

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Fifth Legislature

State of Maine

Daily Edition

First Regular Session
December 1, 2010 to June 29, 2011

Pages 1 - 1494

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

In Senate Chamber
Monday
June 6, 2011

Senate called to order by President Kevin L. Raye of Washington County.

Prayer by Deacon Walter Foster, Chaplain, Maine State Prison and Bolduc Correctional Facility in Warren.

CHAPLAIN FOSTER: Before I begin, let's keep in mind Senator Goodall's wife, Leeann, and the family and children, that God will intervene and do the best for the family and for him. As we gather this morning, let us take time to open our hearts and minds and ask God's blessing on this session. Take the time to let go of those distractions, those people, places, and things that prevent you from opening the eyes of your heart this day as you conduct the business of Maine. We ask the Lord to come upon each of you with His spirit as you deliberate and decide what is best for the people. We ask the Lord's hand to guide each one of you in all that you do for Him and for the state of Maine. We also thank the Lord for His blessings that have been bestowed upon you and upon your family and upon Maine. That same gratitude and thanksgiving that we give Him may He return to the citizens of Maine in all your deliberations and in your decision making. Lord, we ask You to help us put aside our biases, our special interests, and, yes, even ourselves and focus on those we serve, keeping in mind their wishes, desires, and their aspirations as well as our own. You must decrease so that Christ may increase in each one of you in order to be that person that the Lord expects you to be now and forever. Sometimes it may simply come down to what would Jesus do in that particular situation as you may be faced with today, tomorrow, and the future, just doing His will in your life with your family, in your job, and for the people that you serve. Also let us always remember those people that are less fortunate than ourselves, those who do not have the opportunities, the gifts, or the blessings that we have had during our lives. Help us, Lord, to see them with the eyes of our hearts to especially focus on those in need, those that we call the least of our brethren, those that require the help that perhaps you can provide through your deliberations and through our laws, making Maine a better place to live. We ask these things and those deep within your hearts through Christ our Lord. Amen.

Pledge of Allegiance led by Senator Thomas H. Martin, Jr. of Kennebec County.

Reading of the Journal of Friday, June 3, 2011.

Doctor of the day, David Jones, MD of Presque Isle.

Off Record Remarks

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

Off Record Remarks

SENATE PAPERS

Bill "An Act To Further Improve Maine's Health Insurance Law"
S.P. 515 L.D. 1580

Presented by Senator **WHITTEMORE** of Somerset. Cosponsored by Representative **RICHARDSON** of Warren and Senators: **COLLINS** of York, **COURTNEY** of York, **DIAMOND** of Cumberland, **GERZOFISKY** of Cumberland, **HILL** of York, **KATZ** of Kennebec, **LANGLEY** of Hancock, **MARTIN** of Kennebec, **MASON** of Androscoggin, President **RAYE** of Washington, **SNOWE-MELLO** of Androscoggin, **TRAHAN** of Lincoln, Representatives: **DUNPHY** of Embden, **HANLEY** of Gardiner, **McKANE** of Newcastle, **PICCHIOTTI** of Fairfield. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **WHITTEMORE** of Somerset, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Remove Obstacles to the Use of Technological Advances for Heating in Multifamily Structures"
H.P. 1107 L.D. 1506

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-493)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-493)**.

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

READ ONCE.

Committee Amendment "A" (H-493) **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 Enhance Long-term Care Services for Maine Citizens"
H.P. 510 L.D. 683

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-502)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-502)**.

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

READ ONCE.

Committee Amendment "A" (H-502) **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 Preventive Dental Health Care and Reduce Future Avoidable Costs"
H.P. 826 L.D. 1114

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-501)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-501)**.

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

READ ONCE.

Committee Amendment "A" (H-501) **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 Definition of 'Service Animal' To Conform with Federal Law"
H.P. 551 L.D. 744

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-506)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-506)**.

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

READ ONCE.

Committee Amendment "A" (H-506) **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 Concerning Fees for Users of County Registries of Deeds" (EMERGENCY)
H.P. 1100 L.D. 1499

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-503)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-503)**.

Report **READ**.

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

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Increase Home Weatherization and Energy Independence"
H.P. 801 L.D. 1066

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

Signed:

Senators:

THIBODEAU of Waldo
RECTOR of Knox

Representatives:

FITTS of Pittsfield
CRAY of Palmyra
DUNPHY of Embden
HAMPER of Oxford
LIBBY of Waterboro

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

Signed:

Senator:

BARTLETT of Cumberland

Representatives:

BEAVERS of South Berwick
CORNELL du HOUX of Brunswick
DION of Portland
HINCK of Portland
LUCHINI of Ellsworth

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

Reports **READ**.

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

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

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **THIBODEAU** of Waldo to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence. (Roll Call Ordered)

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Establish a Single-payor Health Care System To Be Effective in 2017"

H.P. 1026 L.D. 1397

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

Signed:

Senators:

WHITTEMORE of Somerset
SNOWE-MELLO of Androscoggin

Representatives:

RICHARDSON of Warren
FITZPATRICK of Houlton
McKANE of Newcastle
MORISSETTE of Winslow
PICCHIOTTI of Fairfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-431)**.

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

BEAUDOIN of Biddeford
BECK of Waterville
GOODE of Bangor
MORRISON of South Portland
TREAT of Hallowell

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

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#170)

YEAS: Senators: COLLINS, COURTNEY, DIAMOND, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BRANNIGAN, CRAVEN, DILL, GERZOFKY, HILL, HOBBS, JACKSON, PATRICK, SCHNEIDER, WOODBURY

ABSENT: Senator: BARTLETT

EXCUSED: Senators: GOODALL, SULLIVAN

21 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being absent and 2 Senators being excused, the motion by Senator WHITTEMORE of Somerset to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Amend the Maine Condominium Act"
H.P. 978 L.D. 1332

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-453)**.

Signed:

Senators:

HASTINGS of Oxford
BARTLETT of Cumberland
WOODBURY of Cumberland

Representatives:

BEAULIEU of Auburn
DILL of Cape Elizabeth
FOSTER of Augusta
MOULTON of York
PRIEST of Brunswick
WATERHOUSE of Bridgton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-454)**.

Signed:

Representatives:

NASS of Acton
MALONEY of Augusta
ROCHELO of Biddeford
SARTY of Denmark

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-454)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-454)**.

Reports **READ**.

Senator **HASTINGS** of Oxford moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-454)** Report, in concurrence.

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **HASTINGS** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-454)** Report, in concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Make Telecommunications Personal Property Tax Law Equitable"
H.P. 334 L.D. 441

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-477)**.

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BERRY of Bowdoinham
BICKFORD of Auburn
BURNS of Alfred
FLEMINGS of Bar Harbor
HARMON of Palermo
PILON of Saco
WATERHOUSE of Bridgton

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

Signed:

Representative:

BRYANT of Windham

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-477)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-477) **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 **TAXATION** on Bill "An Act To Require Review of Certain Changes to Sales Tax Policy Application or Practice prior to Implementation"
H.P. 448 L.D. 590

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-434)**.

Signed:

Senators:

TRAHAN of Lincoln
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BICKFORD of Auburn
BURNS of Alfred
HARMON of Palermo
WATERHOUSE of Bridgton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-435)**.

Signed:

Representatives:

BERRY of Bowdoinham
BRYANT of Windham
PILON of Saco

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-434)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-434) AS AMENDED BY HOUSE AMENDMENT "A" (H-496)** thereto.

Reports **READ**.

On motion by Senator **TRAHAN** of Lincoln, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-434)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-434) **READ**.

House Amendment "A" (H-496) to Committee Amendment "A" (H-434) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-434) as Amended by House Amendment "A" (H-496) thereto, **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Corporate and Other Entity Campaign Advertising Disclosure and Accountability"
H.P. 1120 L.D. 1526

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

Signed:

Senator:

PATRICK of Oxford

Representatives:

CAREY of Lewiston
CHIPMAN of Portland
LONGSTAFF of Waterville
RUSSELL of Portland
VALENTINO of Saco
WILLETTE of Presque Isle

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

Signed:

Senators:

FARNHAM of Penobscot
PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
CROCKETT of Bethel
DAMON of Bangor
JOHNSON of Eddington

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

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

Reports **READ**.

On motion by Senator **FARNHAM** of Penobscot, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Senate

Ought to Pass As Amended

Senator **SHERMAN** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Improve the Enforcement of Laws Protecting Dogs"
S.P. 253 L.D. 850

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 THIBODEAU for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Improve the Energy Efficiency of Public Buildings and Create Jobs"

S.P. 385 L.D. 1264

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-244)**.

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

READ ONCE.

Committee Amendment "A" (S-244) **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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Restore Equity in Education Funding"

S.P. 395 L.D. 1274

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-240)**.

Signed:

Senators:

LANGLEY of Hancock
MASON of Androscoggin

Representatives:

EDGECOMB of Caribou
JOHNSON of Greenville
MAKER of Calais
McCLELLAN of Raymond
McFADDEN of Dennysville
RANKIN of Hiram

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

Signed:

Senator:

ALFOND of Cumberland

Representatives:

RICHARDSON of Carmel
LOVEJOY of Portland
NELSON of Falmouth
WAGNER of Lewiston

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Reports **READ**.

Senator LANGLEY of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Amend Certain Provisions of Maine Fish and Wildlife Laws"

S.P. 317 L.D. 1084

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

Signed:

Senators:

MARTIN of Kennebec
PATRICK of Oxford
TRAHAN of Lincoln

Representatives:

DAVIS of Sangerville
BRIGGS of Mexico
CLARK of Millinocket
CRAFTS of Lisbon
EBERLE of South Portland
ESPLING of New Gloucester
GUERIN of Glenburn
SARTY of Denmark
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 "B" (S-246)**.

Signed:

Representative:

SHAW of Standish

Reports **READ**.

On motion by Senator **MARTIN** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-245)** 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.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Create a 5-year Statute of Limitations for Environmental Violations"

S.P. 87 L.D. 281

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

Signed:

Senators:

BLISS of Cumberland
WOODBURY of Cumberland

Representatives:

DILL of Cape Elizabeth
MALONEY of Augusta
MOULTON of York
PRIEST of Brunswick
ROCHELO of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-239)**.

Signed:

Senator:

HASTINGS of Oxford

Representatives:

NASS of Acton
BEAULIEU of Auburn
FOSTER of Augusta
SARTY of Denmark
WATERHOUSE of Bridgton

Reports **READ**.

Senator **HASTINGS** of Oxford moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **HASTINGS** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Protect the Rights of Property Owners"

S.P. 344 L.D. 1135

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

Signed:

Senators:

HASTINGS of Oxford
BARTLETT of Cumberland
WOODBURY of Cumberland

Representatives:

NASS of Acton
BEAULIEU of Auburn
SARTY of Denmark
MOULTON of York
FOSTER of Augusta
PRIEST of Brunswick
DILL of Cape Elizabeth
MALONEY of Augusta
ROCHELO of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-241)**.

Signed:

Representative:

WATERHOUSE of Bridgton

Reports **READ**.

On motion by Senator **HASTINGS** of Oxford, the Majority **OUGHT NOT TO PASS** Report **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 Establish a Special Food and Beverage Industry Taste-testing Event License

H.P. 479 L.D. 649
(C "A" H-393)

On motion by Senator **SCHNEIDER** of Penobscot, 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 (#171)

YEAS: Senators: ALFOND, BRANNIGAN, COLLINS, COURTNEY, DIAMOND, DILL, FARNHAM, GERZOFKY, HASTINGS, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: CRAVEN, SCHNEIDER

ABSENT: Senator: BARTLETT

EXCUSED: Senators: GOODALL, SULLIVAN

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with 2 Senators having voted in the negative, and 30 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.

