

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Fifth Legislature

State of Maine

Daily Edition

First Regular Session
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Pages 1 - 1494

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

In Senate Chamber
Friday
June 10, 2011

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

Prayer by Senator Justin L. Alfond, Cumberland County.

SENATOR ALFOND: Good morning. I want to thank the Body for the opportunity to lead. This week marked the Jewish festival of Shavuot. This holiday celebrates the harvest and commemorates the giving of the Torah, or Bible, to the Jewish People on Mount Sinai. On Shavuot, Jews light candles, decorate with greenery, eat dairy food, study Torah, attend prayer services, and read the Book of Ruth. The receiving of the Torah is the major theme during this holiday. The Torah is the central moral compass for Jews, giving us both personal and universal insight into how to live our lives as best as we can. We do this by participating in prayer, giving to those in need, and striving to be better people. In celebrating Shavuot, we stress our thanks to the Almighty for those aspects of life we often take for granted. We thank Him for good health and for a livelihood enabling us to have a routine existence. This theme of Shavuot is reflected in the Book of Ruth that we read on this festival. This is the story of two women, a Jewish woman named Naomi and her non-Jewish daughter-in-law, Ruth. The story of Ruth is the story of a family that undergoes personal tragedy. In their quest to make a living, Naomi and Ruth's family leave for Moab, modern day Jordan, where the men all die. Upon her return to Israel, Naomi yearns for the routine, normal aspects of life such as a family and a livelihood. The story ends with Ruth's marriage to one of Naomi's relatives, bringing a happy ending to years of suffering for both women. In reading this book, we learn to appreciate the mundane and normality, the underpinnings of our daily routines that we usually take for granted. Having reminded ourselves of this important lesson on Shavuot, hopefully it will inform our consciousness throughout the year as well.

In prayer we bow our heads. Blessed are You, our God, Creator of the Universe, who has supported us, protected us, and enabled us to reach this day. Thank you.

Pledge of Allegiance led by Senator Elizabeth M. Schneider of Penobscot County.

National Anthem will be performed by Patty Levesque of Augusta.

Reading of the Journal of Thursday, June 9, 2011.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORT - from the Committee on **STATE AND LOCAL GOVERNMENT**, pursuant to Joint Rule 204, on Bill "An Act To Require That Notaries Public Keep Records of Notarial Acts"

S.P. 409 L.D. 1312

Report - Ought to Pass as Amended by Committee Amendment "A" (S-117)

In Senate, May 19, 2011, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-117)**.

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

On motion by Senator **HASTINGS** of Oxford, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

Bill "An Act To Reduce Regulations for Residential Rental Property Owners"

H.P. 889 L.D. 1198
(C "A" H-575)

In Senate, June 8, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-575)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-575) AS AMENDED BY HOUSE AMENDMENT "A" (H-595)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **HASTINGS** of Oxford, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding the Scope of Services That May Be Provided by Pharmacies Owned by Hospitals"

S.P. 434 L.D. 1406
(C "A" S-161)

Majority - Ought to Pass as Amended by Committee
Amendment "A" (S-161) (7 members)

Senate called to order by the President.

Minority - Ought Not to Pass (6 members)

In Senate, May 26, 2011, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-161)**.

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

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

ORDERS

Senate Order

On motion by Senator **DILL** of Cumberland, the following Senate Order:

S.O. 16

WHEREAS, it appears to the Senate of the 125th Legislature that the following is an important question of law and that this is a solemn occasion; and

WHEREAS, the Constitution of Maine, Article VI, Section 3 provides for the Justices of the Supreme Judicial Court to render their opinion on such a question; and

WHEREAS, Legislative Document 1376, An Act To Preserve the Integrity of the Voter Registration and Election Process, has been "Passed To Be Engrossed" without amendment in the House of Representatives and the Senate and will be before us soon for enactment; and

WHEREAS, Legislative Document 1376 makes changes to the election laws, including proposing to repeal the provisions of the State's election laws that permit eligible persons to register to vote on election day and to replace those provisions with the requirement that an individual must register to vote at least 3 business days before election day; and

WHEREAS, as the result of eliminating same-day voting, Legislative Document 1376 proposes to enact provisional voting procedures in order to comply with the federal Help America Vote Act of 2002, 42 United States Code, Section 15482; and

WHEREAS, provisional voting procedures in Legislative Document 1376 will require additional activities and record-keeping procedures on the part of municipal election officials that are likely to result in additional expenditures; and

WHEREAS, there is an important and substantial question regarding whether Legislative Document 1376 requires local units of government "... to expand or modify that unit's activities so as to necessitate additional expenditures from local revenues," as provided by the Constitution of Maine, Article 9, Section 21, thereby requiring that the State provide funding for 90% of the cost of the expanding expenditures unless enacted by a 2/3 vote of all members elected to each House; and

WHEREAS, these issues, if not resolved, raise significant legal questions about the legal effectiveness of Legislative Document 1376 if enacted without providing 90% funding for local government activities and without a 2/3 vote of each House, and will result in confusion with regard to the document's application to local units of government in the conduct of voting activities; now, therefore, be it

Joint Resolution

The following Joint Resolution:

H.P. 1176

JOINT RESOLUTION EXPRESSING THE SENTIMENT OF THE LEGISLATURE FOR FOOD SOVEREIGNTY

WHEREAS, according to the Declaration of Independence, all people "are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness"; and

WHEREAS, food is human sustenance and is the fundamental prerequisite to life; and

WHEREAS, the basis of human sustenance rests on the ability of all people to save seed and grow, process, consume and exchange food and farm products; and

WHEREAS, it is our obligation as elected representatives of the people of Maine to protect the fundamental freedoms as enshrined by the Constitution of Maine and the United States Constitution and to protect agricultural, ecological and economic diversity and sustainability for a free and healthy society; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the First Regular Session, on behalf of the people we represent, and in recognition of our State's proud agricultural heritage, take this opportunity to oppose any federal statute, law or regulation that attempts to threaten our basic human right to save seed and grow, process, consume and exchange food and farm products within the State of Maine.

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

READ and **ADOPTED**, in concurrence.

Senate at Ease.

ORDERED, that, in accordance with the provisions of the Constitution of Maine, the Senate respectfully requests the Justices of the Supreme Judicial Court to give the Senate their opinion on the following question of law:

Question No. 1. Does Legislative Document 1376 require local units of government "... to expand or modify that unit's activities so as to necessitate additional expenditures from local revenues," as contemplated under the Constitution of Maine, Article 9, Section 21, requiring that the State provide funding for 90% of the cost of the expanding expenditures unless enacted by a 2/3 vote of all members elected to each House?

Question No. 2. If the answer to Question No. 1 is in the affirmative, if the Legislature enacts Legislative Document 1376 without providing funding as provided in the Constitution of Maine, Article 9, Section 21 and does not enact the measure by a 2/3 vote of all members elected to each House, will any of the provisions of Legislative Document 1376 be binding on local units of government?

READ.

Senator **COURTNEY** of York moved the Joint Order be **INDEFINITELY POSTPONE.**

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

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

Senator **DILL:** Thank you Mr. President. This Joint Order relates to L.D. 1376. However, I am not here this morning to argue the merits of L.D. 1376. I think we can all understand that people disagree about what the impact of L.D. 1376 might have on our constituents. The supporters of L.D. 1376 sincerely believe that there is a problem with voter fraud that needs to be address and I respect that. The people who oppose L.D. 1376 think that the impact may disenfranchise voters, sincerely. I hope that you will just trust that this is sincerely a disagreement on the merits. The issue that this order raises is entirely different because L.D. 1376 may be an issue that is a national issue because, let's face it, elections have consequences. This is an issue that is part of a national agenda and I sincerely respect the fact that there is a problem that is attempting to be solved by this bill. I disagree with it, but that's not what we are here to talk about. We're here to talk about how in Maine we have what everybody knows is a provision in our Constitution about mandates. Everybody knows that in Article 9, section 21, our Constitution says that for the purpose of more fairly proportioning the cost of government and providing local property tax relief the State may not require a local unit, that's one, of government to expand or modify that unit's activities so as to necessitate additional expenditures from local revenues unless the State provides 90% of the funding or there is a two-thirds vote. I would note that this section must be liberally construed.

The issue is whether or not there is a mandate and that is a legal question. If you go down to OFPR and you speak to the people there they will tell you this is a legal question, whether there is a mandate. Obviously, we can't talk about another bill

that has identical provisional balloting, that has been declared to have a mandate. Let's just talk about L.D. 1376 and what it asks our municipalities to do. Every single one of your town clerks now has to completely change how they run elections, not just federal elections, but local elections and state elections. You may hear, "Well, L.D. 1376 is exempt from the mandate provision of the Maine Constitution because it is implementing a federal law, HAVA, the Help America Vote Act." The problem with that argument is that what HAVA says is that for federal elections you have to have provisional voting unless you have same day voter registration. What L.D. 1376 does is place provisional voting requirements on all our towns for all our elections. Let's just say, for instance, you had a special election, maybe for a State Senate seat, this would apply. If you have a town counsel election, this would apply. What we are saying by concluding that there is no mandate is not a single town is going to incur a single expense with this brand new provisional voting system. Brand new system. The clerks have to do an entirely different thing. What we are saying is that this is not going to impact a single municipality. I think that's an important question because, let's face it, if this is a mandate, and if we do not comply with the Maine Constitution, the consequences are dire. If it is a mandate and we don't fund it and we don't have a two-thirds vote then towns don't have to enforce it. We could have same day registration in South Portland but we could have voters in Rockland not be able to register to vote on Election Day. We could have a lot of law suits.

