't think you should be Photoshopping young women's pictures anymore because we don't think that's really helpful for young women." They actually got a response and have won a number of awards. We are lucky enough to have them in the Chamber today and I just wanted to take this moment to recognize them as great role models for young women not just in Waterville, not just in our state, but across the country and around the world. Thank you, girls, for being here today.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Izzy Labbe, Maya Brown, and Julia Bluhm. They are here from the town of Waterville and they are the guests today of the Senator from Kennebec, Senator Lachowicz. Will they please rise and accept the warm greetings of the Maine State Senate.

THE PRESIDENT: The Chair is also pleased to recognize in the rear of the chamber students from the Northern Penobscot Tech Region III Center in Lincoln who won the Gold Medal at the 2013 SkillzUSA Maine Championship. The SkillzUSA Maine Championship is a state-level competition for high school and college students enrolled in a trade, technical, and skilled service instructional program in which students from across the state demonstrate their talents and dedication to their field of study. Today's students here with us are: Eugene Niles, concentrating on welding; Charles Libby, concentrating on culinary arts; Danae Thompson, concentrating on medical terminology; Eric Gelfuso, concentrating on carpentry; and Ashley Gray, concentrating on advertising design.

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

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, before you recognize these amazing students who are here with their families today I need to get up and just brag a little bit about them as the Senator from District 30, in which the Northern Penobscot Tech Region III Center in Lincoln resides. We celebrate so many types of accomplishments here, but I think what's special about these students is that the things that they are doing, the things that they are learning, are skills for life. These are skills, whether welding, culinary arts, medical terminology, carpentry, or advertising design, that are skills they could use today in the workforce and that will only enable them to grow and to expand their career options going forward. I'd say any one of these students is going to be ready to take on not just what comes next for them in education but in their careers and this early demonstration of their ability to succeed and their ability to dig in on being good at something I think bodes well for them, bodes well for Penobscot County, and bodes well for the state of Maine. It is my pleasure to be here and to be their Senator and to be a part of this recognition today. They are not on the calendar today, but we do have their sentiments and will be presenting them. Thank you, Mr. President and men and women of the Senate.

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

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, as many of you know I'm a retired culinary arts instructor. I just wanted to give you just a quick view of what it took to win to get here. The culinary arts and baking exam started about 6:30 in the morning. You have about three hours to prepare soup, salad, entrée, and desert. You have three chefs, certified chefs, that are the judges. The proof is in the pudding, so to speak. Every one of those competitions, not just the ones

I'm the most familiar with, are that kind of grueling and you competed with at least 15, sometimes 20, other students to get here. To represent the state of Maine, going to Kansas City to represent the state of Maine against all the best of the best in all 50 states is really quite an accomplishment. It's no light undertaking to get here. It's a great pleasure to stand up and speak to that.

THE PRESIDENT: Will the students from Northern Penobscot Tech Region III Center in Lincoln please stand and accept the warm greetings of the Maine State Senate.

REPORTS OF COMMITTEE

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Promote Small-scale Poultry Farming"

H.P. 179 L.D. 218

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-476).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-476) AS AMENDED BY HOUSE AMENDMENT "A" (H-497)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-476) **READ.**

House Amendment "A" (H-497) to Committee Amendment "A" (H-476) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-476) as Amended by House Amendment "A" (H-497) thereto, **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 Increase the Availability of Mental Health Services"

H.P. 1087 L.D. 1515

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-490).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-490) AS AMENDED BY HOUSE AMENDMENT "A" (H-495)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-490) **READ.**

House Amendment "A" (H-495) to Committee Amendment "A" (H-490) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-490) as Amended by House Amendment "A" (H-495) thereto, **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 Certain Provisions of the Fish and Wildlife Laws"

H.P. 1024 L.D. 1435

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-500).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-500).**

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

READ ONCE.

Committee Amendment "A" (H-500) **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 Regarding the Cancellation of Subscription Services"

H.P. 993 L.D. 1390

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-498).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-498).**

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

READ ONCE.

Committee Amendment "A" (H-498) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Promote the Safe Use and Sale of Firearms"

H.P. 874 L.D. 1240

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-450).**

Signed:

Senators:

GERZOFKY of Cumberland
DUTREMBLE of York

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-451).**

Signed:

Senator:

PLUMMER of Cumberland

Representatives:

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-450)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-450).**

Reports **READ.**

Senator **GERZOFKY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-450)** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-450)** Report, in concurrence.

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Provide for the Effective Marketing and Promotion of Maine Lobster"

H.P. 336 L.D. 486

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-491)**.