Act

An Act To Assist Seasonal Entertainment Facilities with Public Safety Requirements

H.P. 105 L.D. 123
(S "A" S-163)

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

Resolves

Resolve, To Improve Communication Regarding and the Coordination of Care for Children Who Are Prescribed Antipsychotic Medications

H.P. 476 L.D. 646
(C "A" H-408)

Resolve, To Study the Cost of Providing Behavioral Health Care and Substance Abuse Services

H.P. 711 L.D. 967
(C "A" H-424)

Resolve, To Promote Instruction in Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator

H.P. 845 L.D. 1139
(C "A" H-387)

Resolve, To Promote Prevention Practices in Oral Health Care

H.P. 945 L.D. 1290
(C "A" H-411)

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

Resolve

Resolve, To Study Motor Fuel and Fuel Additives and To Explore Alternatives to Ethanol Motor Fuel

H.P. 636 L.D. 839
(C "A" H-277)

Comes from the House, the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Senator **SAVIELLO** of Franklin moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in concurrence.

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

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

Senator **SCHNEIDER:** Thank you Mr. President. I just wanted to stand and remind everybody that we voted with the other side of the building on this matter in concurrence and so it's just time to enact this. I would encourage us to stick with our original positions on this bill, this piece of legislation, and send it back so we can pass this piece of legislation. Thank you very much.

Senate at Ease.

Senate called to order by the President.

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

Senator **SAVIELLO:** Thank you Mr. President. Carefully, I would just say there are others that might be in this building who thought it would be a good idea to indefinitely postpone this bill, people who have a vested interest in this bill but thought it would be a good idea to kill it. Thank you, Mr. President.

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

Senator **SCHNEIDER:** Thank you Mr. President. I would just say what I said at the rostrum just moments ago so you will all have it for the record. I chose not to flippity floppity on this issue and, therefore, I will be sticking and staying consistent with my original intention, which is to pass this bill regardless of what others may want to flippity floppity on this issue. Thank you very much, Mr. President.

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

Senator **COURTNEY:** Thank you Mr. President. Men and women of the Senate, with regards to the flippity floppity, I just wanted to address that. I believe it was the sponsor's intention to have another Resolve to go parallel and I believe that has been achieved. That is why the sponsor was no longer interested in this bill. I hope that explains the flippity floppity.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Franklin, Senator Saviello to Indefinitely Postpone the Bill and accompanying papers. 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 (#172)

YEAS: Senators: COLLINS, COURTNEY, CRAVEN, FARNHAM, HASTINGS, KATZ, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BRANNIGAN, DIAMOND, DILL, GERZOFKY, HILL, HOBBS, JACKSON, LANGLEY, PATRICK, SCHNEIDER, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WOODBURY

ABSENT: Senator: BARTLETT

EXCUSED: Senators: GOODALL, SULLIVAN

16 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent and 2 Senators being excused, the motion by Senator **SAVIELLO** of Franklin to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in concurrence, **FAILED**.

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

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency

An Act To Ensure Regulatory Fairness and Reform
S.P. 10 L.D. 1
(C "A" S-87)

Tabled - May 18, 2011, by Senator **ROSEN** of Hancock
Pending - **ENACTMENT**, in concurrence

(In Senate, May 12, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-87).**)

(In House, May 18, 2011, **PASSED TO BE ENACTED.**)

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

The Chair laid before the Senate the following Tabled and Later (6/1/11) Assigned matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Offenses against an Unborn Child"
S.P. 454 L.D. 1463

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-207)** (7 members)

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

Tabled - June 1, 2011, by Senator **MASON** of Androscoggin

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

(In Senate, June 1, 2011, Reports **READ.**)

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

Senator **PLOWMAN:** Thank you Mr. President. Men and women of the Senate, I urge you to vote to accept the Majority Ought to Pass as Amended Report. This bill, at the federal level, is called the Laci and Conner Peterson Act. As you all remember, the headlines were all about how Mr. Peterson killed his wife and his unborn child. In their state they actually had a law that said that the prosecutor could bring charges for the loss of the unborn child. This law is law in the United States of America and in 36 other states in the United States. The law, except for one point, tracks the federal law. It protects unborn children from bodily injury or death by providing criminal penalties for acts committed against the unborn child. So does the federal law. An unborn child is defined as an individual of the human species from the state of fetal development when the life of the fetus may be continued indefinitely outside of the womb by natural or artificial life supportive systems until birth. The federal definition is much

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broader. It essentially protects the baby, the unborn child, from the time of implantation. It does not limit access to abortions. Neither does the federal law. There are exceptions to prosecution. The mother of the unborn child cannot be charged, state or federal. Persons providing medical treatment cannot be charged, state or federal. Persons providing an abortion may not be charged, this law or federal. We added in the state of Maine persons performing public functions or responding to an emergency just in case. That would be good Samaritans. It provides the same penalties that would be provided if a woman was attacked at the Federal Building just down on Western Avenue. In Maine, when she walks across the street to the Dunkin Donut's parking lot, her pregnancy becomes a condition recognized by the State of Maine that allows for the judge to give a longer sentence because she happened to be pregnant. Across the street, in the Federal Building, and in 36 other states, the law says her unborn child is considered an offense worthy of its own sentence. In the states where this law has been challenged, the constitutional challenges to unborn victim laws, all challenges were unsuccessful. All challenges we based, at least in part, on Roe versus Wade and on denial of equal protection. California, Georgia, Illinois. I'm saying this because a lot of people think this is just a deep South kind of issue or just where there is a lot of conservative thinking. The last state, by the way, that passed this was Massachusetts. North Carolina was last before that. Missouri, Pennsylvania, Minnesota, Texas, and Utah. All of these places the constitutionality was challenged and the constitutionality was upheld. It was specifically found not to contravene the decision of Roe versus Wade. In Texas actually the court noted that, "Indeed we have found no case from any State Supreme Court or federal court that has struck down a statute that provides for prohibiting the murder of an unborn victim." In Utah the court ruled that this law was properly applied to an unborn victim and was consistent with the U.S. Constitution. That takes care of the constitutionality question.

The justice question, is there justice for a family when a woman loses her unborn child and the family loses their unborn child? Is a longer sentence adequate? A lot of us think no. We have crimes in the state of Maine where you can add to the length of a sentence, specifically hate crimes. The first assault, battery, or murder, the first charge is based on the injury to the person. The sentence that's lengthened is because there was a condition recognized that began the assault. That means the victim and the condition warranted a longer sentence. Makes it very serious. So did the last look at what we did for offenses against pregnant women. It says that the judge can look and make the sentence that much longer. It never said when the family or the woman, herself, steps up to give her victim impact statement that she can give a victim impact statement on behalf of her unborn child. It never said that the unborn child will be recognized in court and our society as another victim. It says to women in the state of Maine that their baby, because that is what women call their unborn children, their babies. Whether you want to convey personhood or not, unborn child doesn't but when a mother loses her child she mourns her unborn child, she doesn't mourn the loss of a pregnancy, the termination of a pregnancy. She mourns her loss. In 36 other states and on any federal property her loss and the family loss is recognized. This doesn't undo what we did before. This puts another arrow in the tool of the quiver of the prosecutor to say that something so heinous happened that it merits this. Heinous is what happened to Mrs. Sargent in Old Town when her husband killed her and her 8-month old unborn

child that lived 24 hours beyond her death in her womb, slowly suffocating to death. The aggravating condition in that case was the gentleman also killed four cats. We didn't have the law that you will hear about that adds for aggravating conditions. Seriously, the aggravating conditions for the cats are now the aggravating conditions for the loss of the pregnancy. Can I say that again? Because you can add to a heinous crime and you can add a longer sentence because you killed a cat. You can also add a longer sentence because you kill an unborn child. In my mind an unborn child and a cat aren't the same thing. That's how it looks when a judge goes through the list of how he comes up with the sentence. He looks at the first victim and then he looks at the aggravating conditions.

You are going to hear in a little bit that this law has been misused in other states. First of all, the committee directly asked, on mike, the Assistant Attorney General Bill Stokes if he could charge a woman, a pregnant woman, with any of the crimes encompassed in this bill; murder, manslaughter, and aggravated assault. He said no. No. Not maybe, no. When I met with the Attorney General William Schneider he reviewed the whole thing and reviewed the federal law. He said that they were nearly identical except for what I pointed out to you. When asked if he would charge the mother he said no. In a follow up half-hour conversation with Assistant Attorney General William Stokes I asked him again if there was any way a mother could be charged under this. He said no. I'll show you why by reading to you the definitions in the Offenses Against Unborn Child. The abortion has the same meaning as set forth in Title 22 Section 1598, subsection 2, paragraph 8. That's in there so you know it's not going to effect abortion. It's the definition. The first thing that a prosecutor would go to. The second thing he would look at is the person who can be charged. The person does not include the pregnant woman whose unborn child is killed or injured. If you look through every section of the bill each section starts with "a person is guilty". A person is guilty. A person is guilty through every section. A person is guilty. First the person cannot be the pregnant woman. Definition number two is that unborn child meets every definition that's been upheld federally and state in every court where it's been challenged.

When you vote today Maine women are either going to be able to seek the same justice for their unborn children and their family, should the woman no longer be with us, as anyone on a federal piece of property or as the women in 36 other states. I ask you to think about it. 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 am a little hesitant to go after the Senator from Penobscot, Senator Plowman, as she has eloquently described this bill. I will just point out a few things that I believe that merits this bill's passage. I believe that this is the ultimate choice bill. In any instance that you see in this law a choice has been taken away from the family of that unborn child. As I looked through this bill I don't think that a woman would want to participate because she is the carrier of the unborn child and murder or manslaughter or assault or elevated aggravated assault, I don't think that she would want to be a participant in any of these crimes because she would have to be a participant because she's the one carrying the unborn child. They have chosen to carry this child to viability. You don't build an addition for a nursery for a

fetus. You don't buy clothes. You don't do these things for a fetus. You do them for a child. We had a lot of testimony the day of the public hearing and I think the quote from the Roman Catholic Diocese says it all. I'll close with this. "Should a pregnant woman lose her child as the result of an assault we find it difficult to believe that she would mourn the termination of her pregnancy. What she would mourn is the loss of her child, a child not currently protected under Maine law." Ladies and gentlemen of the Senate and Mr. President, I request that we move towards justice for those whose choice has been taken away from them. Thank you very much.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'll be quiet and calm. This bill takes great passion but I'll try to be a little more subdued today because this bill is just not necessary. No one in this Senate would disagree. Someone who targets a pregnant woman is committing a horrific act which deserves special attention and specific serious consequences. Fortunately for this Legislature, Maine already has laws that appropriately address this heinous crime of violence against a pregnant woman. I know that. I sat on the Judiciary Committee six years ago when we debated this, when we crafted it, and when we passed it. We should be proud of these laws that we already have. They provide accountability and clarity without pulling some lawmakers into the debate about abortion and fetal viability and they protect pregnant women without taking the risk that the laws supposedly passed to protect them will be used to jail and prosecute them for the choices they make while pregnant. In 2005, after much discussion by stakeholders and lawmakers, the Motherhood Protection Act was passed into law. We created a new crime of elevated aggravated assault on a pregnant woman. A Class A felony punishable by up to 30 years in prison. Second, in all other crimes in which the victim was pregnant judges must assign special weight to the objective fact in determining the sentence. We don't take these things frivolously. This is extremely serious. Current statute recognizes that pregnancy is a particular condition that deserves recognition and ensures the perpetuation of appropriately serious consequences. Perpetrators are not going to attack our pregnant women in the state of Maine without being held accountable by the most serious sentences that we have on our books. Our laws punish offenders while still protecting a woman's privacy and confidentiality in personal health decisions. They provide clear tools for law enforcement, prosecutors, and judges that cannot be misinterpreted or misused against the very victims they claim to protect. In testimony at the hearing in Criminal Justice and Public Safety there was no suggestion by the Judiciary, by the prosecutors, by the advocates for domestic violence, or victims that current law is inadequate in either their instruction or level of punishment.