I think this is an important legal question and, thankfully, our Constitution provides in another section, Article 6, section 3, on page 32 of your little books, if you want to follow along. It says that when there is an important legal question we have the option of requesting the justices of the Supreme Judicial Court to answer it for us. We've done it in the past. This is an excellent opportunity for us to avoid significant adverse consequences for our constituents. We, this Senate, can, by passing this order, get this question answered. It hasn't been answered by the Attorney General. We have no written opinion about that. We have conflicting opinions from within the offices that generally provide fiscal notes. The towns and cities, your towns, believe this is a mandate. This order simply requests the justices of the Supreme Judicial Court to answer this question. We'll get the answer in a number of days and we can move forward. If it's not a mandate we'll know that. The bill will pass. The clerks and the towns will know what to do and it's not a problem. If we don't request an opinion of the justices and it is a mandate we are causing incredible confusion, expense, and difficulties for our towns and cities that have been running elections for 38 years, that are now going to have to not only figure out a brand new provisional voting system, but navigate whether or not they have to follow this law or not. You know that there are going to be towns that are stubborn, that are going to say they are sick of unfunded mandates and they are not going to do it. There are going to be towns that do. We, in the Legislature, are going to look foolish because we didn't take seriously our constitutional requirement to get these questions answered. I would encourage all of you to support this, regardless of whether you support L.D. 1376 or not because that's not the question, that question has been answered. This is about whether or not we are going to be consistent with L.D. 1376 and the other bills that have similar provisional balloting, about whether we are going to be responsible and having these legal questions answered by the people in this state who are best qualified to answer these legal questions, or whether we're going

to be irresponsible. I would encourage you and ask you to please support the passage of this order. Thank you very much, Mr. President.

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

Senator **BARTLETT:** Thank you Mr. President. I rise in opposition to the pending motion. I would urge my colleagues to support this solemn occasion. It is not unusual for a solemn occasion request. If you look at the past, it's been done repeatedly and especially in issues that involve elections and voting. In 1993, a solemn occasion was requested when this Legislature was considering an act to impost term limits. In 1996, a solemn occasion was requested on three distinct occasions dealing with the line item veto, an act to reform campaign finance laws, and an act regarding Congressional term limits. The point here is that legislators of the past have seen fit to tread carefully when we're dealing with voting and election rights and make sure we've got it right before we impose requirements that cast doubt on elections held in the state of Maine. There is no question that voting is central to our democracy. How elections are conducted are extraordinarily important from one end of the state to the other, whether you are dealing with a local municipal election or up to a statewide election involving the election of the President of the United States. This simply will give us an opportunity to find out from the experts, the Supreme Judicial Court of the State of Maine, whether this law can take effect and under what terms it can take effect. Imagine passing this law, thinking we've made a change, and municipal clerks around the state getting ready for the next election. Litigation ensues over the course of the next year and next Summer we find out that this law is unenforceable unless the Legislature comes in and funds it. Now we've really upset the apple cart on the eve of an election, a very significant election. Asking for solemn occasion will prevent litigation. It will allow us to find out, in a matter of a few days, what will take us six months, a year, or more to figure out if we let the process go forward. It is likely that this law will be challenged in one way or another. Why not find out now so we can act with confidence? If there is a chance that changes need to be made that will allow it to take effect, I would certainly think supporters would want to make those changes now rather than have to come back and do it in one or two or three years. Thank you, Mr. President.

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

Senator **SCHNEIDER:** Thank you Mr. President. I just rise briefly to speak about the issue which keeps reoccurring, and it has ever since I've been under the Dome. This notion of fiscal notes. What I find really egregious is when one very similar bill gets a fiscal note and one doesn't. I have a real problem with this. This has been an issue that reoccurs. I was told by Grant Pennoyer that if there is even one postage stamp on a bill to a municipality, if a municipality even incurs one postage stamp, that this is a State mandate. I remember distinctly when I served on the State and Local Government Committee because we were dealing with a bill. There is no dynamic fiscal note under the Dome. None. To say that this bill doesn't have a fiscal note when we're talking about this, and they can't answer the question down in the Fiscal Office, it just, frankly, smells rotten. I think it's an issue we should have answered because then, in the future, when I'm told that my

bill has a fiscal note I can say, "Oh no, this one didn't have a fiscal note." All of you who have bills who were told, in the past, that they have fiscal notes, you can say, "Oh no, this one doesn't have a fiscal note." It's critical that we have this question answered. I really hope that you will vote against the Indefinite Postponement because if you don't think that this impacts you, you may be happy as a lark on this one, to escape this particular issue with not having a fiscal note on it by Indefinitely Postponing this and not answering this question, there may come a day, down the line, when you have a bill that's important to you and you want it to be passed but they are telling you that it has a fiscal note. We all know what happens when we get a fiscal note on a bill and there is no money. It goes down in flames. I hope that you will vote against the pending motion so we can get an answer on this, so at least we have this to go on in the future with our own pieces of legislation that are important to us. I call upon the press to get a hold of this and do some research on this and make this an issue because it is a huge issue. I'm calling out to all of you in the press to do an investigation on this particular issue. Thank you very much, Mr. President.

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

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, I rise from the discussion on the bill, L.D. 1376, when I asked a question and it was not answered. Does this involve every election a municipality does? I want you to go back. If you are in an RSU, I want you to think of how many new students move in during the course of a year, with their parents, obviously. Being maybe new to the community, they haven't registered to vote. They go down to vote because communities are pleading to please come out and support the budget. You have to have that validation. Well, if they wait until the day of the election they are not going to be able to vote. If there is a challenged ballot, that's going to be an awful lot of money because that is part of this mandate that comes into it. We have opened it up to elections for municipal people. It was insinuated in the non-answer that every single election would be covered by this law. Charter bills for a community. It has far reaching consequences above and beyond the election for Augusta. There is life outside of Augusta. Communities trying to run a school budget in an RSU where every little community within that RSU has to vote. Every time you want to withdraw from it, every time you want to whatever it is. Because I didn't get the answer when we voted for it, I'm hoping that I can get an answer the reassures me that you've narrowed this down. I'm still opposed to it, but at least it's narrowed down and the cost to our municipalities is not as much because there will be challenged budgets on those votes for RSUs and there will be new people that were expecting to vote, their kids are in school and they consider themselves part of that school community. They won't be able to vote. I just would like you to think about that or reassure me on that this piece. It won't change my vote on this, but at least we've removed a large piece of it. Thank you.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I talked about how many of the clerks in Aroostook County did Saturday stuff because of the many people

that were gone all during the week. If this is an unfunded mandate that the towns might not have to follow, I have a question too if the towns are not going to be able to continue to do absentees on Saturdays, regardless of this. I just am troubled by all these problems we've been having with asking if laws are constitutional or unfunded mandates and not getting answers and other times having bills that are called unconstitutional without asking a ruling. Wednesday we had a letter sent up from the second floor talking about the Constitution, how important it was for all of us to follow the Constitution. It was the oath that we took. I agree with that. You can't wrap yourself in the Constitution when you see fit and then throw it down on the floor when it doesn't suit your needs. It seems like this is the type of problem we're having here. This is a simple thing, to get a ruling on the constitutionality of this and if it's an unfunded mandate. We're not allowing that to happen. That certainly seems to fly in the face of what that oath that we heard about on Wednesday said.

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

Senator **DILL:** Thank you Mr. President. I just wanted to point out that with respect to it applying to all elections, it's my understanding and interpretation, based on the research that I've done and the conversations that I've had, that this law will, in fact, apply to every single election in the state. It will apply to your town counsel, your school board, your budget validation, obviously, your own election, and the election of Congressional delegations as well as the President. I think there is nothing in the bill that exempts any particular type of election.

The other piece of information I wanted to share with you. I was trying to understand why there wasn't a fiscal note or mandate on this particular bill when there is a mandate on another bill that has very similar language. I was told that, because of an off-set that there may be, costs incurred by your towns in implementing provisional balloting, but because it is believed that there will be a decrease in costs associated with eliminating same day registration and absentee ballots immediately prior to the election that this off-set results in a zero fiscal note and, therefore, it's not a mandate. I would just suggest to you that not a single town agrees with that. Not a single town came forward and presented evidence that this isn't going to cost them any money. This was somebody under this Dome, sharpening their pencil and just sort of thinking, "Well, you know, if they have to do provisional balloting there might be less votes." Your towns don't agree. Your towns, represented by the Maine Municipal Association, do not agree. I encourage you to call your clerk and ask them if this is going to cost them any more money. Is this going to cost them a cent more? I think anyone, just getting an interpretation of this bill and thinking about implementing it, would tell you that, of course, it's going to cost some money.