Signed:

Senators:

- JOHNSON of Lincoln
- MAZUREK of Knox
- WOODBURY of Cumberland

Representatives:

- KUMIEGA of Deer Isle
- DEVIN of Newcastle
- DOAK of Columbia Falls
- KRUGER of Thomaston
- PARRY of Arundel
- WEAVER of York
- WINCHENBACH of Waldoboro

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-492)**.

Signed:

Representatives:

- CHAPMAN of Brooksville
- DICKERSON of Rockland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-491)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-491)**.

Reports **READ**.

Senator **JOHNSON** of Lincoln moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-491)** Report, in concurrence.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just wanted to explain briefly why this bill is so important and all the work that went into it. As you can see, all but a couple of members of the committee believed that we should do this and do so with the license surcharges that are in the Majority Report. I would point out every single member of the committee believed that we should move forward with this marketing plan. They just didn't all entirely agree on the amounts. I also want to point out that this is in response to the concerns in the industry about the boat price of lobsters, the difficulty that we

have had recently with early shedders, and the impact that's had on the market affecting the price that harvesters get for their hard work. We feel strongly, as a committee, that this is going to help the industry. I know the Administration agrees and this has the wholehearted support of the department as well. For those who may not be entirely convinced still in the industry, this is the right thing to do. I want to point out a couple of things. In meetings the Lobster Advisory Council frequently voiced that the worse thing we could do, given that this may happen again and it looks this year like it will again, is do nothing. This is the most reasonable and measured response that we, the department, and people in the industry could come up with to help with the price of lobsters, at the boats, by driving demand for Maine lobster. Even being convinced that that is the case, we took a conservative approach and this program's licenses surcharges are only authorized through 2018 and that there will be a report with a third party audit at that time of the effectiveness of the program and actions of the Maine lobster marketing collaborative in using those funds to generically market Maine lobster, as has been very successful in other industries such as marketing Maine blueberries. I wholeheartedly support this Majority Report and I hope you do too for the sake of our lobster industry. Thank you.

On motion by Senator **JOHNSON** of Lincoln, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-491)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-491) **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 GRATWICK for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Law Governing Provider Contracts with Insurance Companies" S.P. 540 L.D. 1466

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-284)**.

Report **READ**.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Make Post-conviction Possession of Animals a Criminal Offense"
S.P. 252 L.D. 703

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

Signed:

Senator:
PLUMMER of Cumberland

Representatives:
DION of Portland
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" (S-283)**.

Signed:

Senators:
GERZOFISKY of Cumberland
DUTREMBLE of York

Representatives:
CASAVANT of Biddeford
KAENRATH of South Portland

Reports **READ**.

Senator **GERZOFISKY** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

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

Senator **PLUMMER:** Thank you Mr. President. Men and women of the Senate, I was a bit surprised when I saw the report on this bill because when we left committee, and I should say that this was a time when I was trying to be very diligent about taking notes and I had recorded the vote, the members who sat through the public hearing and the work session voted 7-1 Ought Not to Pass on this bill. I was surprised that other members had come in later and signed on to the Ought to Pass. There are good reasons not to adopt this bill. This bill puts in statute specific amounts of time that someone who has abused an animal could not own an animal. No one in our committee argued that people who abuse animals should then have a right to own more animals. The point was; is it wise to put into statute the specific amount of time that a person could not own an animal? I have

learned many things from the good Senate Chair of the Criminal Justice Committee, Senator Gerzofsky from Cumberland. I have learned about driving the bus or riding on the bus. Another thing that I've heard many, many, many times, dozens of times, is we should let the judges judge. That's never more true than in this case because every case is an individual case and it varies. There are some times that the judge should say, "You've lost your right. You never should own another animal." We take the ability of the judge to judge away.

The other big problem that many of us had with this is by passing this bill the Criminal Justice Committee is telling the Commissioner of Agriculture, Conservation, and Forestry to take on some more duties; the duties of reviewing each case if somebody appeals that they should not be able to own an animal for five years because they've been cured of their problem and it'll never happen again. It also requires, or authorizes, the Commissioner to come up with a fee structure for those appeals.

In the past there have been bills passed through other committees that have required the Criminal Justice Committee to do things and the Criminal Justice Committee has objected to that. We were successful this year in getting put into rule that if you are going to vote favorably for a bill that affects the criminal justice system that, in fact, it goes on a criminal justice table and we get to review it.