You know there is an old saying here in Maine; if it ain't broke, don't fix it. I haven't heard anything to tell me in committee and in hearings, talking to DAs and talking to prosecuting attorneys, or talking to anybody in the Judicial Branch that something's broken here. We should leave this law as it is because it works. It's plain and simple. If nothing is broken, don't fix it. If it was broken I would have heard about it. You would have heard about it. We would all have heard about it. No DAs or prosecuting attorneys have come to me, nor have they come to

the Criminal Justice Committee, to testify that something is broken and that we needed to do something more. It works without creating separate legal rights for a fetus that could be used to promote religious beliefs about abortion and it works without dragging lawmakers or law enforcement into the quagmire of debating when life really begins. I am a Catholic. My church says one thing. As John Kennedy said many, many years ago, he wasn't being elected to represent his religion; he was being elected to represent the people. I stand here today representing the people. Not only the people of my district but, I believe, the majority of people in the state of Maine. There is nothing broke. There is nothing that needs to be fixed. This bill certainly doesn't do it. When law enforcement, prosecutors, and judges tell us, all of us, that there is something broken then we will fix it. Today that is not the case. Ladies and gentlemen, I hope we will all be representing the people of the state of Maine, doing what the prosecutors have asked of us, doing what the judges have told us is working, do what we find necessary and vote Ought Not to Pass on this motion. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Snowe-Mello.

Senator **SNOWE-MELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I stand here today to speak in support of L.D. 1463, An Act Regarding Offenses Against an Unborn Child. The law is critical in allowing justice its rightful place. In my opinion, and the opinion of many others, current law is not perfect. If it was perfect I would not be standing here testifying in support of L.D. 1463. Under the current law, An Act to Protect Motherhood, a judge is allowed to take into consideration the death of an unborn child as an aggravated condition. Therefore, a judge is given discretion to lengthen a sentence. The current law does not allow a judge to acknowledge two crimes and, thus, two victims. This law is weak because it marginalizes the relevance of concurrent sentences. Lengthening sentences is punishment. Concurrent sentences recognizing multiple victims is justice. Punishment should accompany justice, not replace it. There is already a federal law that was passed in 2004, Unborn Victims of Violent Acts, that does recognize the unborn as a crime victim for purposes of homicide or feticide. This law was passed in the Senate by a 61 to 38 vote and supported by pro-choice Senators Collins, Daschle, Landrieu, Reid, and Rockefeller. All of these Senators have consistently and aggressively defended a woman's Constitutional right to choose. Yes, they recognize that securing justice for unborn victims and their families in no way compromised or threatened Roe versus Wade. As the good Senator from Penobscot, Senator Plowman, said some opponents of this bill may try to argue that it will conflict with Roe versus Wade. However, there are 36 other states, as was mentioned before, the two most recent being Massachusetts and New York, that also recognize the human fetus as a legal victim of homicide and they often recognize other violent crimes such as assault and manslaughter. Both federal and state courts, including the Supreme Courts of California, Pennsylvania, and Minnesota, have rejected the arguments that this law violates Roe versus Wade. I urge my fellow Senators to vote in favor of justice for the unborn victims of violence. Please vote to pass L.D. 1463. Let's join the other 36 states. Thank you.

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

Senator **THOMAS**: Thank you Mr. President. Ladies and gentlemen of the Senate, as a just society we have an obligation to those who are defenseless and those who are innocent. There is no one who is more innocent or more defenseless than an unborn child.

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

Senator **THIBODEAU**: Thank you Mr. President. I would like to pose a question through the Chair to anyone who may answer.

THE PRESIDENT: The Senator may pose his question.

Senator **THIBODEAU**: Thank you Mr. President. In December 2004, in northwest Missouri, we all remember there was a heinous crime committed on a pregnant lady. The perpetrator actually attacked the lady and removed the baby, the unborn baby, from this lady's womb. I'm curious, for anybody that could help me understand, if this crime had happened in the state of Maine and during this attack this unborn child, I don't want to say died, died, what would have happened? Are there laws to protect this unborn child in the case of this attack? What is the sentencing?

THE PRESIDENT: The Senator from Waldo, Senator Thibodeau poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN**: Thank you Mr. President. I'd like to try to respond to the question. An unborn child is not a child until they draw their first breath. If the child had drawn his or her, I don't remember which, first breath than that child would have all the full protections of the U.S. Constitution and the penal code. If that child was killed during the removal, in the state of Maine, then that action would probably get an aggravated sentence and it probably would have been weighed heavily. The difference between that child being removed and taking a breath and that child being removed and having been killed in the process means, in the state of Maine, there would be no second victim. There would be an aggravated sentence for killing the woman. If the mother didn't die there would be an aggravated assault or attempted murder charge. If the baby died, that's a good question. I don't see that there would be any way of accounting for that unborn child.

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

Senator **GERZOFSKY**: Thank you Mr. President. In 2005 we passed a law, the Motherhood Protection Act, which would have mandated the most serious punishment in the state of Maine. A person would be charged with a Class A crime. That person would have been sentenced to a minimum of 30 years, the same as murder of anything else. Fetus or, in my mind, a baby is what I hold in my arms, but that person in 2004, would it have happened in Maine in 2005, would have come under our Motherhood Protection Act and would have gotten the most serious punishment that the state of Maine has to hand out. A Class A crime. You don't get any higher than an A. We don't have A plus.

When you don't have something higher than A, A is where to go. The sentence for A will take in meditating circumstances. If you want to talk about cutting open somebody's belly and taking a fetus out of it, that's going to aggravate the judge, the jury, and everybody else in the state of Maine and we're going to have an aggravated sentence. We passed the law in 2005 that would have handled this. The person would never have seen the streets of Maine again. Thank you very much.

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

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

THE PRESIDENT: The Senator may pose her question.

Senator **DILL**: Thank you Mr. President. We all were given a gift, apparently at the behest of Senator Mason, The Biology of Prenatal Development cd, which I checked on line. It costs about \$30. I'm sure, like all my colleagues, we'd like to thank the appropriate person. I'd like to know who bought us these videos?

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

Senator **PLOWMAN**: Thank you Mr. President. First of all, Mr. President, using a prop is not appropriate.

THE PRESIDENT: The Senator is correct. The use of props is prohibited in the Senate. The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN**: Thank you Mr. President. Ladies and gentlemen of the Senate, I don't rise to have a debate about abortion because to me this has nothing to do with abortion. I just wanted to put on the record what my concerns are. I was here when we passed the law that was referenced earlier in the discussions around aggravated assault. I had a problem with it then, although I did support it, and the problem exists today. I do not find my position in religion or any other area. I find it just in commonsense. I'm going to propose to the Senate, if they could answer for me a simple concern. If an individual attacks a woman who is obviously pregnant and they kill the child, it is in my mind illogical that this is an assault. It is illogical that somehow that is a beating or something that you go to the hospital to get repaired. An assault, I don't believe it's an assault. I believe it's a killing when the child dies. My problem is that there is no recognition of the fact that a life was lost. For me, my concerns are not around abortion because when I brought my concerns to people that were lobbying against this bill because of their concerns around abortion my first words were that we have brilliant legal minds that can write a law that recognizes this separate killing, not an assault. Why don't we try to craft something so that we can all feel comfortable, so that there is recognition that a life was lost in the assault? All I got was a blank stare. My question for this Chamber and for those on the other side of the issue is, if we can get past this concern around this impacting a woman's right to choose, shouldn't each and every one of us be looking at what

actually happened to that fetus inside the womb? For me, I can never swallow the concept that a killing is an assault.

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

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

THE PRESIDENT: The Senator may pose his question.

Senator **MASON:** Thank you Mr. President. I'd like to know if anybody in the Body could answer a question. Is it legal to execute a pregnant woman in the United States?

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

Senator **PLOWMAN:** Thank you Mr. President. The answer to that question is no. A woman who has received the death sentence and is pregnant, under federal and state law, the execution cannot be carried out while she is pregnant. There is no point of view taken by Congress when they passed this law as to whether abortion was appropriate or not. What they decided was a child in utero is not responsible for the crimes of the mother. We've gone the extra step to make sure that when we, as a society, take a life we only take one. Thank you, Mr. President.

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

Senator **DILL:** Thank you Mr. President. Men and women of the Senate, this bill is an assault on a woman's right to autonomy and privacy in medical decisions. I think everyone here would agree that domestic violence, heinous crimes against women and children, and the criminal interference of bearing a child should be punished and punished severely. Maine, as we know and as we've heard, has in the recent past met this challenge of balancing our goals of punishing perpetrators with the privacy and autonomy of a woman making medical decisions by passing the statute that makes it an aggravated elevated assault and also enhancing sentencing when there is a pregnant woman involved. We have a law. The law is sufficient. What this bill attempts to do is to drive a wedge between a woman and her fetus. I use the term fetus because that's the term. The proposed bill is essentially codifying a very highly charged political term. I don't think that's appropriate. I don't think it's a good idea. No where in the scientific evidence is the word unborn child defined. This bill not only is an assault on a woman's autonomy and right to privacy but it's highly offensive, in my view, that a woman isn't even included in the definition of person. I don't think we want to go down the road of politicizing a woman, driving a wedge between her and her fetus. In the states that have passed these laws, while there are exceptions, women have been charged, arrested, and brought up on charges for exercising her right to have a cesarean section, for falling down the stairs, or for seeking treatment from their healthcare provider for substance abuse. Mr. President, by threatening pregnant women with criminal prosecution for their choices, L.D. 1463 subjects a pregnant

woman to unprecedented level of government intrusion. I urge you to reject the pending motion. Thank you.

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

The President took a seat on the floor.

The Senate called to order by President Pro Tem **JONATHAN T.E. COURTNEY** of York County.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Somerset, Senator Whittemore.

Senator **WHITTEMORE:** Thank you Mr. President. I don't think I have to remind the ladies and gentlemen of the Senate that this is a serious issue. I will make it brief. I would like for us all to open our minds up for just a second and consider ourselves as an expecting parent. The glorious day is about a month away. You leave for work and your wife experiences a home invasion. She, of course, is assaulted and in the process your child, your expected child, is murdered. The invader is going to be prosecuted for the invasion, but your unborn child who has been murdered, as the Senator from Cumberland said, the judge would certainly take into consideration the brutality of the invasion, but the murder of the child would not be acknowledged as such. That's what this bill intends to acknowledge. I strongly urge you to vote in favor of L.D. 1463. Thank you.

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

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, L.D. 1463 is about abortion, but I also have concerns that this bill is more than just abortion. You've heard from the good Senator from Penobscot that the AG's Office says that these kinds of attacks on pregnant woman won't happen in Maine, that there is specific language in the proposal to assure that this doesn't happen. However, looking across the country, these were the same arguments that supported the passage of similar laws throughout the country, laws that regardless of their explicit exceptions for pregnant woman have been used to go after the very women these laws claim to protect. These laws have been used to justify doctors violating pregnant women's confidential doctor/patient relationships to report them to the police. That's because this bill would create separate legal rights for a fetus. In doing so, it creates the potential for a conflict between the rights of a fetus and those of a pregnant woman. The result is that women have been arrested, imprisoned, and prosecuted for violating newly created rights of vaguely and non-medically defined "unborn child". Tragically, there has been case after case of women around the country arrested or prosecuted for engaging in, or being perceived to have engaged in, actions that may have harmed the fetus she carries. Yet it is actually those women engaging in high risk behaviors during pregnancy who need reassurance that they may seek medical care without risk. If L.D. 1463 passes the message to pregnant women will be

very clear. They should be wary of disclosing drug or alcohol abuse, domestic violence, or even suicidal thoughts. They should hide these behaviors from their healthcare professionals and possibly even hide domestic violence or abuse from police for fear that these behaviors or relationships will be used against them and the result could be tragic. Their choices, these pregnant women, have been taken away from them. Pregnant women that are most in need of confidential medical care will be afraid to speak to their doctors. If this bill passes we will be sanctioning an unwarranted and unnecessary government intrusion into the patient/physician relationship that will harm a doctor's ability to provide good medical care to pregnant women. This would, consequently, put the health of a woman and her pregnancy in danger, exactly the opposite of what this bill seeks to do. By legally separating a woman from her fetus, this bill creates an unworkable conflict and sets up a pathway for criminalizing abortion and overturning the crucial Constitutional protects of Roe versus Wade. We should not undo today all of the careful consensus laws enacted less than a decade ago by our predecessors. Our laws are balanced. They protect a woman's privacy and autonomy with the state's interest in punishing those who target pregnant women with violence. Finally, Mr. President, the good Senator from Somerset asked us to think about having a pregnancy and think about your wife being a month away. Well my wife is two months away with our first child. I have thought a lot about this bill and I will not be voting to accept the Majority Report. Thank you, Mr. President.