The other thing I want to say is that there is nothing in this bill that says towns that want to continue to register citizens on Election Day have to stop. Even though it may not be required, many of your clerks may not want to deny them. If someone comes to the polling place and is not registered, they may want to just register even though the next election might not be for several months or even a year. They may say, "Well, I'm here. Can I just register?" The clerk, of course, is going to say, "Yes, you can register." There is nothing in it to prevent people from

registering. Clerks are going to be doing both registration and provisional balloting. Again, it's a simple question. This is a process that we have. This is a tool we have to answer questions like this. It's not, in any way, radical or extreme. I encourage you to defeat the pending motion and support the Joint Order. Thank you.

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

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm also in opposition to the pending motion. I want to just give you an example of how sensitive the local mandate preamble is. In the past the Secretary of State had a program for victims of domestic violence. They wanted to include the address confidentiality program so that 54 domestic violence victims could be sent an absentee ballot. A mandate preamble was put on that for 54 people. We're talking about many more people than 54 people. Yet, absent from L.D. 1376, no mandate preamble. The Secretary of State, our current Secretary of State, has put in a generous \$2,400 up to \$2,900 to educate all of the state of Maine about these changes. Are you kidding me? \$2,400 to \$2,900 to educate the people in your community and everyone in the state of Maine about these changes. That is a true laughing joke. The November elections are happening in five months. People are going to be going to the polls in five months. There are city council races, school committee races, mayor races. We are setting ourselves up for a disaster. We're sent here to lead. We're sent here to do what's right for the state of Maine. I'm asking you all to be courageous. I know how you all voted. We all know how we voted. We're asking you to take a quick time out. Let the justices rule on this case. If it's not a mandate, we move on. The towns will know. Please show courage this morning. Thank you.

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

Senator **SCHNEIDER:** Thank you Mr. President. I just wanted to speak to the Senator from Cumberland, Senator Dill's description of this nothing, once again, that there has been somebody under the Dome, anybody who is in the Fiscal Office, or Revisor's, or wherever this information is coming from. I want to know who is saying that there is an off-set. I want to know who is giving that information, that if there is a savings that it can be off-set by the fiscal impact that we send down. That has never been allowed. It has been the reason, and the bone of contention, since I have come here. The frustration not only from our side of the aisle, but from your side of the aisle as well. Anybody who has made a suggestion in OFPR that we have a dynamic fiscal note, I want to know who that was. I will find out, or the press will find out because after I'm done here on the Senate floor I'm going to call the press and I'm going to say, "What is going on here?" This stinks. It's not just about this bill, it's about this determination that a person down in OFPR making a decision whether or not a bill has a mandate or doesn't have a mandate, or does have a fiscal note, doesn't have a fiscal note. This is egregious to all of us. It's an affront to the process. I won't tolerate it. I will not sit still. I don't think anybody should sit still on this because it's been a bone of contention and something that is just absolutely wrong. This is wrong and we need to find out, we need a decision on this from an outside, non-partisan group of people. That's what we're

asking for here. I would pose a question through the Chair to anyone who may answer.

THE PRESIDENT: The Senator may pose her question.

Senator **SCHNEIDER:** Thank you Mr. President. I would like to know why there has been a motion to Indefinitely Postpone this and why there isn't an interest in finding out if there is a mandate?

THE PRESIDENT: The Senator from Penobscot, Senator Schneider 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. Men and women of the Senate, fiscal notes are the domain of the Maine Legislature. They are not the domain of the court system. Under the separation of powers, we make the laws and the courts interpret them. I'm not a lawyer, but I would think that they would hesitate to put themselves into the inner workings of the Legislature to determine how fiscal notes are developed. The determination of whether there is the determination of the Legislature. The Constitution says if that determination is made then we must fund it. When you have a solemn occasion to ask the court it should be about the question of the legality of the underlying legislation and not how its fiscal note was developed. Asking the courts to come to our sandbox is an invitation they might just decline. I think this is an issue. I understand there is a huge problem with fiscal notes. I've been here a very long time and seen my programs disappear under the weight of a fiscal note. That's a Rules Committee. That's developed in the Rules Committee, that's developed by the Legislative Counsel, and, in past years, by a special select committee to try to change these kinds of things. Again, not the purview of the Maine Supreme Judicial Court. Fiscal notes are the unique animal of the Legislative Branch of the State of Maine. That's why we don't believe it belongs as a solemn inquiry to the Supreme Judicial Court of the State of Maine to determine how fiscal note on a particular bill. The bill is controversial enough. If you want a solemn request regarding the underlying purpose of the bill, that certainly would be something that the court would look at, very briefly, I'm sure because none of this is unconstitutional. To ask for a solemn occasion on the development of a fiscal note does not rise to the level, in my mind, of where the court should be talking the second branch of government about how we get things done. Try to get them to go change their rules and you will find that they do not want us to involve ourselves in their rules. Thank you, Mr. President.

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

Senator **BARTLETT:** Thank you Mr. President. This request for a solemn occasion is not about a fiscal note. It's about a provision of the United States Constitution regarding State mandates, Article 9, section 21, which says for the purpose of more fairly apportioning the cost of government and providing local property tax relief, the State may not require a local unit of government to expand or modify the unit's activities so as to necessitate additional expenditures from revenues unless the State provides annually 90% of the funding of these expenditures from State funds not previously appropriated to that local unit of

government. Legislation implementing this section or requiring a specific expenditure as an exception to this requirement may be enacted upon a vote of two-thirds of all members elected to each house. It further goes on to add that this section must be liberally construed, meaning that the court is to find in favor of a mandate on any ambiguous question. What this order is about is finding out for sure whether this legislation fits within the mandate. You've heard how other pieces of legislation, which seemed much less onerous on towns, has required a mandate. We get to determine whether to put a mandate preamble on a bill. We don't get to determine whether or not it ultimately is a mandate because the Judicial Branch of government is the sole arbitrator, or the final arbitrator, of Constitutional questions. One way or another, the Supreme Court of Maine will be answering this question. What I don't understand is why we don't want them to answer it now, at minimal expense, but instead wait for litigation that is going to involve the Attorney General's Office, tying up their resources and their time, and putting town clerks and city clerks around the state in doubt as to what to do on Election Day this November. This is an appropriate question for the court. As I said earlier, a solemn occasion is typically used when you are affecting voting rights. Because it is so important, you want to make sure you are getting it right and you make sure the law you are passing is going to take effect. I simply don't understand why we don't want to know. If this is a mandate all you have to do is amend this bill to provide funding or get two-thirds support. All you need to do is supply funding for the additional cost. Wouldn't you rather know that now than have the law suspended in six months or a year? We can find this out in a matter of days. Why in the world don't we want to? Thank you, Mr. President.

The Chair noted the absence of the Senator from Sagadahoc, Senator **GOODALL** 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 York, Senator Courtney to Indefinitely Postpone the Joint Order. 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 (#221)

YEAS: Senators: COLLINS, COURTNEY, 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, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFOSKY, HILL, HOBBSINS, JACKSON, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY

EXCUSED: Senator: GOODALL

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator COURTNEY of York to **INDEFINITELY POSTPONE** the Joint Order, **PREVAILED**.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Extend Fire Code Rules to Single-family Dwellings Used as Nursing Homes for 3 or Fewer Patients"
H.P. 954 L.D. 1302

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

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

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

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

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Laws Regarding Custody of the Remains of Deceased Persons"
H.P. 1095 L.D. 1490

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-596)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-596)**.

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

READ ONCE.

Committee Amendment "A" (H-596) **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 Protect Homeowners Subject to Foreclosure by Requiring the Foreclosing Entity To Provide the Court with Original Documents"
H.P. 128 L.D. 145

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-425)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers **COMMITTED** to the Committee on **JUDICIARY**.

Report **READ**.

On motion by Senator **HASTINGS** of Oxford, Bill and accompanying papers **COMMITTED** to the Committee on **JUDICIARY**, in concurrence.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, To Improve the Predictability of Land Use Regulation in the Unorganized Territories (EMERGENCY)
H.P. 615 L.D. 819

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

Signed:

Senators:

SHERMAN of Aroostook
THIBODEAU of Waldo

Representatives:

EDGECOMB of Caribou
BLACK of Wilton
CRAY of Palmyra
FOSTER of Augusta
GIFFORD of Lincoln
TIMBERLAKE of Turner

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-560)**.

Signed:

Senator:

SCHNEIDER of Penobscot

Representatives:

DILL of Old Town
KENT of Woolwich
McCABE of Skowhegan
O'BRIEN of Lincolnville

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

Reports **READ**.