At the point I left, I thought we were pretty much in agreement that we shouldn't be telling another committee or commissioner what to do. I was a bit surprised to see that people came in and signed onto the Minority Report. Animal abuse is a very very serious problem and concern, but putting into statutes specific amounts of time and requiring that another commissioner take on additional duties is not the answer to this problem. We should let the judge decide every individual case because the judge has that authority right now and say, "Okay, I can see that this happened for a certain reason and we'll take your rights away for six months, or six years, or forever." This bill would take the authority of the judges to judge away from them. Thank you, Mr. President.

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

Senator **GERZOFISKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, I have often said let judges judge in committee. I stand by that. After a judge has judged you, convicted you of animal abuse more than once, and the person doesn't seem to get it and we keep on watching them on our TV screens and reading in our newspapers that those same people are convicted of multiple charges on puppy mills and those sort of things, abusing animals, going to court, being convicted and told you can't have animals, and then going out and doing it anyways because now it's only a breach of court or that kind of stuff. I wanted to put some teeth behind the judge's decision. When a judge convicts you multiple times and you still get caught abusing or mistreating animals in some of the most egregious ways, things that turn all our stomachs, people that get so upset that they get in touch with us about it, it's about time we do something to give the judge the tools to be able to stop this from happening.

We've got to remember that we've debated animal cruelty in this Chamber in the past. We talked about animal fighting, which we don't condone and we have serious consequences if you put on dog fighting shows. We had a bill in here, that we had quite a bit of debate, about dog fighting paraphernalia. We have

consistently said that we are the stewards of those four legged little furry friends of ours, Mr. President, that can't defend themselves. When you have people that want to continually go out and break that law, and find no real consequences, I think it's time we put some consequences into the judge's decision. I do want to say let judges judge. I do want the judge to be able to enforce his verdicts. I do want to see that we're going to hold people accountable and nobody that has abused animals multiple times should ever, in my book, have the opportunity or the privilege to have animals. The courts are only going to tell them on a Class B that they don't have an animal for five years, but on a Class C it's going to be 15 years. With both of those convictions the person can go back in front of the court and try to get away. We asked the Commissioner to, on those rare occasions, because we don't have a lot of these, be able to look at those cases and see if there are any extenuating circumstances, see if there's a way to get this person back. Maybe this person just needed a lot of education. I, personally, don't think so because I think after you've been convicted of it a couple of times you know what you're doing wrong.

Yes, let judges judge, but let us give them the teeth, let us give them the tools, to be able to put the teeth into those laws that they are judging. Mr. President, I hope that the Body will remember that the person that abuses animals, it has been proven year after year and time after time and study after study, is going to be abusing people next. They are going to be abusing their kids next. They are going to be abusing their spouses next. This is where it starts and we have to put a stop to it because you can't come to Maine from away and find a nice rural place to go live, Mr. President, and to create these circumstances for helpless defenseless animals. We can't allow that in the state of Maine. Thank you very much, Mr. President and my friends on both sides of the aisle.

The Chair noted the absence of the Senator from York, Senator **VALENTINO** and further excused the same Senator from today's Roll Call votes.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#280)

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

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

EXCUSED: Senator: VALENTINO

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **GERZOFSKY** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-283) **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 **JUDICIARY** on Bill "An Act To Protect the Privacy of Citizens from Domestic Unmanned Aerial Vehicle Use"

S.P. 72 L.D. 236

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

Signed:

Senators:
VALENTINO of York
TUTTLE of York
BURNS of Washington

Representatives:
PRIEST of Brunswick
BEAULIEU of Auburn
CROCKETT of Bethel
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 "B" (S-282)**.

Signed:

Representatives:
DeCHANT of Bath
GUERIN of Glenburn
MONAGHAN-DERRIG of Cape Elizabeth
MOONEN of Portland
MORIARTY of Cumberland
VILLA of Harrison

(Representative MITCHELL of the Penobscot Nation - of the House - supports the Minority **Ought To Pass as Amended by Committee Amendment "B" (S-282)** Report.)

Reports **READ**.

On motion by Senator **TUTTLE** of York, **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 Connect the Citizens of the State to the State's Natural Resources by Establishing Standards for Relief from Regulatory Burdens"

S.P. 532 L.D. 1450

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

Signed:

Senators:

VALENTINO of York
TUTTLE of York

Representatives:

PRIEST of Brunswick
BEAULIEU of Auburn
DeCHANT of Bath
MONAGHAN-DERRIG of Cape Elizabeth
MOONEN of Portland
MORIARTY of Cumberland
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" (S-280)**.