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I also stand in opposition to this motion. I think this bill is designed specifically to politicize pregnant women. I'm the mother of two grown children and the grandmother of three children. They are their children. Pregnancy and waiting for a child, no matter the joy it brings, is an intense and emotional time. However, if a pregnant woman is in an abusive relationship it causes stress, danger, and uncertainty for the woman. The Motherhood Protection Act, passed in 2005, addresses the crime that a pregnant woman faces from the violent crimes. Maine recognizes, as a Class A crime, elevated aggravated assault on a pregnant woman and it is punishable by up to 30 years in prison. I lost a pregnancy once in the third trimester. It's a most painful and emotionally rehabilitating experience. I can't imagine any family having gone through this loss and pain and then having the wounds opened up again by going through it the second time through the court process and their devastating pain and awfulness of their situation. I ask you not to add another layer of needless pain for families who are suffering mightily already. Thank you, Mr. President.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, I don't often read from prepared statements. I'm not going to this time. I think it's important to read the current law, Title 17A, section 208C. Elevated aggravated assault on a pregnant person is a Class A crime which specifies that a person is guilty of the crime if that person intentionally or knowingly causes serious bodily injury to a person

that person knows or has reason to know is pregnant. For the purpose of this subsection, serious bodily injury includes bodily injury that results in the termination of a pregnancy. That's the way the law is written. I was on the Judiciary Committee, as I mentioned earlier, when that was written. Here's something else. The definition of an unborn child is a political definition instead of one crafted by medical experts based on science and fact. The definition is vague and could be used to suit individual biases. The question of when life begins will never be resolved because it depends on ones religious beliefs. It's also law. When we talk about unborn children, or an unborn child, that is not in law. Fetus is in law. We're not debating religion, then let's not use those terms because I don't believe that's what we're here to do today, debate ones religious beliefs. I think we're here today to craft good law. As I have said before, I haven't heard from anybody that practices that good Maine law or that hands out the sentences for those good Maine laws or tries and convicts people of those good Maine laws that this law that we currently have on the books isn't sufficient. Yet I've heard from those same people, those very same people, that this bill we're talking about today will not create good Maine law. It will create good Maine dissension and will be in court forever trying to figure out what words mean. Ladies and gentlemen, please vote Ought Not to Pass on this bill in front of us today because it really isn't going to do us the good that the bill sponsor would intend it to do.

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

Senator **DILL:** Thank you Mr. President. Men and women of the Senate, I just want to reiterate that this bill is in fact about abortion and that's why the lead proponents of this bill include the Catholic Church and Maine's Right to Life Committee and the Christian Civic League. We've heard some hypotheticals that are clearly disturbing and I would just like to present to this Body another hypothetical. Imagine you are a young girl or a woman and you are perusing the landscape and you see that in Saudi Arabia women can't drive, in Egypt women are being subjected to virginity tests, in Afghanistan women are not allowed to go to school, and in the Congo and other parts of Africa mass political rapes are taking place. Here in the United States women have rights. We have Constitutional rights. Nonetheless, there is a high degree of violence against women. There is a high and heinous level of domestic violence and women, to this day, make roughly 70¢ on the dollar. In our struggle as women it's incredibly important that the politicization of making our pregnancies political is extremely dangerous and will erode our autonomy and our rights to make private medical decisions. When you think about this law, think of it in the context of not just a heinous crime against a woman and her fetus, but in a woman's constant struggle to protect what rights she has to autonomy and to making private medical decisions. Thank you.

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, I just wanted to stand up one more time because I think this bears repeating. This bill specifically exempts the pregnant mother from any prosecution. The option of a woman having an abortion, that plays no part in this bill. That option is still available to her. Also, previous speakers have said that this

is a debate between those who have religious convictions and those who do not. I think that this is incredibly disingenuous because there are many people out there who are of no faith that see an unborn child as just that, an unborn child. That is just something that I think is very unfairly categorizes it as a pigeonhole of religious against non-religious. This bill is very simple. Other speakers have also said that the reason that we shouldn't do anything is because the DAs didn't testify for it and all this and that and whatever. I can tell you who did testify for it. The person who helped present this bill, Mrs. Sargent's sister, the sister of the woman who was brutally murdered and the unborn child who lived for 24 hours after that woman died. She was there and she absolutely, 100% said in the Criminal Justice and Public Safety Committee that she is pro-choice. More than once, actually. In this Body we sometimes think the reason that people don't show up for public hearings is because they don't care. I would say it's because of the timing of our public hearings. Some of them are at 10 o'clock in the morning. People are working. I would just caution this Body to know that just because someone didn't show up doesn't mean they don't care. Thank you, Mr. President.

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

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

Senator **BARTLETT:** Thank you Mr. President. Make no mistake that L.D. 1463 is part of a battle over Roe versus Wade and woman's fundamental right to choose. When Roe versus Wade was decided it specifically stated in the opinion that if the suggestion of personhood is established the appellant's case of course collapses for the fetus' right to life would then be guaranteed specifically by the amendment. Since Roe versus Wade many states around the country have worked to separately define the personhood of an unborn child to go to that argument in Roe versus Wade. When we talk about this legislation this is clearly part of an effort to undermine a woman's fundamental right to choose. That is what we are debating today. L.D. 1463 provides specific language that would protect a woman from prosecution for conduct that may affect their unborn child. The problem, however, is that around the country other states have tried providing this protection and it hasn't worked. In South Carolina, for example, a woman who suffered a miscarriage was arrested and charged with homicide by child abuse even though the prosecutor admitted there was no evidence of drug use or other inappropriate behavior. In California a woman was charged with second degree murder under their fetal homicide law after suffering a stillbirth. In Texas, immediately following enactment of a similar law, one local prosecutor issued a letter to all physicians in her county notifying them that based on the prosecutor's clear reading of the statute, despite its explicit protection of women for their conduct towards their unborn child, it was now legal for anyone to report a pregnant woman who was using or had used illegal narcotics during pregnancy for potential prosecution under this law. Make no mistake; there is no legitimate protection for a woman once you go down this road. We have a good law in place that balances the rights of everybody involved and makes sure that if somebody harms a pregnant woman that there is a heightened penalty for that because of the harm caused. Going

down this road opens the door for prosecution of women when they ought to be getting treatment. It is a step towards undermining Roe versus Wade, both at the national level and here within the state of Maine. This is the wrong thing to do. It's the wrong time to do it. I hope you'll join me in voting no. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you Mr. President. Men and women of the Senate, I'd just like to reiterate that in all of the states where the statutes were challenged every one of them rejected the claim that it overturned Roe versus Wade and granted personhood. Our law is the only law that our Attorney Generals can comment on. I asked them where things might have gone wrong in the other states and they said it was not something that they could review because they would have to know the criminal statutes that apply. With our laws and this proposed statute the woman could not be charged. The definition of the person who may be charged cannot include the woman. Currently in Maine women are brought to the attention of authorities, typically DHS, who will work with the woman to make sure that she is trying to be as healthy as possible. I don't know, that's administrative. All of the things that we talked about where there is intervention in the state of Maine are administrative, not criminal. The only thing that the AG could comment on is our proposal, not others. I'm willing to read all of the court decisions and find that there are protections there. I'm willing to look at the law as written because I think that it was very well written. I'm willing to bet that even agnostics mourn the life of their child, their unborn child. Justice for one does not equal justice for others. Women who mourn the loss of their unborn child will not be able to get the kind of justice that they will in states where this has been upheld. As for an attack on Roe versus Wade, that does happen every day all over the place. Those are turned back consistently. Consistently any law that is found to be unconstitutional does not go forward. I imagine this law would be challenged as well, but when you are looking for justice the Motherhood Protection Act didn't do it. As for a 30 year sentence, if you've ever heard of good time you know that good time means one-third of the sentence goes away. That's only 20 years. It's not the length of the sentence that women are looking for. It's the acknowledgement, the acknowledgement by society that pregnancy is more than a condition and it deserves more attention than becoming an aggravated sentencing factor. Thank you, Mr. President.

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

Senator **BRANNIGAN:** Thank you Mr. President. In listening to this whole debate, it just becomes obvious that it is hypocritical. If you are determining this term unborn child, I believe somebody said back to implantation. I've studied this because I had to years ago when implantation versus fallopian tube pregnancies and so forth. If you are saying that this unborn child is a person then why shouldn't the mother be prosecuted? I've dealt with this. I had a woman who killed three of her children. I've dealt with this. If she is exempt then why? If she tries to fall down stairs or beat herself or do all the things that some people in desperation do, then why not? You're trying to define what this zygote, this protoplasm, or this growing, wonderful infant is then you are saying that if

something happens to this, whatever you want to call it at various stages, you are saying it is a person, then you are saying that anyone who harms it is guilty. I don't understand this exemption for the mother before birth but not after birth. There's something wrong here. This is an effort that should not be done in this Body. I was going to vote against it before, but I'm going to vote with enthusiasm now.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Mason to Accept the Majority Ought 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 (#173)

YEAS: Senators: COLLINS, JACKSON, MARTIN, MASON, MCCORMICK, PLOWMAN, RAYE, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITEMORE, THE PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, HASTINGS, HILL, HOBBS, KATZ, LANGLEY, PATRICK, RECTOR, ROSEN, SCHNEIDER, WOODBURY

EXCUSED: Senators: GOODALL, SULLIVAN

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being excused, motion by Senator **MASON** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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

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

RECESSED until 2:00 in the afternoon.

After Recess

Senate called to order by President Pro Tem **JONATHAN T.E. COURTNEY** of York County.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Help Maine's Employers To Recruit Skilled Workers by Expanding the Availability of the Educational Opportunity Tax Credit"

H.P. 872 L.D. 1174
(C "A" H-267)

In House, May 26, 2011, **PASSED TO BE ENACTED**.

In Senate, May 26, 2011, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

Comes from the House, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of Health and Human Services**

Representative **STRANG BURGESS** submitted the Report of the **Department of Health and Human Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 50: Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded, a Major Substantive Rule of the DHHS (EMERGENCY)

H.P. 1164 L.D. 1581

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

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 **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Directing the Commissioner of Education To Adopt a Policy Regarding Management of Head Injuries in Youth Sports (EMERGENCY)

H.P. 84 L.D. 98

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-519)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-519)**.

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

READ ONCE.

Committee Amendment "A" (H-519) **READ** and **ADOPTED**, in concurrence.

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

Senator **SNOWE-MELLO** of Androscoggin requested and received leave of the Senate that members and staff be allowed to remove their jackets for the remainder of this Session.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Clarify the Responsibilities of the Maine Developmental Services Oversight and Advisory Board"

H.P. 827 L.D. 1115

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-520)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-520)**.

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

READ ONCE.

Committee Amendment "A" (H-520) **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 Resolve, To Establish the Blue Ribbon Commission on Affordable Housing (EMERGENCY)
H.P. 638 L.D. 841

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-511)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-511)**.

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

READ ONCE.

Committee Amendment "A" (H-511) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Provide Maine Tourism and Industry Collaborative Film Grants"
H.P. 804 L.D. 1069

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-517)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-517)**.

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

READ ONCE.

Committee Amendment "A" (H-517) **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 **TAXATION** on Bill "An Act To Provide Tax Relief to Residents Deployed for Military Duty or Stationed outside of Maine"

H.P. 1018 L.D. 1385

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-510)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-510)**.

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

READ ONCE.

Committee Amendment "A" (H-510) **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 Require the Secretary of State To Verify Voter Signatures"

H.P. 736 L.D. 1000

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-507)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-507)**.

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

READ ONCE.