Senator **SHERMAN** of Aroostook moved to **INDEFINITELY POSTPONE** the Resolve and accompanying papers, 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 PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I'm standing in opposition to the pending motion. I've sure many of you have heard about the LURC bills which we heard much testimony about the need to address and understand what we can do to improve LURC or perhaps move to a different body or different method of achieving the regulation over the unorganized territory. This particular bill is a study. Back in 2007 there was a review done about legislative studies and the best way. There was a great deal of concern under the Dome about how we go about looking at issues and what the make up of those study commissions should be. There was a review of that. This one adheres to that review. It suggests 13 members of which 7 are legislators; 3 would be Senators appointed by the Senate President and 4 Representatives would be appointed by the Speaker, then there would be 5 members, non-legislators, 3 appointed by the Speaker, and 2 appointed by the Senate President and 1 appointed by the House Minority Leader. It is so important, in my opinion, that on this particular issue legislators are involved. If you go back, historically, to see how LURC came to be, originally, because there is a great deal of misunderstanding about how LURC originally came to be. LURC was not put together by some very liberal group of people, as some people might have you believe. LURC was looked at and advocated for by a body of people which had only two Democrats on it and the rest, I think there were six additional members, were Republicans. It was bi-partisanly supported. It got us to a point where we had an oversight with regards to planning in the unorganized territory. That was the goal. The reason why it was set up, and the reason why there was such great concern, was that there was some environmental problems occurring. There was a silt plume of some kind going into the waterways and it was a huge concern. Also there was some raw sewage apparently going into some of our water. There was a great concern that this needed to be addressed along with the fact that we needed to ensure that the forest would be there for the forest products industry. Historically, this was of concern to all members and LURC was put together to make sure that these issues and others with regard to land use planning were addressed.

When we had testimony on these bills, 54 people came to testify in opposition to getting rid of LURC and 28 came in favor of passing the baton from LURC onto another group. The concern is, and the reason why I think we ended up where we did with studies, and you will see the next couple of bills on here are studies, that people felt that this might not be the best solution. This study, many people believe that this particular study will be the best route to have legislative involvement, which legislators have been involved from the beginning, and to have a more balanced looked at how to address the issues that have been brought forward to us at public hearing. All members of the Agriculture Conservation and Forestry Committee, I don't think there is one of us that wants to turn our backs on the problems.

We want those addressed. The question is which is the best path to address them. We believe that this is the best method and will come out with the most fair results in order to address the concerns. That's why I stand to oppose the pending motion and I hope that maybe you'll join me. Thank you very much, Mr. President.

THE PRESIDENT: 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 pending motion and in support of the good Senator from Penobscot. I'll quickly tell you why. I have a lot of communities that are affected by LURC. I have a lot of issues that came up because of LURC with constituents that are upset. I don't think that everything that LURC has done is awful. I think they've done some good things, but I think there are some problems there. I don't think that either one of these L.D.s that we're going to be dealing with is going to do anything to help for a year. Because of all the problems that I do have in my district, I would like to have had some input and this report, or study, would have allowed legislative input. The other one doesn't. I don't know if I could have been appointed to that, but this would probably be the only report that I would have had an opportunity to get appointed to it. I felt that at least we probably should give the counties the ability to have the appeals. Keep LURC the way it is currently, but have appeal rights going on to the county commissioners because it doesn't seem fair to appeal to the very people that just ruled against you. I am against this motion because I'd like to have legislators on it, but at the same time I'm going to probably support the next one. I don't think we went far enough to do anything for the immediate future. That's too bad for all those people that have trouble right now.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Sherman to Indefinitely Postpone the Resolve 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 (#222)

YEAS: Senators: COLLINS, COURTNEY, 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, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFISKY, HILL, HOBBSINS, JACKSON, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY

EXCUSED: Senator: GOODALL

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **SHERMAN** of Aroostook to **INDEFINITELY POSTPONE** the Resolve and accompanying papers, in concurrence, **PREVAILED**.

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

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Reform the Land Use and Planning Authority in the Unorganized Territories"

H.P. 1126 L.D. 1534

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-561)**.

Signed:

Senators:

SHERMAN of Aroostook
THIBODEAU of Waldo

Representatives:

EDGECOMB of Caribou
BLACK of Wilton
CRAY of Palmyra
FOSTER of Augusta
GIFFORD of Lincoln
TIMBERLAKE of Turner

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-562)**.

Signed:

Senator:

SCHNEIDER of Penobscot

Representatives:

DILL of Old Town
KENT of Woolwich
McCABE of Skowhegan
O'BRIEN of Lincolnville

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-561)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-561)**.

Reports **READ**.

Senator **SHERMAN** of Aroostook moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-561)** Report, in concurrence.

Senator **SHERMAN:** Thank you Mr. President. Just a few words. I agree with the two prior speakers. This is a kind of contentious issue, to say the least. I think in the end we all understood that something had to be done with LURC. The news articles that covered that, they are not necessarily testifying. I know Representative Martin was in there and said something needed to be done. He didn't want to have things go back to the counties. What we tried to craft is a broad based group of folks that are dealing with the counties, some inside the counties and some outside of the counties. There is a concern, I guess, that this group will actually produce legislation. That is not true. We're looking at, the bill itself is now H-561, is truly a study commission that says, basically, in section 8 that the commission shall complete its work no later than December 15, 2011 and report to the Joint Standing Committee on Agriculture, Conservation and Forestry. Section 9 says that any legislation will come through the Agriculture, Conservation and Forestry Committee, where we made recommendations there. We may have a pleasant time dealing with those sometime in January. This group does not have the power to do anything other than submit recommendations. I'm a schoolteacher. If you read the membership, there is 13 people on this committee, none of which are legislators. We heard we should have legislators on there with sharp points of view and we would sharpen the images of what was taking place. Well, we thought the best thing to do was get all parties outside of the legislature to take a look at that, plus it's a little bit cheaper. I'll just go through these. I have some other comments. There are 2 residents of unorganized territories, President of the Senate, and Speaker of the House appointments. One large landowner, one small landowner, two county commissioners with significant acreage in the unorganized territory. That will be open to members with significant acres. Three, number six here, a statewide sportsman's organization, for all the people that do the hunting and fishing and everything else in that area are going to be on there. A statewide environmental or conservation organization. Not local, but statewide. A representative of regional environmental or conservation organization. Regional. Tourism or outdoor recreation industry. Huge amounts of money in there. A regional or local economic development organization. One regional planner, we argued whether there should be more there or not.

There are four charges; these are general charges for this committee. The first one is to consider reforming the governance of land use planning in the unorganized territory and make recommendations on the role of state agencies and county government, it doesn't say make laws, it says make recommendations, the planning and appeals process that the good Senator from Aroostook mentioned. You need an appeals process for increased self determination and land use planning in the unorganized territory. That was one of the things, when we had this bill originally, that we heard over and over and over again. I won't tell you those horror stories, but they involved hundreds of thousands of dollars, stretching out for a great length of time. I won't repeat those. I'm sure you've had people whispering in the hall to you about some of this stuff. The second

one ensures that any recommendations, I emphasize the word any, that entails the elimination of Maine Land Use Regulatory Commission, you might as well throw it out there, they don't have to do that. If there is one, there has to be an effective transition process, including a plan to complete any pending work or transfer the work to relevant agencies. That's not a secret. If they do that. Number three says to ensure uniform standards across the unorganized territory for timber harvesting activities and forest management. That goes without saying anyways, they have all those rules and regs that aren't going to be moved in the least. Wildlife habitation protection issues under the jurisdiction of the Natural Resource Protection Act. Those folks are in there now. Then it says to consider options for reforming the governance of land use planning.

There are four distinct, maybe too loosely written. We can fight over an "a" or an "an" or an apostrophe or a crossed T or not a crossed T. The intent is here. I think the committee and folks who watch this process said we did something very good. We got pushed to rush and rush and rush and rush. I agree, with some hesitation, with the newspaper article. I won't use names in here. We had an individual from a nature conservancy that said he had frustration about many, many things. He gave our committee five specific actions. Nature conservancy. We have a gentleman who was a legislator that said that we needed to change LURC or he wouldn't give anything to the counties. You might guess who that is. It was recommended that we kill the bills we had, which we did, and organize a task force, which we did. This person said, astonishingly after this was suggested, this is what the Republicans did. If you can see through this paper you might see who wrote this.

I think we have what is a fair bill. Does it cover every little angle? I don't think so, but if you put good people on there, and I assume we're not going to get the worst people in the world on there, they will give us a report that meets what we're asking them to do. I have a script I was given and I probably I haven't read the script. Just a couple of other comments. I went back and read the beginning of LURC also. Great document. As the good Senator from Penobscot said, it had landowners on there. Started out in 1968. At the end it had a whole series of photographs of these places it wanted to preserve. You look at that 1968 document. How many years ago was that? Forty-something years ago. They said to worry about defoliation of the rivers and the lakes and all that businesses. Did it happen over 40 years? The problem is there are only 9,000 people left in the unorganized territory. That's 10 million acres. Over 50% of the land base of the state of Maine. We had testimony that those six or seven counties around the unorganized territory, in the 1970's, had one of the highest per capita income. You'll have to guess who the gentleman who told us that. Now we're among the lowest. It's not all dealing with the wood products industry, because there is still about \$2 billion coming out of there. Something has happened around the fringes, not in the middle, that needs to be looked at. We heard that over and over and over again. The unemployment rate in the counties in the state of Maine they tell me is about 7.9%. In the counties it averages out about 11% unemployment. The Senator from Aroostook, Senator Jackson, talks about the mills and we worry about the forest being cut down. A lot of mills in Canada. Maybe there is some way we can induce those very same mills to bring that stuff east instead of going west.