Signed:

Senator:

BURNS of Washington

Representatives:

CROCKETT of Bethel
GUERIN of Glenburn
PEAVEY HASKELL of Milford

Reports **READ**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Protect Cellular Telephone Privacy"

S.P. 484 L.D. 1377

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-278)**.

Signed:

Senators:

VALENTINO of York
TUTTLE of York
BURNS of Washington

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-279)**.

Signed:

Representatives:

DeCHANT of Bath
MOONEN of Portland

Reports **READ**.

Senator **TUTTLE** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-278)** 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-278)** Report.

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 Preserve Marine Resources Licenses for Active Duty Service Members

S.P. 530 L.D. 1448
(C "A" S-267)

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.

Ordered sent down forthwith.

Emergency Measure

An Act To Maintain Access to Safe Medical Marijuana

S.P. 578 L.D. 1531
(C "A" S-271)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with 3 Senators having voted in the negative, and 31 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.

Emergency Resolve

Resolve, To Establish the Task Force To Study Issues Associated with Implementation of a Virtual Legislature

H.P. 606 L.D. 855
(C "A" H-467)

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

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

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Late-filed Major Substantive Rule of the Commission on Governmental Ethics and Election Practices

H.P. 1110 L.D. 1543

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

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

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, I hope that you would support this legislation. This was a request by the Commission on Governmental Ethics and Election Practices related to provisions that they thought needed substantial change. It imposes a maximum on the amount of Maine Clean Election Act funds candidate may spend after the election on post-election parties, advertising to thank supporters or voters, or thank you notes. Additionally, adopted changes in the Maine Clean Election Act funds could not be used for a thank you gift, something that they know at this time. Candidates may use personal funds for this purpose. This policy has been in effect through the Commission's guidelines but further needed to be amended in this bill. The winner of a primary election may not use Maine Clean Election funds for post-election parties to thank volunteers, but it may use Maine Clean Election funds on post-election advertising to thank voters or supporters. This is something that the Commission thought was necessary based upon information from the previous election. It's a good piece of legislation and I would encourage your support. Thank you, Mr. President.

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, this bill does not go far enough. The bill needs to include post-election parties for both primary and general elections. It does not do that. The Clean Election statute indicates that candidates can spend their own money on post-election parties. We feel that that is incredibly appropriate and that we need to go further with this, but we had other ways to deal with that but that report is not in front of us. I think that when we're accepting Clean Election money we need to make sure that it's being spent on the election, not on a party. Thank you, Mr. President.

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

Senator **DUTREMBLE:** Thank you Mr. President. I'd just like to read the summary, as we just heard some statements. It states, "The Minority Report of the Joint Standing Committee on Veterans and Legal Affairs authorizes the adoption of portions of Chapter 3, Maine Clean Election and related provisions, only if amended to prohibit the use of Maine Clean Election funds to pay for post-primary election or post-general election parties." Thank you.

THE PRESIDENT: The pending question before the Senate is Final Passage, in non-concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#281)

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

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

EXCUSED: Senator: VALENTINO

This being an Emergency Measure and having received the affirmative vote of 23 Members of the Senate, with 11 Senators having voted in the negative, and 23 being less than two-thirds of the entire elected Membership of the Senate, **FAILED FINAL PASSAGE**, in concurrence.

(See action later today.)

Senate at Ease.

Senate called to order by the President.

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

SENATE PAPERS

Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013" (EMERGENCY)

S.P. 604 L.D. 1563

Presented by Senator THIBODEAU of Waldo. (GOVERNOR'S BILL)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Ordered sent down forthwith for concurrence.

Acts

An Act To Amend the Laws Governing the Inland Fisheries and Wildlife Advisory Council

S.P. 49 L.D. 128
(C "B" S-257)

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

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

An Act To Amend the Laws Governing Awarding a High School Diploma to Veterans

H.P. 316 L.D. 466
(C "A" H-471)

An Act To Change Document Filing and Copying Fees for County Registries of Deeds

H.P. 378 L.D. 559
(C "A" H-445)

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

S.P. 268 L.D. 730
(S "A" S-274 to C "A" S-231)

An Act To Increase Ethics and Transparency in Government Service

H.P. 610 L.D. 859
(C "A" H-423)

An Act To Amend the Laws Governing Confidentiality of Health Care Information To Enhance Public Safety

S.P. 307 L.D. 882
(C "A" S-264)

An Act To Establish the Volunteer Advocate Program and the Volunteer Advocate Program Council