Committee Amendment "A" (H-507) **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:

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase Potential Criminal Penalties for the Possession of Cocaine and Cocaine Base"

H.P. 37 L.D. 44

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-418)** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-419)** (3 members)

In House, June 2, 2011, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-418)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-418)**.

In Senate, June 3, 2011, motion by Senator **MASON** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-418)** Report, **FAILED**. On motion by Senator **HOBBINS** of York, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

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

On motion by Senator **MASON** of Androscoggin, the Senate **INSISTED**.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Study Allocations of the Fund for a Healthy Maine

H.P. 1144 L.D. 1558

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-417)** (12 members)

Minority - **Ought to Pass** (1 member)

In House, June 1, 2011, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417)**.

In Senate, June 3, 2011, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**, in **NON-CONCURRENCE**.

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

On motion by Senator **McCORMICK** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

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 Amend the Laws Governing the Tax Assessment for Correctional Services in Lincoln County and Sagadahoc County
S.P. 126 L.D. 422
(C "A" S-209)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 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 Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Amend the Laws Governing the Enforcement of Statewide Uniform Building Codes
S.P. 374 L.D. 1253
(C "A" S-210)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 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 Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Modify the Laws Regarding Status as an Independent Contractor
S.P. 437 L.D. 1420
(S "A" S-191 to C "A" S-150)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 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 Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Create the Nickerson Lake Sewer District
S.P. 499 L.D. 1561
(C "A" S-199)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with 1 Senator 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 Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Reauthorizing the Balance of the 2005 Maine Biomedical Research Fund and Marine Infrastructure and Technology Fund Bond Issues
S.P. 86 L.D. 280
(C "A" S-185)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Acts

An Act To Amend the Laws Governing Competitive Bidding for School Construction and Repair
S.P. 110 L.D. 397
(C "A" S-187)

An Act To Amend the Laws Governing Bear Hunting
H.P. 361 L.D. 468
(C "A" H-443)

An Act Regarding the Disposition of Mercury-added Lamps
S.P. 145 L.D. 512
(C "A" S-203)

An Act Regarding Conveyance of Easements across Railroad Rights-of-way
S.P. 147 L.D. 514
(C "A" S-183)

An Act To Support and Encourage the Use of Online Textbooks
S.P. 161 L.D. 569
(C "A" S-186)

An Act To Ensure Ratepayer Benefits from Long-term Contracts for Renewable Energy Credits
S.P. 218 L.D. 729
(C "A" S-193)

An Act To Protect Ratepayers While Enhancing Energy Independence and Security
S.P. 231 L.D. 793
(C "A" S-194)

An Act To Amend the Requirements for Electric Transmission Lines

S.P. 246 L.D. 802
(C "B" S-197)

An Act To Amend the Law Governing Tax Increment Financing Districts

H.P. 619 L.D. 823
(C "A" H-460)

An Act To Reduce Student Hunger

S.P. 264 L.D. 860
(S "A" S-206 to C "A" S-170)

An Act To Regulate Boxing and Prizefighting in Maine

H.P. 656 L.D. 889
(C "A" H-451)

An Act To Strengthen Computer Privacy

S.P. 405 L.D. 1308
(C "A" S-208)

An Act To Amend the Tax Laws

H.P. 971 L.D. 1325
(C "A" H-461)

An Act To Amend the Department of Marine Resources' Administrative Suspension Process

S.P. 453 L.D. 1462
(C "A" S-190)

An Act To Establish Standards for Portable Electronic Device Insurance

S.P. 455 L.D. 1464
(C "A" S-212)

An Act Regarding Regulation of Emergency Medical Services

S.P. 467 L.D. 1489
(C "A" S-223)

An Act To Amend the InforME Public Information Access Act

S.P. 482 L.D. 1521
(C "A" S-195)

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

An Act To Provide Funding for the World Acadian Congress

S.P. 157 L.D. 565
(C "A" S-184)

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

An Act To Amend the Laws Governing Significant Wildlife Habitat

H.P. 765 L.D. 1031
(C "A" H-281)

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

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

Senator **SAVIELLO:** Thank you Mr. President. Very quickly. I just want to thank my committee for the hard work on this and particularly my good friend, the Senator from Sagadahoc, Senator Goodall, Representative Duchesne, and Representative Hamper. This is a good piece of legislation. Thank you very much, Mr. President.

THE PRESIDENT PRO TEM: The pending question before the Senate is Enactment. 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 (#174)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, HASTINGS, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY

NAYS: Senators: None

EXCUSED: Senators: GOODALL, SULLIVAN

33 Senators having voted in the affirmative and No Senator having voted in the negative, with 2 Senators being excused, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

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

An Act To Provide Funding for the World Acadian Congress
S.P. 157 L.D. 565
(C "A" S-184)

Tabled - June 6, 2011, by Senator **RAYE** of Washington

Pending - **ENACTMENT**, in concurrence

(In Senate, June 2, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-184).**)

(In House, June 6, 2011, **PASSED TO BE ENACTED.**)

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

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

Resolves

Resolve, Regarding Prequalification Standards for Contractors
S.P. 318 L.D. 1085
(C "A" S-188)

Resolve, To Develop a Plan To Improve Public Guardianship Services to Adults with Cognitive Disabilities
S.P. 373 L.D. 1252
(C "A" S-222)

Resolve, To Promote Greater Transparency and Accountability through Regional Transmission Organization Reform
S.P. 396 L.D. 1275
(C "A" S-225)

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

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 **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Early Deer Hunting for Senior Hunters"

H.P. 899 L.D. 1208

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

Signed:

Senators:

MARTIN of Kennebec
PATRICK of Oxford
TRAHAN of Lincoln

Representatives:

DAVIS of Sangerville
BRIGGS of Mexico
CLARK of Millinocket
EBERLE of South Portland
ESPLING of New Gloucester
GUERIN of Glenburn
SARTY of Denmark
SHAW of Standish
WOOD of Sabattus

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

Signed:

Representative:

CRAFTS of Lisbon

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

Reports **READ.**

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

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Beano Laws"
H.P. 1083 L.D. 1474

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-509).**

Signed:

Senators:

FARNHAM of Penobscot
PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
CAREY of Lewiston
CHIPMAN of Portland
CROCKETT of Bethel
DAMON of Bangor
JOHNSON of Eddington
LONGSTAFF of Waterville
RUSSELL of Portland
VALENTINO of Saco
WILLETTE of Presque Isle

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

Signed:

Senator:
PATRICK of Oxford

(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-509)**.

Reports **READ**.

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

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, this was a well-meaning bill put in by Representative Keschl to help firefighters. I know I have very little, if no, experience in relationship to bingo bills, but I'll try to explain to you why this is a bad bill. Currently, you can have a rule adopted by the Chief of the State Police concerning the value of prizes that may be awarded. It must include a provision that no single prize may exceed \$400 in value and no more than \$1,400 in total prizes may be awarded on any occasion. That is what is the law now for your regular bingos. What this bill does is accept that once per year, on one occasion, a licensee may award up to \$2,000 in total prizes. Ladies and gentlemen, I have been in opposition to raising the limit on regular bingos for the last 11 years and I will continue to do so because what happens is that a lot of people don't understand that a \$1,400 limit bingo actually is a large bingo in that any increase in the amount is detrimental to all the bingos, the \$1,000 or \$700, the little Mom and Pop church ones. This will only do it once per year. The idea behind that was to help them raise money. The problem is that in a normal bingo, when you give out \$1,400, you have to have around 86 players in order to break even for that bingo. If you've going to give out \$2,000 that will now increase the amount of players that you are going to have to have for the special bingo just to break even. I think it will take about 120 players on your normal bingo in order to break even so the fire department or their auxiliary can make money.

I actually, in committee, came up with a way that can help the firefighters or any non-profit make money because, although I have limited experience, I have been around enough that I've heard of things that work. One of the things that has worked in the past is Longaberger basket bingos. You say, "What is that?" For those that collect Longaberger baskets that is something that is highly prized. What has happened in the past was, because those were so sought out, they were having bingos with \$1,400 worth of Longaberger baskets. What happened after that was they were starting to fill the baskets full of prizes, which brought it above the \$1,400 limit, thus violating the law, which is too bad because a lot of the groups that were doing this were raising money for great events. Under our current laws what we do have is a raffle law. You can have a raffle up to \$10,000 with no license whatsoever. Those creative non-profits, what they are

doing is they are having a 30-day Longaberger basket raffle once per day for 30-days and raising thousands of dollars because most of the time what happens is you'll get an individual who will donate a Longaberger basket, and I've actually donated numerous times myself to these things. What happens in an event like this is you have 30 baskets that are donated, which will save the non-profit \$1,500. If you can find people who are willing to fill them you could actually probably get your prizes for that raffle to help that fire department or their auxiliary or whatever the non-profit is and have nothing invested and actually make thousands of dollars for what is important to them. We had heard testimony in the committee that this would do good for the community, whether it's putting on new tires or whatever the issue is. There are a lot of things that I don't understand with this bingo. If you know anything about bingo, and I know very little myself, this does not say if the prizes, which are normally \$50 a game, are going to be going to \$100 a game? It says in current law that the largest single prize is \$400. Is this now saying that it's going to be \$200 for the jackpot? How many winner take all events will there be? Will this fall under the guise of like the super bingos like the tribes have? I don't know.

I know that I have explained to those who want to raise money is that, in the committee, three or four years ago passed the Texas Hold-um Bill, the tournament bill. In that they were able to give out 25% prize money to the entity that is hosting that even. If you held a large Texas Hold-um tournament, which would be 100 players, they could probably get around \$1,500, I think, for the non-profit.

This bill, as written, is really confusing. The idea behind it, I'm behind it 100%. I do want to help auxiliaries and fire departments, police departments and their auxiliaries to make money, but this is not the way to do it. This is a good feeling vote that all this will do is with the first time around they will not make enough money to be worthwhile, for one thing. The second thing is that what this is going to do is say to every non-profit in the state of Maine that runs bingo that's here is their in. We're giving that one day to the police department to have a \$2,000 bingo, so let's go for it. What does that do? The net result of that is you're going to shut down 50% of the bingos in the state of Maine that are already doing wonderful things. I don't think the sponsor wanted to do that, realized that, and nor do the committee members. Our committee, this time around, has very little experience with that. I really hope that you will take what I have to say seriously because I'm not standing up here saying I'm against the fire departments or the auxiliaries, I'm just saying the way this bill works is not good for them and it's not good for the non-profits in the state of Maine. I will work with any of them to give them all kinds of ways that they can raise money for their endeavors that are extremely important any time. I would ask you to vote against this and go on to the Ought Not to Pass. Thank you very much.

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

Senator **SAVIELLO:** Thank you Mr. President. I just want to take a second to respond because actually last session I put a very similar bill in. It is interesting because the people that my friend spoke about, the veterans, came in and testified against it because it had no finite timeframe on it. In my conversations with them since then they have made it very clear to me that they have no problem with it being one time. They run a bingo operation

once a week and they are very careful with that. The \$1,400 was put into place years ago, years ago when \$1,400 meant a lot. Now, by filling the contents, as my good friend has pointed out, actually increases the value of these. It's not just the fire departments. It is the emblem clubs. It's the town betterment groups. All of them want this one time opportunity because they raise that money and they provide it to help the towns, help with scholarships, and other things. Thank you very much, Mr. President.

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

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

Senator **PATRICK:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, the idea of the bingos, the way they are, is bingo is a dying form of revenue for non-profits. If you were to raise the level to \$2,000 the amount of players it takes to break even for bingo, and most of them run on the margin now, would take probably 130 players or more where the average amount of players in a bingo throughout the state of Maine is probably around anywhere between 70 and 80, 85 would be a good bingo nowadays. That's the problem, because no matter what you do to this issue the idea behind the bill is to help the non-profit make money. If you're going to raise it to \$2,000 on that one special event you have to draw a lot more people and there aren't a lot more people to draw from. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#175)

YEAS: Senators: COLLINS, DILL, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, GERZOFKY, HILL, HOBBS, JACKSON, PATRICK, SCHNEIDER

EXCUSED: Senators: GOODALL, SULLIVAN

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **FARNHAM** of Penobscot to **ACCEPT** the Majority **PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-509) **READ** and **ADOPTED**, in concurrence.