The whole point of this is to set up sort of a neutral committee with legislators messing it up. I've been on some of

those committees. We did real good work on our committees, probably nowhere else. I would ask you to support the Majority Report. I thank you for your consideration.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, my colleague from Aroostook, Senator Sherman, gave a little bit of an overview. It was contentious. These bills were contentious. I don't that they needed to be, frankly. It is sort of interesting because when I came into the process I was no big fan of LURC. When you hear about issues generally you don't hear the good stuff. You hear the complaints. My Senate District has unorganized territory in it. I have heard from people who aren't necessarily residents of the unorganized territory, but business people who have had issues and take issue with LURC or may have property in LURC territory. I was not coming into this as this big, you know, flag waving LURC proponent. Because it became so contentious in committee, little hairs go up on the back of my neck and when I feel like I'm being shut down, and democracy allows a free flow, things start happening in me and I start getting where I want to find out more. That's exactly what I did. I educated myself. I listened to both sides of this issue, to all sides of this issue. I learned that probably most of the things that LURC is being scapegoated for, frankly, I will take responsibility for as a legislator. I think when we are serving and we do nothing to resolve issues then, as a legislator, even if it came before my time, I could have tried to fix it and I didn't. In fact I should take responsibility because I really had hoped that I could escape my service under the Dome without having to really get into the trenches on this issue. My committee, the Business, Research and Economic Development Committee, disappeared and I, low and behold, became a member of the Agriculture, Conservation and Forestry Committee. Guess what? Yeah, I get to learn about LURC and I get to deal with this issue. It was a huge learning curve and the framework that we set for LURC is our responsibility. We didn't do anything in previous years to address it. There are concerns and they are valid concerns and they are valid annoyances, I am sure. It's not LURCs fault. That's what my conclusion is. What's really interesting is generally when there is a problem you hear from many more people who are coming out to say there is a problem here and then they want to keep something. Even though people said there were things that they wanted to change, it was really interesting to see how many more people came to say, "Look, we think there's some things that can be changed in LURC but we just don't think you should get rid of it." Hoddy Hildreth, who's been around a very long time, a former Republican State Senator, said, "The LURC law has been on the books now for 40 years. During that period LURC has generally worked very well. If there are things in law or regulations that are causing problems they should be identified and confirmed as real actual problems and fixed. This would be a better way to go." This was the sort of nature of the testimony that we had by many people; 50 something people, almost double the people who just said we should pass this particular piece of LURC onto county commissioners. What is really fascinating about the pending motion is that there are no legislators, no elected officials, involved in the study when the original amendment, and the thing that many, many proponents of the original amendment came out to testify in favor of it, was passing a huge portion of LURC onto

elected officials. This is the thing that I find sort of ironic. Here we're, again, excluding elected officials. The pending motion and the Minority Report include that. What's interesting here is that there is concern about that and the reason why there is concern is the person on the second floor made this a huge issue in his campaign and our Senate President has made this a very big piece and he's very interested in this and was a proponent of passing this onto county commissioners. The concern by some, and I'm going to be their voice today, is that it will not be as balanced as they would like to see, the study. I think that nobody here wants to be in a position, I would say that I hope the Senate President would share this, that it would make no sense to have a study that is viewed in some way, or could be construed in some way, as perhaps being not a balanced study. That's the concern. That's why I'm standing to be the voice of the people who share and have those concerns. Could we have a study under the current pending motion? Yes, if people who are making the appointments do their best to bring opposition, people who are completely opposed to the original amendment, on board with the study so you have both proponents of the original and opponents. If that is the make up then there will be bias.

Recently we talked about a study group that was very inclusive, which had to do with NUBEC. It had real people who were in opposition, people who had concerns about this, on it. That's what I'm hoping for this study, regardless of which motion succeeds, which my guess is it will be the pending motion, and that there will be a real effort, both by the man on the second floor, the Senate President, and the Speaker, to appoint people who are really concerned about getting rid of LURC because that's the concern, that perhaps it will be a study group that only wants to get rid of LURC. What will the recommendation be to the Agriculture, Conservation and Forestry Committee? Well, the outcome is predetermined. That's the concern. Do I believe that of our Senate President? I have to tell you that I don't. I don't believe that. I am voicing the concerns of people who have them, who don't know the Senate President like I know him, or I believe I know him. There are concerns out there. I felt it was incredibly important to voice them, to share them, and hopefully move onto the other report, which has legislative involvement in it. Thank you very much, Mr. President.

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

Senator **SAVIELLO:** Thank you Mr. President. LURC, I've known LURC a long time and I actually wish they had changed their name to something else and maybe that will be one of the outcomes because people always feel like they are lurking behind the trees to see if they can get you. I have served as a representative for the unorganized territories for 9 years. I have worked in the unorganized territories. Never got to meet the Senator from Aroostook, Senator Jackson, but he probably would have run me over with his skidder. I've had the opportunity to actually live in the unorganized territory for short periods of time. I really do appreciate the special area that it is, but also recognize the people that live there, that work there, and that own land there. I do appreciate the President's good intentions. He and I have had some good conversations about this and I really appreciate him bringing it forward. I also appreciate the fact that he has worked with the group to bring this group, this new study group, together. I know and feel that all options will be fully vetted during this conversation, that there is nothing that is etched on

concrete as to what will be done and what the final outcome will be. It is my expectation, when this is done and we sit here next year, probably, to vote on it, that we will have a plan in front of us to show how it will be administered, even if it's under the new regime, whether that may be under the counties or some combination or LURC as restructured, we'll know how it's going to be funded and the people who live there, work there, and own land there will clearly have a say on what goes on there. I have confidence this will all take place and I have great confidence that those appointing the members to this committee will make sure that all sides are heard. I appreciate the effort to bring the unorganized territory into something that they can grow and prosper with. Thank you very much, Mr. President.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I wasn't going to speak on this bill, even though a lot of the area that I represent is in the unorganized territory, until I got to thinking about all of the jobs and all of the mills that we've lost. When LURC first came into existence I was working in the woods above Moosehead, above Greenville. I had a good job for Scott Paper. Scott Paper's gone now. In the early 1970's, when this came into being, there were 4,000 people that worked for Great Northern Paper, making paper, cutting wood, and building roads. There is no one working there now. We've lost saw mills in Greenville, Howland, and Ashland. A furniture plant in Monson with a saw mill. We've lost the mill in Dover-Foxcroft. We lost one in Guilford. One in Sherman. One in Passadumkeg. We've lost jobs at the paper mill in Old town. We lost a saw mill in Costigan, a good big mill, a modern mill. We lost the mill in Patten. This isn't all of them. I could go on. How many more jobs are we going to lose? Did LURC cause all of these jobs to go away? Of course it didn't. Did it play a role? You bet it did. Does it need to be reformed? You bet it does. This committee, I believe, is a first step on a long road to reforming this. We need to do it right because those trees are still growing every day. We ought to be adding value to those trees before they leave the state of Maine. Thank you.

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

Senator **SULLIVAN:** Thank you Mr. President. May I pose a question?

THE PRESIDENT: The Senator may pose her question.

Senator **SULLIVAN:** Thank you Mr. President. I am going to support this motion, however if this study, and I'm hoping that there will be enough influence not to make this come to be, were not funded, what would then happen to LURC and where we would be next year at this time, or whatever? I'm hoping that it has plenty of clout to make sure that it gets funded, but I would hate to have it just end and what was started and all of the angst that has gone on be lost. That would be my question. Thank you.

THE PRESIDENT: The Senator from York, Senator Sullivan poses a question through the Chair to anyone who may wish to

answer. The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY**: Thank you Mr. President. Men and women of the Senate, in response, this study, it is my understanding, would go to the Study Table and the Legislative Council will have the opportunity to fund it. I believe they have some money budgeted for that purpose.

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

Senator **SCHNEIDER**: Thank you Mr. President. Men and women of the Senate, I just rise to speak very briefly about the statement by the Senator from Somerset, Senator Thomas, about all the mills closing and the economic impacts. I really don't know, there has been no evidence brought forward to prove in any way that LURC or the regulations that we put forth were any kind of cause. If somebody could show me that I'd be very glad to look at it. Let's just say, hypothetically, that LURC did have some kind of impact. What I would say is that I cannot, in good conscience as a legislator, blame LURC for that. That's what I have a problem with, when LURC becomes the scapegoat to that when it is the Legislature that gives the framework of which LURC works under. It is the Legislature that needs to address the issues. Pointing the fingers, they say you point a finger out and there are three pointing back at you. I think that this is something that I learned from this, we need to take responsibility and stop saying that this is LURC. I think that these studies, frankly, do at least make a step in the right direction in taking responsibility and to address the concerns. I really believe that we should stop pointing the finger when we are the ones. The Legislature is the creator of LURC and the framework that they work under. That's what I take issue with. I think that is what we're trying to solve here and trying to take responsibility for whatever the issues are that have been raised and move forward in a thoughtful and productive way to address the issues with LURC and find the best path for us to deal with land use planning in the unorganized territory. Thank you very much, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Sherman to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (H-561) 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 (#223)

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

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFOSKY, HILL, HOBBS, MCCORMICK, SCHNEIDER, WOODBURY

EXCUSED: Senator: GOODALL

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **SHERMAN** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-561)** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-561) **READ** and **ADOPTED**, in concurrence.

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

Senate at Ease.

Senate called to order by the President.

Senator **COURTNEY** of York 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.