H.P. 620 L.D. 897
(C "A" H-462)

An Act To Amend the Compulsory School Attendance Laws

H.P. 871 L.D. 1231
(C "A" H-432)

An Act To Create the Presque Isle Utilities District

H.P. 920 L.D. 1293
(C "A" H-458)

An Act To Amend Licensing Requirements for Professional Engineers

S.P. 456 L.D. 1313

An Act To Clarify and Correct Provisions of the Maine Medical Use of Marijuana Act

H.P. 1047 L.D. 1462
(C "A" H-465)

An Act To Make Technical Changes to Maine's Marine Resources Laws and Elver Enforcement Mechanisms

S.P. 588 L.D. 1545
(H "A" H-473 to C "A" S-247)

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

Ordered sent down forthwith.

An Act To Facilitate the Personal Importation of Prescription Drugs from International Mail Order Prescription Pharmacies
S.P. 60 L.D. 171
(C "A" S-241)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#282)

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

NAYS: Senators: CUSHING, HAMPER, PLUMMER, THIBODEAU

EXCUSED: Senator: VALENTINO

30 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

An Act To Clarify the Laws Establishing the Department of Agriculture, Conservation and Forestry
H.P. 588 L.D. 837
(H "A" H-354 to C "A" H-339)

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

An Act To Improve the Delivery of Early Child Care and Education Services

H.P. 982 L.D. 1383
(C "A" H-464)

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

Resolve

Resolve, To Amend the Rules Governing Events at Clubs with a License To Sell Alcohol for On-premises Consumption with Catering Privileges

S.P. 509 L.D. 1415
(C "A" S-268)

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

Ordered sent down forthwith.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

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

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Prohibit State and Local Governments from Contracting with Corporations That Engage in Business in Known Terrorist States"

H.P. 955 L.D. 1338

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-474)** (3 members)

Tabled - June 13, 2013, by Senator **GOODALL** of Sagadahoc

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

(In House, June 13, 2013, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 13, 2013, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#283)

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

NAYS: Senators: BURNS, COLLINS, CUSHING, FLOOD, HAMPER, KATZ, MASON, THIBODEAU, THOMAS, WHITTEMORE

EXCUSED: Senator: VALENTINO

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **LACHOWICZ** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

An Act To Establish a Moratorium on the Approval and Operation of Virtual Public Charter Schools
S.P. 340 L.D. 995

Tabled - June 13, 2013, by Senator **KATZ** of Kennebec

Pending - motion by Senator **GOODALL** of Sagadahoc to **COMMIT** the Bill and accompanying papers to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in **NON-CONCURRENCE**

(In House, June 10, 2013, **FAILED ENACTMENT**.)

(In Senate, June 13, 2013, motion by Senator **MILLETT** of Cumberland to **SUSPEND THE RULES** for the purpose of **RECONSIDERING PASSAGE TO BE ENGROSSED FAILED**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#284)

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

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

EXCUSED: Senator: VALENTINO

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **GOODALL** of Sagadahoc to **COMMIT** the Bill and accompanying papers to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for 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:

Act

An Act To Improve Work Readiness for Families Facing Significant Barriers to Employment
H.P. 960 L.D. 1343
(C "A" H-345)

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.

Senate at Ease.

Senate called to order by the President.

Senator **KATZ** of Kennebec inquired if the Senate was still in possession of H.P. 1110 L.D. 1543. The Chair answered in the affirmative, having been held at the Member's request.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Late-filed Major Substantive Rule of the Commission on Governmental Ethics and Election Practices

H.P. 1110 L.D. 1543

(In House, June 13, 2013, **FAILED FINAL PASSAGE.**)

(In Senate, June 14, 2013, **FAILED FINAL PASSAGE**, in concurrence.)

On motion by Senator **KATZ** of Kennebec, the Senate **RECONSIDERED** whereby the Resolve **FAILED FINAL PASSAGE**, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#285)

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

NAYS: Senators: BURNS, CUSHING, HAMPER, PLUMMER, YOUNGBLOOD

EXCUSED: Senator: VALENTINO

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with 5 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 signed by the President, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

ENACTORS

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

Emergency Measure

An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013
S.P. 604 L.D. 1563

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with 4 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.

Off Record Remarks

Senator **CAIN** of Penobscot was granted unanimous consent to address the Senate off the Record.

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

Senator **JOHNSON** of Lincoln was granted unanimous consent to address the Senate off the Record.

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

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

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

On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED** to Monday, June 17, 2013, at 10:00 in the morning.