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

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act Concerning Sex Offender Registry Information"
H.P. 963 L.D. 1317
(C "A" H-466)

In Senate, June 2, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-466)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-466) AS AMENDED BY HOUSE AMENDMENT "A" (H-497)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **MASON** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **RECTOR** for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Laws Governing Self-service Storage in the State"
S.P. 442 L.D. 1428

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-248)**.

Report **READ** and **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.

Senator **RECTOR** for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Allow the Board of Dental Examiners To Issue Dental School Faculty Licenses"

S.P. 480 L.D. 1519

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.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Require Criminal History Record Information for Licensure of Nurses"

S.P. 111 L.D. 398

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-249)**.

Signed:

Senators:

RECTOR of Knox
MARTIN of Kennebec

Representatives:

PRESCOTT of Topsham
DOW of Waldoboro
DRISCOLL of Westbrook
GILBERT of Jay
HERBIG of Belfast
HUNT of Buxton
NEWENDYKE of Litchfield
TUTTLE of Sanford

VOLK of Scarborough

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

Signed:

Senator:

JACKSON of Aroostook

Representative:

WINTLE of Garland

Reports **READ**.

Senator **RECTOR** of Knox moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the report and I do so a little bit sheepishly because the good Senate Chair of the committee, the Senator from Knox, Senator Rector, had introduced the bill. I understand the reasoning behind it; I just disagree with making nurses have to become fingerprinted. It is for the same reason I disagreed with teachers being fingerprinted. Reading back through the files, I've got a couple of the organizations that represent nurses. They are in support and one that is neither for nor against, which actually doesn't help my case. I guess the argument is that the State of Maine is in a compact with 24 other states that allows nurses that are from one of these 24 states to work in any one of those states. This compact has a policy currently that says that nurses should be fingerprinted. Maine now is going to require nurses to be fingerprinted. From what I remember of the hearing, no one said it was 100% that all 24 of these states were making it mandatory to be fingerprinted. This was going to be in case it became mandatory to be fingerprinted. I would be of the opinion that until this compact said without a doubt, 100%, that it was mandatory that you have to be fingerprinted I do not want to force these hardworking people to become fingerprinted. I think there is a stigma that comes with being fingerprinted. On top of that there is a cost to it. We debated this a number of years ago with the teaching profession. A lot of hard feelings over that. From what I could gather in my district, the nurses, for the most part, did not want to be fingerprinted. They didn't feel it was necessary and everything I got from the hearing said that, to me, it wasn't necessary. There may be a time when this compact is 100% mandatory to have to be fingerprinted to be in it, but until such time I'm definitely opposed to it. I don't see why it needs to happen and I just feel that if I was a nurse I would be very upset if I was forced to become fingerprinted when I had a spotless criminal background. That's why I was against it in committee and that's why I'll be voting against it today.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Knox, Senator Rector.

Senator **RECTOR:** Thank you Mr. President. Ladies and gentlemen of the Senate, this bill was brought forward on behalf of the Board of Nursing because they are concerned about our ability to have nurses participate in the compact and be licensed in a number of states. It is a requirement, I'm not sure if it's 100% of those other states because I think there may be one that does not yet require fingerprinting. There is no doubt that that is the trend and direction that is being required for professional licensure in nursing. The committee, rather than require all current nurses to be fingerprinted, decided the sort of stepped approach to this was to say that newly licensed nurses would be required to be fingerprinted. This will only apply to newly licensed nurses as they come into the profession and will give them the opportunity to then be able to support it. We wanted to see how the system worked, whether it was effective and manageable on the part of the Board of Nursing, and make certain that we were ready to continue our membership in the compact so that we can have access to nurses from all those other states. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I rise for a different reason. To me, this is just another big government bill. If you want to expand government power and government authority then you should vote for the pending motion. If you don't want to go that direction then you should vote against the pending motion because there's absolutely no reason, once again, to vote for this piece of legislation because it's not required to be in the compact. If you want bigger government then I suggest you stick with the Ought to Pass as Amended Report. If you don't want big government or less government then please join me and vote against the pending motion.

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

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise on this bill not because of the compact and not because of big government but there is a reason why we do criminal history checks. There is a reason why we do fingerprinting. There is a reason why we try to find and weed out those people who are dangerous in one way or another to our children. As bad as it was for teachers, as we all know, unfortunately with every profession, not one profession escapes having people within that group that would sexually assault children, especially. Not that any of these people do or would. It's just that we have to be very cautious about this. We need to be consistent. I would say it's not about a compact, it's more about being uniform in our concern about who we're looking out for and why we're looking out for them.

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

Senator **BARTLETT:** Thank you Mr. President. In trying to understand this I've done a little bit of research into the interstate

compact and what's involved. By being part of that compact, a Maine nurse doesn't automatically get a license in another state. It's not a direct reciprocity. What it allows is for a nurse who moves from Maine to another state to be able to practice immediately while they are transferring their licensure from Maine to that state. For example, if someone were to move from Maine to another compact state, perhaps Massachusetts, they would be able to go and start practicing while they get their license transferred. If Massachusetts were to require fingerprinting they could get it done in that 30 day period. The compact simply allows them to more easily transfer that license. There is no need to have this requirement in place just because some other states might do it. When the nurse goes to move or practice in that other state they can give up their Maine license, get a license from that state, and during that transition process meet any requirements that may need to be met, whether it is fingerprinting or otherwise. I am greatly concerned about the expansion of fingerprinting and the assumptions that we make about particular professions. We did fingerprinting with teachers, but there at least there was an argument that these were public employees who are overseeing children. When we start getting into the medical profession why are we choosing nurses and not doctors? If we think it's important then everybody who works in a hospital or clinic ought to have that fingerprinting. Why is it just nurses? Why is it the folks who are the entry level people? To me that's a problem. If we really believe that fingerprinting should be done to all health professionals then let's do it to all health professionals. Let's not target any one specifically. I also would suggest that individual employers can, and do, do background checks when they hire employees. When a particular hospital, a particular doctor's office, or particular retirement home wants to have background checks they can do it, they will do it, and they can make that public. These are private employers and we should not be meddling and requiring these specific actions be taken. Thank you, Mr. President.

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

Senator **BRANNIGAN:** Thank you Mr. President. Men and women of the Senate, it looks like people from Cumberland are really interested in this. I thought I heard that it was only new and that makes it better at my house because I haven't had a chance to check yet. A lot of other background checks are done all the time that don't require fingerprinting. Why does this one require fingerprinting? All nurses aides, all people who do housecleaning; they often check the background of their people they are putting in people's homes. They don't fingerprint. I don't understand why that is. I still don't understand why it's just new people and not everyone. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you Mr. President. Just a couple of other points. I always find it very interesting, and my Senate colleague brought up the fact doctors are not fingerprinted or the suggestion has not been made that doctors get fingerprinted. How about certain people who clearly in other professions would have access to children? It's interesting to me that in this particular case we've got teachers who are already fingerprinted and now we're going to require it of nurses. Both very dominated

by women in that profession and generally not paid as much as men. I just think it's really interesting that we're constantly hitting on the women. Instead maybe we should add an amendment to this bill that requires all people in these professions. If we're talking about consistency and equality here, let's do it for all those people in those professions rather than just picking and choosing the professions that are dominated by women. Thank you very much, Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Knox, Senator Rector.

Senator **RECTOR:** Thank you Mr. President. Men and women of the Senate, with all due respect to my colleague from Penobscot, I suspect there are a lot of male nurses who might be offended by the previous comment because I think they, too, serve an important role. The National Nurse Licensure Compact actually provides some significant benefits to Maine. We have seasonal residents who come here. As a result of being part of the compact, Maine is able to hire them on a seasonal basis. It seems to me that this is an excellent recruiting tool in a state that has the oldest population in the nation, growing older and recognizing that we have a tremendous potential for shortage of healthcare workers. In addition, it's important to note, I think, that the National Registered Nurse Licensing exam, a national standard examination for the licensing of nurses, already requires that student nurses be fingerprinted in order to take that exam. With that, Mr. President. I would urge that colleagues follow my light and vote for the Majority Report.

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

Senator **SCHNEIDER:** Thank you Mr. President. I just wanted to respond to the last presenter, I said dominated, which is no offense to the male nurses in the profession. I think we can all agree that the nursing profession, at least at this moment, is vastly dominated by women at this point in time. I just wanted to clarify that. I also think that this is not some kind of great tool, fingerprinting nurses, for bringing people into the state. I don't think that this is the case and I don't think it is a requirement at this point in time by the compact. It's a redundant government and big government. Thank you.

At the request of Senator **RECTOR** of Knox, Reports **READ**.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#176)

YEAS: Senators: COLLINS, DIAMOND, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MCCORMICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SNOWE-MELLO, TRAHAN, WHITTEMORE, THE PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DILL, GERZOFKY, HILL, HOBBS, JACKSON, MASON, PATRICK, SCHNEIDER, SHERMAN, THIBODEAU, THOMAS, WOODBURY

EXCUSED: Senators: GOODALL, SULLIVAN

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **RECTOR** of Knox to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

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

Senator **SCHNEIDER** of Penobscot **OBJECTED** to **SUSPENSION OF THE RULES** for the purpose of giving the Bill its **SECOND READING** at this time.

Senate at Ease.

Senate called to order by President Pro Tem **JONATHAN T.E. COURTNEY** of York County.

Senator **SCHNEIDER** of Penobscot requested and received leave of the Senate to withdraw her **OBJECTION**.

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

Ought to Pass As Amended

Senator **RECTOR** for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Clarify Usual and Customary Charges under the Workers' Compensation Laws"

S.P. 365 L.D. 1244

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-250)**.

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

READ ONCE.

Committee Amendment "A" (S-250) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (6/1/11) Assigned matter:

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, To Establish a Consistent Workers' Compensation Classification for Pharmacies

S.P. 270 L.D. 866

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

Minority - **Ought to Pass** (5 members)

Tabled - June 1, 2011, by Senator **ALFOND** of Cumberland

Pending - motion by Senator **RECTOR** of Knox to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, June 1, 2011, Reports **READ**.)

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

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, again I rise in opposition to the pending motion. The reason why is because this is a bill that I had actually introduced which would give pharmacies that are in stores like Wal-Mart or Hannaford or something like that the opportunity to get a lower Workers' Comp rate on their pharmacists. The way that the law stands currently is that if you are a stand-alone pharmacy the pharmacists that are dispensing the drugs in that pharmacy gets a low Workers' Compensation rate but if you take that very same pharmacist and put him in a supermarket, even though there is a completely separate part of the store that is the pharmacy, that pharmacist is now going to have a higher Workers' Comp rate because he's in a store with people that are cutting meat, stocking shelves, or whatever. I actually had a constituent that asked me to look into it and I felt it was egregious that these licensed pharmacists, that have gone through college to become pharmacists and have gone through all the requirements to get their license, just because they are working in a supermarket building, their Workers' Comp rates are higher. It makes no sense. These people are highly paid. They

only work providing prescriptions. They are getting the same Workers' Comp rate that someone stocking shelves would even though they never leave the pharmacy. When we had the hearing, the work session, the Bureau of Insurance came and they really couldn't tell us one way or the other if the rates overall were going to be higher or lower, which was very confusing. They said that it could make the system very volatile, which I still can't understand for the life of me. You take those pharmacists and you put them in this store and the Workers' Comp rates are lower, you put them in this store and they are raised significantly. They can be a totally different company, a totally different management structure, and just because they happen to be in that store they are going to pay a higher Workers' Comp rate. We've debated these issues in this Chamber and the Labor Committee about Workers' Comp rates. To me, this was a bill that made a lot of sense. Pharmacists, the majority of the time, have very low rates because they don't get injured and just because we put them in a different setting we're going to say that they are going to get injured. It makes no sense. I understand that they are trying to socialize the costs but at the same time they have bookkeepers in that very same setting that have lower Workers' Comp rates. This was an idea or something that people said that Maine would be an outlier and all that. That's fine. If it's going to be lower Workers' Comp rates for these businesses maybe Maine is going to set a trend. It seems very clear to me that if you are a pharmacist you should be considered a pharmacist for Workers' Comp rates. That's all this bill was, was that if you were a licensed pharmacist you were going to get the same Workers' Comp rates as any other pharmacist. I would ask you to vote against the pending motion and support the common sense lowering of Workers' Comp rates for pharmacists.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Knox, Senator Rector.