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

RECESSED until 2:00 in the afternoon.

After Recess

Senate called to order by the President.

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.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Enhance Self-defense by Removing Restrictions on the Carrying and Use of Weapons"
H.P. 923 L.D. 1232

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

Signed:

Senators:

MASON of Androscoggin
GERZOFSKY of Cumberland
WHITTEMORE of Somerset

Representatives:

PLUMMER of Windham
BLODGETT of Augusta
BURNS of Whiting
CLARKE of Bath
HANLEY of Gardiner
HASKELL of Portland
LAJOIE of Lewiston
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-584)**.

Signed:

Representative:

LONG of Sherman

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reimburse Pharmacies under the MaineCare Program Based on Wholesale Acquisition Costs"
H.P. 272 L.D. 346

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-563)**.

Signed:

Senators:

McCORMICK of Kennebec
FARNHAM of Penobscot

Representatives:

STRANG BURGESS of Cumberland
FOSSEL of Alna
MALABY of Hancock
O'CONNOR of Berwick
SANDERSON of Chelsea
SIROCKI of Scarborough

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

Signed:

Senator:

CRAVEN of Androscoggin

Representatives:

EVES of North Berwick
PETERSON of Rumford
SANBORN of Gorham
STUCKEY of Portland

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-563)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-563) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Protect the State from Accumulating Future Hospital Debt"
H.P. 628 L.D. 831

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-581)**.

Signed:

Senators:

McCORMICK of Kennebec
FARNHAM of Penobscot

Representatives:

STRANG BURGESS of Cumberland
FOSSEL of Alna
MALABY of Hancock
O'CONNOR of Berwick
SANDERSON of Chelsea
SIROCKI of Scarborough

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

Signed:

Senator:

CRAVEN of Androscoggin

Representatives:

EVES of North Berwick
PETERSON of Rumford
SANBORN of Gorham
STUCKEY of Portland

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-581)**.

Reports **READ**.

Senator **McCORMICK** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** 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 PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, the first thing I'd like to say about this bill is that there is an \$11 million fiscal note on it. I rise in opposition to the pending motion. The law of the land is really that we need to pay our bills. We should pay our bills. I agree that everybody should pay their bills. Putting something in statute that is giving preference to one particular organization or industry, I think, is wrong. This bill would give preference to the hospitals in the state of Maine to be paid within a year of whatever time it is that we start owing them the money. When we owe other organizations monies we insist that they achieve savings or we let them wait for it until their audits are complete, just like we do with the hospitals. We put millions and millions of dollars into the budget and into expansions for the hospitals. I think that this is a very bad precedent when we decide to pick and choose particular industries to pay and leave others waiting. Because of those reasons, I oppose the pending motion. Thank you, Mr. President.

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

Senator **DILL:** Thank you Mr. President. If I may please ask a question to anyone who might answer.

THE PRESIDENT: The Senator may pose her question.

Senator **DILL:** Thank you Mr. President. My question is, if we pass this bill, and if we fail to comply, or someone alleges that the State failed to comply with the statute, are we exposing the State to any kind of civil liability. Is there a cause of action that is created by passing this bill?

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 Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, another question through the Chair, if it's possible?

THE PRESIDENT: The Senator may pose his question.

Senator **JACKSON:** Thank you Mr. President. I was curious, does this take precedent over the 55% for education?

THE PRESIDENT: The Senator from Aroostook, Senator Jackson poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you Mr. President. I would say that the 55% for education, although it is required, doesn't have specific legislation that would carve out that particular piece. I would say that this is very unique. Thank you.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#224)

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

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

EXCUSED: Senators: GOODALL, SULLIVAN

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **McCORMICK** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-581) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Include Medicinal Marijuana Patients in the Controlled Substances Prescription Monitoring Program"

H.P. 654 L.D. 887

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

Signed:

Representatives:

EVES of North Berwick
FOSSEL of Alna
MALABY of Hancock
O'CONNOR of Berwick
PETERSON of Rumford
SANDERSON of Chelsea
SIROCKI of Scarborough
STUCKEY of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-237)**.

Signed:

Senators:

McCORMICK of Kennebec
CRAVEN of Androscoggin
FARNHAM of Penobscot

Representatives:

STRANG BURGESS of Cumberland
SANBORN of Gorham

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Waive Snowmobile Registration Requirements for Canadians Riding on Maine Trails"
H.P. 237 L.D. 293

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
CRAFTS of Lisbon
EBERLE of South Portland
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 as Amended by Committee Amendment "A" (H-486)**.

Signed:

Representatives:

ESPLING of New Gloucester
GUERIN of Glenburn

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 **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Hunting on Sunday for Landowners"

H.P. 669 L.D. 910

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

Signed:

Senators:

MARTIN of Kennebec
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
SHAW of Standish
WOOD of Sabattus

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-587)**.

Signed:

Senator:

PATRICK of Oxford

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

Reports **READ**.

Senator **MARTIN** of Kennebec 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 PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, there happens to be one lone survivor on the Ought to Pass as Amended and that happens to be me. It's surprising. I won't be long on this, but since the Chief Executive said he wanted to have Maine open for business, and we used to have a sign that said that, several landowners have contacted me saying that if we're going to be open for business New Hampshire has Sunday hunting and many states throughout the United States of America have Sunday hunting. It would be a good thing if we allowed just landowners to have Sunday hunting. I would ask you to vote against the Ought Not to Pass Report and move on to give the people, the landowners, their rights to be able to hunt on Sunday. Thank you.

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

Senator **MARTIN:** Thank you Mr. President. Ladies and gentlemen of the Senate, just two points really. The department itself is already currently understaffed. To do the due diligence,

Sunday hunting just expands this duty. We did have a large number of landowner groups that came and spoke against this bill. This is mainly because if you are hunting on Sunday, and your neighbor is out hunting, there are boundary issues. You might not know where you are. Some people, on Sunday, recreate on their own property for non-consumptive uses and they don't want to be in their back 40, sightseeing, when there is somebody across the property line taking shots at animals. It's obviously a very dangerous situation. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Martin 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 (#225)

YEAS: Senators: ALFOND, BARTLETT, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, HASTINGS, HILL, HOBBS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, RECTOR, ROSEN, SCHNEIDER, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: BRANNIGAN, GERZOFSKY, JACKSON, PATRICK, PLOWMAN, SAVIELLO, SHERMAN

EXCUSED: Senators: GOODALL, SULLIVAN

26 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **MARTIN** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Labor Laws Relating to Certain Agricultural Employees"

H.P. 898 L.D. 1207

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-268)**.

Signed:

Senators:

RECTOR of Knox
MARTIN of Kennebec

Representatives:

PRESCOTT of Topsham
DOW of Waldoboro
NEWENDYKE of Litchfield
VOLK of Scarborough
WINTLE of Garland

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

Signed:

Senator:

JACKSON of Aroostook

Representatives:

DRISCOLL of Westbrook
GILBERT of Jay
HERBIG of Belfast
HUNT of Buxton
TUTTLE of Sanford

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-268)**.

Reports **READ**.

Senator **RECTOR** of Knox moved to **TABLE** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Same Senator requested and received leave of the Senate to withdraw his motion to **TABLE** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Senator **COURTNEY** of York moved the Bill and accompanying papers be **COMMITTED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, in **NON-CONCURRENCE**.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'd just like to say, before we do this, that the good chairman from Knox, Senator Rector, has been an excellent Chair of the Labor Committee. He's maybe not so happy with me right now, but I've enjoyed working with him and he's done a great job. I understand what it's like to chair a committee and I understand what it's like sometimes to recommit bills back to committee. I have to say that I won't ask for a roll call, but I cannot see a reason to recommit this bill. It's an awful bill. It's a terrible bill. If there is any place that somebody should have the ability to do that it's here, but I won't stand in the way.

On motion by Senator **COURTNEY** of York, Bill and accompanying papers **COMMITTED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Regarding the Consent of Minors for Mental Health and Substance Abuse Aid"

H.P. 553 L.D. 746

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**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Transfer Jurisdiction of Traffic Adjudications"

H.P. 757 L.D. 1021

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
DILL of Cape Elizabeth
MALONEY of Augusta
PRIEST of Brunswick
ROCHELO of Biddeford
SARTY of Denmark
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-588)**.

Signed:

Representative:

MOULTON of York

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Prevent and Treat Cancer in Maine by Implementing Critical Portions of the Comprehensive Cancer Program"

H.P. 917 L.D. 1226

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
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 "A" (H-589)**.

Signed:

Representatives:

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

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

Reports **READ**.

Senator **TRAHAN** of Lincoln 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 PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator **Alfond**.