Senator **RECTOR:** Thank you Mr. President. Ladies and gentlemen of the Senate, I appreciate the good Senator from Aroostook, Senator Jackson's interest in reducing the Workers' Comp costs for Wal-Mart, Hannaford, and some of the other large employers around the state but I'm, frankly, a little baffled at this. As it happens, the Workers' Comp rating system, that is how a business is rated, is based on what their predominant business is. For instance, a grocery store would be considered store, grocery, retail. A department store, Target for instance, could be store, general merchandise, retail. If they happen to have a pharmacy there as well or a meat cutting operation or anything else that is related to their general business, the rate is for the business overall for their overall payroll. Were that not the case we would be the only state in the nation to have individual departments characterized individually within a business, making the rating system enormously complicated, complex, and subject to volatility. The bill, let me just read to you from some testimony that we received from the Bureau of Insurance, would require the Maine Bureau of Insurance to establish a Workers' Compensation classification for employees of the in-store pharmacy a lost cost for the basis of calculating the premium rate would have to be established for that proposed classification. No other states have such a classification so there is no place to go and look, you'd have to try and figure it out within the state. The payroll and loss data used to establish the lost cost, therefore, would be limited to Maine, resulting, potentially, in very volatile costs from year to year. I think the system that we have presently, we have a strong

Workers' Comp system, is growing stronger, quite frankly, with work that the committee did this year in a variety of ways. I would suggest to you that, as well meaning as this piece of legislation is, it doesn't really get at the issue and would put Maine as an outlier from all other states in the nation. I would urge you to vote Ought Not to Pass. Thank you, Mr. President.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I did want to get up because, while I would do anything I could to help people like Wal-Mart and Hannaford and all that, this actually was brought to me by a constituent of mine that runs a Hannaford store, the Paradis family from Fort Kent, who I would say, while they do well, is a small business and it's very different. The pharmacy that they have in their store is not something that you would say is the same as the meat cutters or the store stockers or the produce department or the deli or anything like that. The pharmacy is off by itself. It's very much a stand-alone. The only thing is that it happens to be in the same building. As for the Bureau of Insurance, their testimony and talking about being very volatile, I don't understand that. If we were talking about a pharmacy that was in a company that was doing dynamiting or something like that I might have a better understanding. What's the chance, for the most part, that these pharmacists are going to get hurt handing a prescription across the counter to a customer? I would say it's very low because of the very reason that the pharmacist of stand-alone pharmacies that the costs are low is because those people don't get hurt. When a licensed pharmacist in one of these places has gone to school and is doing pharmacy, they are not out there stocking shelves and moving products and all of that. They are in the pharmacy dispensing drugs. That's what their job is and they are not getting hurt. The volatility, to me, is not going to be the big issue but it could be in a number of other occupations where you might see people getting out and doing other jobs. This classification, to me, is very clear that it's going to be lower because those people are not getting hurt. To me it's just common sense. If you are a pharmacist you should be listed as a pharmacist for Workers' Comp reasons.

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

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

THE PRESIDENT PRO TEM: The Senator may pose her question.

Senator **Craven:** Thank you Mr. President. I would like to know if bank branches inside supermarkets have a different rate for their Workers' Comp as well? Thank you, Mr. President.

THE PRESIDENT PRO TEM: The Senator from Androscoggin, Senator Craven poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **Katz:** Thank you Mr. President. Men and women of the Senate, I may be wrong but it's my understanding that this bill

applies to employees of the establishment that will now be subject to the same rate. I do not believe it will apply to a bank because a bank is a separate company which is, in a sense, leasing space. It would be a different employer. I think the answer to the question is no. Thank you.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I would say for what the good Senator from Kennebec said most likely is true. That never actually came up in the hearing, to my knowledge. That is exactly the argument that I have here. In this case, the pharmacist is another company even though it is owned by the same business that owns the grocery store. Even in the case of the grocery store, there is different Workers' Comp rates as far as for bookkeeping in that classification. It seems to be somewhat of a hodge-podge. I would say this would fix an inequity. I've already said, I don't believe it would be as volatile as the bureau is saying just because of the nature of the business. The other thing it leads me to ask is what about eye care, vision, optometrists that are in these same buildings. I think there are a couple of other things going on there. I just think this would fix an inequity in how it is now.

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

Senator **Craven:** Thank you Mr. President. May I ask another question through the Chair?

THE PRESIDENT PRO TEM: The Senator may pose her question.

Senator **Craven:** Thank you Mr. President. I just wondered if there was any discussion in committee for organizations like Costco, for example, who operates inside Shaw's Supermarket? They are different companies.

THE PRESIDENT PRO TEM: The Senator from Androscoggin, Senator Craven poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Knox, Senator Rector.

Senator **RECTOR:** Thank you Mr. President. Men and women of the Senate, I'm not rising to answer that question. I'm rising to say that the Workers' Comp rate applies to the company that employs the employees within the given business and the rate, for instance, as I said earlier, for a retail grocery store is an accumulated rate for all the people; the people who unload the trucks, the people who stock the shelves, and the people who run the cash registers. There is a rate associated with that for Workers' Comp. The same would be true of a retail lumber business. The same would be true. If your paycheck is coming from the over arching businesses then you are rated based on what their principle line of business is. That's the current law. That's the law in other states. If we were to change this we are legislating a new specific area that would make Maine first in the nation, again, but first in the nation in something that I think is particularly troubling. With this, if we do it with pharmacists then we're going to end up being able to decide that meat cutters

should have a particular rate or that who knows what. Every single classification. I think the reason they homogenize the rate is to try to keep the rates low for employers and to try to make sure the coverage is there for employees. I would urge you to accept this Ought Not to Pass report.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I guess my reason for rising is that I disagree. I try only to speak to things that I have somewhat of a knowledge of. Obviously, I work in the logging industry. In the logging industry a company, a solely owned company, has many different rates in there. If a company owns trucks it's a different rate. If they own mechanical harvesting equipment it's a different rate. If they own conventional cable skidder chainsaws, that's a higher rate again. Plus you could have bookkeepers in there and that would be a higher rate again. All these different rates under one building for one company. The argument that a grocery store, everyone in there should have the same rate, that may be true but certainly when a grocery store has a pharmacist that is a different part of the company. I think that's appropriate that it has a lower rate. I do not believe that it's going to be the real problem that the Bureau of Insurance made it out to be. Yes, Maine would be the first state and if we're the first state to do something smart then that makes sense. I mean, it's a pharmacist. I wish we could have gotten the numbers on how many pharmacists actually get hurt. I'm not saying it's not a very important profession, but I don't see the big Workers' Comp cases coming out of a pharmacist. Thank you.

The Chair noted the absence of the Senator from York, Senator **HOBBINS**, 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 Knox, Senator Rector 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 (#177)

YEAS: Senators: COLLINS, FARNHAM, HASTINGS, HILL, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFSKY, JACKSON, PATRICK, SCHNEIDER

EXCUSED: Senators: GOODALL, HOBBINS, SULLIVAN

22 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **RECTOR** of Knox to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

The Chair laid before the Senate the following Tabled and Later (6/1/11) Assigned matter:

HOUSE REPORT - from the Committee on **TRANSPORTATION**, pursuant to the Maine Revised Statutes, Title 23, section 1961, subsection 6, on Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2012"
H.P. 573 L.D. 766

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-383)**

Tabled - June 1, 2011, by Senator **KATZ** of Kennebec

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

(In House, June 1, 2011, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-383)**.)

(In Senate, June 1, 2011, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-383) **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 (6/2/11) Assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Secretary of State, Attorney General, Treasurer of State and State Auditor
S.P. 504 L.D. 1572
(C "A" S-153)

Tabled - June 2, 2011, by Senator **COURTNEY** of York

Pending - **FURTHER CONSIDERATION**

(In Senate, May 31, 2011, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the **RESOLUTION PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-153).**)

(In House, June 1, 2011, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

Senator **PLOWMAN** of Penobscot moved the Senate **INSIST**.

On motion by Senator **SCHNEIDER** of Penobscot, 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 (#178)

YEAS: Senators: **ALFOND, BARTLETT, BRANNIGAN, COLLINS, FARNHAM, HASTINGS, HILL, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RAYE, RECTOR, ROSEN, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY**

NAYS: Senators: **CRAVEN, DIAMOND, DILL, GERZOFKY, JACKSON, PATRICK, SCHNEIDER**

EXCUSED: Senators: **GOODALL, HOBBS, SAVIELLO, SULLIVAN**

24 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 4 Senators being excused, the motion by Senator **PLOWMAN** of Penobscot to **INSIST**, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (6/2/11) Assigned matter:

HOUSE REPORT - from the Committee on **JUDICIARY** on Bill "An Act To Amend the Gift Card Laws"
H.P. 200 L.D. 247

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-442)**

Tabled - June 2, 2011, by Senator **COURTNEY** of York

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

(In House, June 1, 2011, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-442).**)

(In Senate, June 2, 2011, Report **READ**.)

Senator **SCHNEIDER** of Penobscot requested and received leave of the Senate to withdraw her request for a Roll Call.

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-442) **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 (6/2/11) Assigned matter:

Bill "An Act To Protect Consumer Information at the Efficiency Maine Trust"
S.P. 478 L.D. 1516
(C "A" S-198)

Tabled - June 2, 2011, by Senator **ALFOND** of Cumberland

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-198)**

(In Senate, June 2, 2011, **READ A SECOND TIME**.)

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-198)**.

The Chair laid before the Senate the following Tabled and Later (6/2/11) Assigned matter:

HOUSE REPORT - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Increase Health Care Quality through the Promotion of Health Information Exchange and the Protection of Patient Privacy"
H.P. 977 L.D. 1331

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-458)**

Tabled - June 2, 2011, by Senator **KATZ** of Kennebec

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

(In House, June 2, 2011, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-458)**.)

(In Senate, June 2, 2011, Report **READ**.)

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

The Chair laid before the Senate the following Tabled and Later (6/3/11) Assigned matter:

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Protect the Privacy of Persons Involved in Reportable Motor Vehicle Accidents"
H.P. 865 L.D. 1167

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-405)** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-406)** (5 members)

Tabled - June 3, 2011, by Senator **COLLINS** of York

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-405)** Report, in concurrence

(In House, June 2, 2011, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-405)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-405)**.)

(In Senate, June 3, 2011, Reports **READ**.)

Senator **COLLINS** of York requested and received leave of the Senate to withdraw his motion to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-405)** Report, in concurrence.

Same Senator moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-406)** Report, in **NON-CONCURRENCE**.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, this Minority Report has a better fit to the reporting of motor vehicle accidents and still allows for most parties to obtain the accident reports. I think that's probably the better fit. Thank you.

Senator **RAYE** of Washington was granted unanimous consent to address the Senate off the Record.

Senate at Ease.

Senate called to order by President Pro Tem **JONATHAN T.E. COURTNEY** of York County.

On motion by Senator **COLLINS** of York, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-406)** Report, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "B" (H-406) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-406)**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (6/3/11) Assigned matter:

Emergency Measure

An Act Regarding the Right of Native Americans To Be Issued Hunting, Trapping and Fishing Licenses
H.P. 1071 L.D. 1456
(C "A" H-392)

Tabled - June 3, 2011, by Senator **ALFOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, June 1, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-392)**, in concurrence.)

(In House, June 3, 2011, **PASSED TO BE ENACTED**.)