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm going to speak briefly about equalization of tobacco here in the state of Maine. You, who have been around for a little bit of time, will notice this has been a kind of perennial project by some of the advocates and some of us elected, looking at some of these little cigars and other products that, for the most part, are used by young people across the state of Maine. I don't need to go into a long winded speech about the effects of tobacco. We know the health consequences once you start and become addicted to tobacco. I guess I just don't understand, when you look at the state of Maine and look at our tax rates on non-cigarette smoking tobacco, why Maine is so much lower than the rest of our New England neighbors and what the harm would be to try to create a little bit of a higher barrier for young people to buying these products. You look at the state of Maine, it's 20% of the wholesale price. New Hampshire is 45% higher than we are. Vermont is 72% higher than we are. Massachusetts is 10% higher than we are. I guess I'm confused on a couple of things. We know the consequences of these little cigarettes, cigar tobaccos, and yet we don't do anything about it. Every year we talk about the \$6 million to \$7 million that the state could generate by putting this tax on. I've been sitting in Appropriations for a long time. Maybe that \$6 million to \$7 million wouldn't have been needed in this budget, but I know how hard they worked and I bet that \$6 million to \$7 million could have been used, I'm sure, many times over. I think maybe this line in the sand that people in Maine think, or maybe people in this Body think, has been set and we can't raise taxes. I guess I disagree with that bold statement. I think there are some taxes that must and should be looked at. This one is one that I think rises to the top for me. It's something that I'm really disappointed in because I understand the health consequences and I know in the city of Portland almost every single one of the little tobacco shops and little corner stores has these little cigars. You can see young people going in there, understand the huge price difference, and buying them. The consequences for our society are huge. I would urge people to reject the motion and go on to the Minority Report. Thank you, Mr. President.

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, smoking tobacco causes incalculable costs, financial cost as well as wellness cost, in the state of Maine. From sitting on the Health and Human Services Committee, we pour over the cost of healthcare every single day; not just for the maintenance of good health, but also the loss of revenue and the loss of productivity for employers. Excise taxes on tobacco products are applied unevenly, causing some products to be priced disproportionately lower than others. We heard a bill earlier this year where somebody brought in a big basket, like a laundry basket, of little cigars and cigarettes. Some of them were pink and green and orange. They had all kinds of different smells that were really designed, of course, to hook in kids and young people and women, probably, that would have an aversion to the smell or taste of ordinary tobacco. I think we could make a lot of money for the General Fund if we equalize the taxes on those kinds of products. Under the current tax method, the average tax on little cigars or cigarette-like product, they look like cigarettes but they are brown and there are 20 of them in a pack, is only 68¢ a pack. The tax on that package is only 68¢ a pack. Loose tobacco, that's roll your own, and I suppose they use all those papers that are flavored like apples and oranges and cherries and strawberries and blueberries. They put the tobacco in there and they smoke that, as well as other things. For an equivalent pack, the tax on an equivalent pack of loose tobacco would be 46¢. Lower prices make those products more accessible to kids. The higher the cost, the more they are going to stay away from them. Maine's non-cigarette smoking tobacco tax, which includes little cigars, cigars, pipe, and roll your own tobacco, is only 20% of wholesale price. This is lower than the tax in every other New England state. Maybe the previous Senator quoted those numbers, but they warrant saying again. Since the tax rates on these products are so much lower than the excise tax on cigarettes, these kinds of shifts from higher or lower tobacco products are significantly reduced. Maine tobacco tax revenue undermines our tobacco prevention and treatment efforts. I serve on Healthy Androscoggin and we go into schools and out in the workplace and try to do our very, very best to have people kick the habit or prevent them from starting to begin with. There is another area where we can save some money if we didn't have to have staff and outreach folks to do that. I would move against on the pending motion. Thank you, Mr. President.

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

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I was intrigued when I saw the title of this bill. It's pretty hard to vote against an act to prevent and treat cancer in Maine by implementing critical portions of the comprehensive cancer program. I think that a more appropriate title for this bill would have been an equalization title or an act to increase the tobacco tax on these certain tobaccos. I want us to realize exactly what this bill does. This program could be funded in one hundred different ways and I certainly would support funding this program. I think we all would. I think that goes without question. The real issue is; do we want to vote to raise a tax right now, when our economy is really in trouble? I suggest to

you that the people that buy bulk tobacco to roll their own cigarettes are probably doing so because they can't afford to buy a pack of cigarettes at the store. They are doing so to save money. They are likely to be fairly poor, or at least having a tough time financially. Really what we are doing is increasing the tax on a group of people that are doing this out of necessity. I just don't think it's the right time to do that. I think maybe if our economy was a little bit better and income was a little bit higher there might be a better policy discussion around raising this tax. At this point, I just don't think it's the time to raise another tax. Thank you.

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

Senator **CRAVEN:** Thank you Mr. President. In response to the good Senator, I think that we should encourage people and motivate them to quit because when you say that it's a necessity, smoking is not a necessity. I think that we should really, really support them quitting. Thank you very much, Mr. President.

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

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I don't believe I said that smoking tobacco was a necessity. What I said was that it is most likely that these people are poor and it's unlikely that they have more money to give. Extending that a little further, we all know tobacco is an addiction. If a person cannot break an addiction, and they need to buy tobacco or they want to buy tobacco, something is going to give. I don't want that to be food or other necessities. That's my only concern with this bill. Thank you.

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

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, just a couple more things, because I do believe this is going to come up again and again and again. Maybe one day we will pass this, regardless of where the economy is. The State of Maine spends over \$600 million every year on healthcare costs related to tobacco and tobacco use. The concept that only low income people use these little cigars or loose tobacco is a nice talking point, but the reality is that there are many people, especially young people, who use these products, not because they are cheaper but because they are available. They are available everywhere, in all of our corner stores. Finally, to the point that the good Senator from Androscoggin was making, when you look at how this money would be spent, it's actually a really nice distribution to create prevention of tobacco use because it would provide \$2 million a year for comprehensive cancer screening, detection, and prevention for the Department of Health and Human Services for comprehensive screening. I know this isn't going to pass, I understand that, but we are further putting our state at a real loss when we don't really tackle an issue around under aged smoking of these very inexpensive tobacco products. Thank you, Mr. President.

THE PRESIDENT: 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 (#226)

YEAS: Senators: COLLINS, COURTNEY, DIAMOND, FARNHAM, HASTINGS, HOBBS, 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: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DILL, GERZOFKY, HILL, JACKSON, SCHNEIDER

EXCUSED: Senators: GOODALL, SULLIVAN

24 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **TRAHAN** of Lincoln 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 Regarding Write-in Candidates in Municipal and City Elections"

H.P. 629 L.D. 832

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-403)**.

Signed:

Senators:

FARNHAM of Penobscot
PATRICK of Oxford

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:

PLOWMAN of Penobscot

(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-403)**.

Reports **READ**.

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

On motion by Senator **COURTNEY** of York, 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 Plowman.

Senator **PLOWMAN:** Thank you Mr. President. Men and women of the Senate, I'm afraid I'm not on the Ought to Pass report. I did not agree with this bill. This bill says that no matter how many people in town vote for you as a write-in, if you didn't come in two days ahead of time to declare yourself as a write-in candidate, your votes may not be counted. May not be counted. May not be considered in any way, shape, or form. That just didn't seem right to me. We have towns where the position goes unfilled until the last minute; someone may walk in the day before. You might have an undeclared write-in and a declared write-in getting about the same amount of votes, yet the person who came in two days before and the person who came in the day before are not treated equally as candidates on the ballot. I don't think that this would be an appropriate way to look at candidacy. All candidates should be considered equal, therefore I oppose the bill and I would move that you do not accept the Majority Ought to Pass Report. 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 is a bill that I sponsored at the request of municipal clerks. The problem that they are trying to solve is that a number of people who go into the voting booth think it's funny to write in a candidate like Mickey Mouse or their neighbor as kind of a joke. The clerks, unfortunately, by law, have to take the time to do a lot of paperwork associated with that. It wasn't an attempt to prevent any candidate who actually wants to serve from serving. It was simply a way to ease the burden on the clerks who were in unanimous agreement that this was a good idea. Initially the bill asked for a longer period of time, but we, through compromise, agreed to at least two days that you have to declare yourself as a candidate and it only applies to towns that have more than 1,000

people. That way the small towns, if they are really scrambling to get a candidate and it's the day before, can still put up their write-in candidate, but for the larger towns they would just have to do a lot of unnecessary paperwork. This seemed like a good solution and I hope you will support the pending motion. Thank you.

THE PRESIDENT: 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 (#227)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFSKY, HILL, HOBBS, JACKSON, MARTIN, PATRICK, ROSEN, SCHNEIDER

NAYS: Senators: COLLINS, COURTNEY, HASTINGS, KATZ, LANGLEY, MASON, MCCORMICK, PLOWMAN, RECTOR, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

EXCUSED: Senators: GOODALL, SULLIVAN

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

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate

Ought to Pass As Amended

Senator MASON for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Require a Person Who Commits a Sex Offense against a Dependent or Incapacitated Adult To Register under the Sex Offender Registration and Notification Act of 1999"

S.P. 205 L.D. 624

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-286)**.

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

READ ONCE.

Committee Amendment "A" (S-286) **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 MASON for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow Deferred Disposition in Juvenile Cases"

S.P. 402 L.D. 1299

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-289)**.

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

READ ONCE.

Committee Amendment "A" (S-289) **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 LANGLEY for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Promote School Attendance and Increase School Achievement"

S.P. 473 L.D. 1503

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-287)**.

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

READ ONCE.

Committee Amendment "A" (S-287) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Municipal Authority To Review Construction Permits for Public Buildings"

S.P. 154 L.D. 562

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

Signed:

Senators:

MASON of Androscoggin
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" (S-291)**.