PASSED TO BE ENACTED and signed by the President Pro Tem.

Senate at Ease.

Senate called to order by President Pro Tem **JONATHAN T.E. COURTNEY** of York County.

Off Record Remarks

On motion by Senator **MARTIN** of Kennebec, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with 2 Senators having voted in the negative, and 26 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 Pro Tem, was presented by the Secretary to the Governor for his approval.

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

ORDERS

Joint Order

On motion by Senator **COLLINS** of York, the following Joint Order:

S.P. 516

ORDERED, the House concurring, that Bill, "An Act To Amend the Laws Governing the Maine Turnpike Authority and To Implement Certain Recommendations of the Government Oversight Committee in the Office of Program Evaluation and Government Accountability Report Concerning the Maine Turnpike Authority," H.P. 1130, L.D. 1538, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

READ and PASSED.

Sent down for concurrence.

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Increase Home Weatherization and Energy Independence"
H.P. 801 L.D. 1066

Majority - Ought Not to Pass (7 members)

Minority - Ought To Pass as Amended by Committee Amendment "A" (H-438) (6 members)

Tabled - June 6, 2011, by Senator **ALFOND** of Cumberland

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

(In House, June 3, 2011, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 6, 2011, Reports **READ**.)

Senator **BARTLETT** of Cumberland moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

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

Senate at Ease.

Senate called to order by President Pro Tem **JONATHAN T.E. COURTNEY** of York County.

On motion by Senator **RAYE** of Washington, **TABLED** until Later in Today's Session, pending the motion by Senator **BARTLETT** of Cumberland to **INDEFINITELY POSTPONE** the Bill and accompanying papers. (Roll Call Ordered)

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

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Amend the Maine Condominium Act"
H.P. 978 L.D. 1332

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-453) (9 members)

Minority - Ought To Pass as Amended by Committee Amendment "B" (H-454) (4 members)

Tabled - June 6, 2011, by Senator **ALFOND** of Cumberland

Pending - motion by Senator **HASTINGS** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-454)** Report, in concurrence

(In House, June 3, 2011, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-454)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-454)**.)

(In Senate, June 6, 2011, Reports **READ**.)

On motion by Senator **HASTINGS** of Oxford, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-454)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "B" (H-454) **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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Enhance Reciprocity Agreements Regarding Permits To Carry Concealed Firearms" H.P. 874 L.D. 1176

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

Signed:

Senator:

GERZOFISKY of Cumberland

Representatives:

PLUMMER of Windham
BLODGETT of Augusta
BURNS of Whiting
CLARKE of Bath
HANLEY of Gardiner
HASKELL of Portland
LAJOIE of Lewiston
LONG of Sherman
MORISSETTE of Winslow
SANDERSON of Chelsea

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-487)**.

Signed:

Senators:

MASON of Androscoggin
WHITTEMORE of Somerset

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Provide Full Funding for Advanced Placement Courses"

H.P. 144 L.D. 167

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

Signed:

Senators:

LANGLEY of Hancock
MASON of Androscoggin

Representatives:

EDGECOMB of Caribou
JOHNSON of Greenville
MAKER of Calais
McCLELLAN of Raymond
McFADDEN of Dennysville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-491)**.

Signed:

Senator:

ALFOND of Cumberland

Representatives:

RICHARDSON of Carmel
LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram
WAGNER of Lewiston

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

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Clarify Special Education Reporting Requirements"

H.P. 582 L.D. 775

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

Signed:

Senators:

LANGLEY of Hancock
MASON of Androscoggin

Representatives:

RICHARDSON of Carmel
EDGECOMB of Caribou
JOHNSON of Greenville
MAKER of Calais
McCLELLAN of Raymond
McFADDEN of Dennysville

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

Signed:

Senator:

ALFOND of Cumberland

Representatives:

LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram
WAGNER of Lewiston

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought To Pass as Amended Report**.)

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Allow a Student Attending Private School Access to Public School Cocurricular, Interscholastic and Extracurricular Activities"

H.P. 662 L.D. 903

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

Signed:

Senators:

LANGLEY of Hancock
MASON of Androscoggin

Representatives:

EDGECOMB of Caribou
JOHNSON of Greenville
MAKER of Calais
McCLELLAN of Raymond
McFADDEN of Dennysville

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

Signed:

Senator:

ALFOND of Cumberland

Representatives:

RICHARDSON of Carmel
LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram
WAGNER of Lewiston

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought Not To Pass 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-490)**.

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Directing the Maine Community College System To Establish the Great Works School Campus
H.P. 670 L.D. 911

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

Signed:

Senators:

LANGLEY of Hancock
MASON of Androscoggin

Representatives:

RICHARDSON of Carmel
EDGECOMB of Caribou
JOHNSON of Greenville
MAKER of Calais
McCLELLAN of Raymond
McFADDEN of Dennysville
NELSON of Falmouth
WAGNER of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-489)**.

Signed:

Senator:

ALFOND of Cumberland

Representatives:

LOVEJOY of Portland
RANKIN of Hiram

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought To Pass as Amended Report**.)

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Protect the Safety of Maine Children by Requiring the Express Consent of a Legal Guardian To Dispense Prescription Medication to a Minor"

H.P. 24 L.D. 31

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

Signed:

Senators:

HASTINGS of Oxford
BARTLETT of Cumberland
WOODBURY of Cumberland

Representatives:

NASS of Acton
BEAULIEU of Auburn
FOSTER of Augusta
KRUGER of Thomaston
MALONEY of Augusta
MOULTON of York

PRIEST of Brunswick
ROCHELO of Biddeford

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

Signed:

Representatives:

SARTY of Denmark
WATERHOUSE of Bridgton

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

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#179)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, HASTINGS, HILL, JACKSON, KATZ, LANGLEY, MARTIN, MCCORMICK, PATRICK, RAYE, RECTOR, ROSEN, SCHNEIDER, SNOWE-MELLO, TRAHAN, WOODBURY, THE PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY

NAYS: Senators: MASON, PLOWMAN, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE

EXCUSED: Senators: GOODALL, HOBBS, SAVIELLO, SULLIVAN

25 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 4 Senators being excused, the motion by Senator **HASTINGS** of Oxford to **ACCEPT** the Majority **OUGHT NOT TO PASS Report**, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Employ the Unemployed" (EMERGENCY)

H.P. 404 L.D. 521

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

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BICKFORD of Auburn
HARMON of Palermo
WATERHOUSE of Bridgton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-478)**.

Signed:

Representatives:

BERRY of Bowdoinham
BRYANT of Windham
BURNS of Alfred
FLEMINGS of Bar Harbor
PILON of Saco

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-478)**.

Reports **READ**.

Senator **TRAHAN** of Lincoln moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I think it is important, given the title of this bill, that the Majority Leader in the Taxation Committee go on the record and explain to you why I, personally, and why I think other members of the committee voted against this bill. I know I felt, personally, that to do what this bill asked for, and that is to allow an employer, when hiring, a financial incentive to hire a person who is unemployed would create unfairness amongst the candidates who were applying for a job. I'll give you an example. You might have five candidates come and apply for a job. If one of them was eligible for this six month credit, which allows the employer to keep six months of the income tax paid, it would create an incentive for that employer to hire one of those five candidates based on a financial incentive not on the quality or the, I guess, history of the candidate. We felt that this might be a little bit of an over reach for the Legislature and felt we should stay out of the hiring process. That's why we, I believe, voted that way. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Lincoln, Senator Trahan 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 (#180)

YEAS: Senators: BRANNIGAN, COLLINS, CRAVEN, DIAMOND, FARNHAM, GERZOFKY, HASTINGS, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RAYE, RECTOR, ROSEN, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY

NAYS: Senators: ALFOND, BARTLETT, DILL, HILL, JACKSON, KATZ, PATRICK, SCHNEIDER

EXCUSED: Senators: GOODALL, HOBBS, SAVIELLO, SULLIVAN

23 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 4 Senators being excused, the motion by Senator **TRAHAN** of Lincoln to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Resolve, Directing the Secretary of State To Examine the Issue of a Run-off Election for Governor
H.P. 396 L.D. 503

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

Signed:

Senators:

FARNHAM of Penobscot
PATRICK of Oxford
PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
CROCKETT of Bethel
DAMON of Bangor
JOHNSON of Eddington
LONGSTAFF of Waterville
RUSSELL of Portland
VALENTINO of Saco
WILLETTE 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-504)**.

Signed:

Representatives:

CAREY of Lewiston
CHIPMAN 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**.

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

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

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I rise today on the report, being in the Ought Not to Pass section of the bill. I have on my campaign trail heard many times citizens in my district saying, "My vote doesn't count, my voice is not heard." This is one of the rare times when I think I had an opportunity to probably go from one side to the other without, I believe, calling myself a flip-flopper because out of the numerous telephone calls and tons of e-mails on this issue since this issue left the committee it brings me to the point where I'm going to be voting actually in opposition to the Ought Not to Pass Report because I want the citizens of my district to know that their voice can be heard when get a hold of me. I wish they had gotten a hold of me a little bit sooner. I probably would have been voting in the Ought to Pass session of the bill. What the basic premise of the bill is, as you can read, is "Resolve, Directing the Secretary of State To Examine the Issue of a Run-off Election for Governor". We discussed that pretty thoroughly and I actually will say that in the past I believe under different administrations and different Secretary of States they have actually taken a look at it. As we have heard on numerous occasions, we have a new sheriff in town and we actually have a new Secretary of State with fresh eyes. I think there is a good possibility that, with the new administration and with the new Secretary of State, they may be able to look at it in a different light and that maybe there is a way to examine the issue and find out if a run off election for Governor is possible. I think a lot of the testimony in the past has been, no matter what party you are, I think three or four of the last five Governors have been with 39% or less. Maybe the time has come regardless of what party is in, and I'm not throwing any disparity to any party. The citizens have told me, "Look, you've got to do something sooner or later where someone gets elected with at least 50% plus 1." Maybe there are some mandates going forward. I would ask you to reject the Ought Not to Pass and

move on to the simple Ought to Pass as Amended Report. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Farnham 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 (#181)

YEAS: Senators: BRANNIGAN, COLLINS, DIAMOND, FARNHAM, GERZOFKY, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RAYE, RECTOR, ROSEN, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY

NAYS: Senators: ALFOND, BARTLETT, CRAVEN, DILL, HILL, JACKSON, PATRICK, SCHNEIDER, WOODBURY

EXCUSED: Senators: GOODALL, HOBBS, SAVIELLO, SULLIVAN

22 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 4 Senators being excused, the motion by Senator **FARNHAM** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Relating to Political Action Committees in Maine"

H.P. 610 L.D. 814

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

Signed:

Senators:
FARNHAM of Penobscot
PLOWMAN of Penobscot

Representatives:
BEAULIEU of Auburn
CROCKETT of Bethel
DAMON of Bangor
JOHNSON of Eddington
WILLETTE of Presque Isle

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

Signed:

Senator:
PATRICK of Oxford

Representatives:
CAREY of Lewiston
CHIPMAN of Portland
LONGSTAFF of Waterville
RUSSELL of Portland
VALENTINO of Saco

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

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

Reports **READ**.

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

Senate at Ease.

Senate called to order by President Pro Tem
JONATHAN T.E. COURTNEY of York County.

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

Off Record Remarks

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **LANGLEY** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Create a Unified Early Childhood Education System in Maine"
S.P. 160 L.D. 568

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-259)**.

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

READ ONCE.

Committee Amendment "A" (S-259) **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 **SAVIELLO** for the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Improve Oil Storage Facility Operator Training"
S.P. 371 L.D. 1250

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

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

READ ONCE.

Committee Amendment "A" (S-257) **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 **FARNHAM** for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Campaign Finance Laws" (EMERGENCY)
S.P. 491 L.D. 1541

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

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

READ ONCE.

Committee Amendment "A" (S-263) **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 **RAYE** of Washington was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

On motion by Senator **RAYE** of Washington, **ADJOURNED** to Tuesday, June 7 11, 2011, at 10:00 in the morning.