Signed:

Senator:

WHITTEMORE of Somerset

Reports **READ**.

On motion by Senator **MASON** of Androscoggin, Bill and accompanying papers **INDEFINITELY POSTPONED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase the Penalty for Sexual Abuse by Certain Offenders"

S.P. 432 L.D. 1392

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

Signed:

Senator:

GERZOFISKY of Cumberland

Representatives:

PLUMMER of Windham
BLODGETT of Augusta
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" (S-283)**.

Signed:

Senators:

MASON of Androscoggin
WHITTEMORE of Somerset

Representative:

BURNS of Whiting

Reports **READ**.

On motion by Senator **MASON** of Androscoggin, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-283)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-283) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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 Resolve

Resolve, Directing the Maine Center for Disease Control and Prevention To Conduct a Review of Wood Smoke Laws
H.P. 430 L.D. 547
(C "A" H-407)

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

On motion by Senator **CRAVEN** of Androscoggin, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-407)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-407), in concurrence.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **HOBBS** of York, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-407), in concurrence.

Acts

An Act To Allow Law Enforcement Officers from Out of State To Carry Concealed Firearms

H.P. 339 L.D. 446
(C "A" H-331)

An Act Relating to Locations where Concealed Weapons May Be Carried

H.P. 988 L.D. 1347
(C "A" H-530)

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

An Act To Require That Law Enforcement Officials Collect DNA Samples from Persons Arrested for Certain Crimes

H.P. 849 L.D. 1143
(C "A" H-576)

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

An Act To Prohibit Bullying and Cyberbullying in Schools

H.P. 928 L.D. 1237
(C "A" H-570)

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

An Act To Preserve the Integrity of the Voter Registration and Election Process

H.P. 1015 L.D. 1376

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.

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

An Act To Preserve the Integrity of the Voter Registration and Election Process

H.P. 1015 L.D. 1376

Tabled - June 10, 2011, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence (Roll Call Ordered)

(In Senate, June 8, 2011, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, June 9, 2011, **PASSED TO BE ENACTED**.)

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

Senator **BARTLETT:** Thank you Mr. President. I couldn't let this enactment pass without just a few additional words about the frustration I've had with this process and the motivation of at least some of the folks who have been advocating in the hallways for this bill. Earlier today I distributed a piece that appeared today in the Press Herald that I think is an extraordinarily disturbing piece where the Chair of the Republican Party talks about the motivations and reasons that he's been in the State House in the recent days advocating for this bill. In an interview he said, "If you want to get really honest, this is about how the Democrats have managed to steal elections from Maine people." He said, "Many of us believe that the Democrats intentionally steal elections." This is the Chair of the Republican Party. How do we steal elections as Democrats? He gives us the answer. Buses. They bring them in on buses explains Webster. Job Corps people. They move around to wherever they have a tough seat and they want to win an election. I'm not sure whether this is more absurd or more outrageous or more insulting. We are all here because we worked hard, we ran for office, and we got more votes than our opponents. I don't begrudge anyone on the other side of the aisle for getting elected, for working the hardest, by earning the respect of their voters. This is disgraceful. These allegations are unfounded and if this is the motivation behind this legislation, I don't see how anyone could stand for it. It is my hope that before we leave today those who would support this bill would at least stand up and repudiate these outrageous comments and attack on hard working people. Whether you are a Democrat or a Republican or an Independent or a Green, you have a right to stand for office and to work your heart out. To

suggest that we didn't do it or we don't do it is offensive. Thank you, Mr. President.

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

Senator **COURTNEY:** Thank you Mr. President. With the previous speaker deferred, I would just ask that we caution about impugning the motives of fellow members.

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

Senator **HOBBS:** Thank you Mr. President. Men and women of the Senate, in due respect to the good Senator from York, the individual that I believe that the Senator from Cumberland is referring to is not a member of this Body but is the Chair of a politically designated party in the state of Maine who, in due respect, I don't believe has any preference under the rules of this Body because we did not cross any type of line. Mr. President, I would hope that we can discuss these particular quotes. These are not statements being made. These are quotes from the Chair of a politically designated party and I believe that this is in context to the issue at hand. It's right on point. Again, it is unusual for me to get up because I probably am too silent at times, but this one is something, Mr. President, that goes to the real personal heart of those of us who have served as Chairs of political parties, which I did, the Democratic Party, from 1980 to 1984.

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

Senator **COURTNEY:** Thank you Mr. President. My objection is not to referring to anybody outside of this Body, but the comments by the good Senator from Cumberland that referred to the reasons why people voted for this in previous votes, which referred to motives, and to comments made by people outside of this Body.

THE PRESIDENT: The Chair would advise members of the Senate that it is not permissible to impugn the motives of other Senators. The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, the Senator from Cumberland, Senator Bartlett, did no such thing. What he was asking for was for all of the people within that political party to stand up and say that this is the wrong thing for somebody who is the Chair of that political party to have said. I think if the shoe were on the other foot, and I always try to walk a mile in other people's shoes because that's something my parents taught me, I would hope that if somebody from our political party made those kinds of accusations that we would stand and say that is absolutely the wrong thing to do. I wouldn't be calling out, if I was the Chair of the Democratic Party, and saying that you are shipping around people to vote so you can steal elections. I think that is outrageous. I just think that is what we are asking for. We're asking for you to say that is wrong. That's what we are saying here and that's not saying that you're wrong, it's saying that the Chair of the Republican Party is totally out of line. I would say the same thing if the Chair of the

Democratic Party said such things. Thank you, Mr. President. I felt it was very important to make that distinction.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, we've belabored that part of it, which I am also as disgusted as any one else. I will try to take a little bit different tact. We just overturned a 12-1 report basically on the guise that we did not want to disenfranchise Mickey Mouse who happens to vote on Election Day as a write-in candidate or legitimate candidates that want to run on Election Day. We want to have the ability for voters to run for office.

THE PRESIDENT: The Senator will please defer. For what purpose does the Senator from Penobscot, Senator Plowman, rise?

Senator **PLOWMAN:** Thank you Mr. President. The motion before us is Enactment of L.D. 1376. The item that was acted on is not before us and I would ask if we could please, for the sake of brevity at very best, stay on the motion as to whether to Enact or not Enact L.D. 1376. Thank you, Mr. President.

THE PRESIDENT: Senators are reminded to confine their remarks to the matter under consideration. The Senator may proceed.

Senator **PATRICK:** Thank you Mr. President. I apologize to you, Mr. President, and to Madame Senator. I think you both were wrong again and I will start out by saying what we are about to do on Enactment of L.D. 1376 is to disenfranchise voters for being able to register on Election Day, which is the same thing as what we just did on another bill, disenfranchise candidates as a write-in candidate. There is no difference. Disenfranchisement is disenfranchisement and I want to thank you for doing this because this proves my point. I would ask you to vote against this disenfranchisement of voters on Election Day just as we voted against disenfranchising candidates, write-in candidates. Thank you, Mr. President.

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

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I too rise greatly disturbed by today's article and the comments by the Republican Party Chair. After the vote the other day I was leaving the Chamber and going to get some fresh air and I actually had a conversation with the Republican Party Chair, Charlie Webster. I sarcastically congratulated him. I said, "Thank you very much, you've now disenfranchised probably thousands of people in the city of Portland. I heard a comment in here that I want to respond to. Someone made a suggestion in the Chamber that every single time someone e-mails me or calls me I'm going to give your number, Mr. Webster, to that person so that they can call you and bother you about what you've done to disenfranchise them." I said, "I'm going to make sure they have your personal e-mail and your telephone number because what you've done today is so disturbing to so many thousands of Mainers." What he said next

was just shocking to me. He said, "You know, Justin, the only reason I ran to become the Republican Chair in the state of Maine was so that I could do this. This was my number one goal, to get rid of same day voter registration." I said, "Wow, that's pretty frank. Why's that?" He said, "Well, Justin, so many of my friends and even my mother when we go down to the polling places in Farmington so many college kids, college kids from away, come in and vote and I feel disenfranchised." I said, "So that's the problem? If that's the problem then why don't we address that problem? Why do you have to disenfranchise thousands of other Mainers while doing so?" His next comment was, "Because this strategy, Justin, will ensure that socialists and liberals like you won't get elected any more." I said, "That's pretty frank. Thank you for basically laying out your entire strategy for the Republican Party."

Before I came to this Body I used to run an organization called The League of Young Voters. I spent a lot of time on college campuses. You know what impressed me so much? The college Republicans had an incredible infrastructure, so much better than the college Democrats. It was impressive. It was unbelievably amazing. Every campus you went to, college Republicans had great chapters. Yet Charlie Webster wants to disenfranchise college students. I guess he doesn't care that he's probably disenfranchising more young Republicans than young Democrats because he's got his goal. He has now disenfranchised thousands and thousands of people. Well, Charlie Webster, good for you. Good for you for passing a bill that has no merit based on fraud, based on the integrity of the system. There is nothing that you can hide behind that makes this bill worth passing and yet today we're going to pass a bill that strikes a 38 year law and strikes at the heart of what makes Maine one of the greatest states in this country, our participation. It saddens me that we're in this place. It saddens me that Charlie Webster throws these lies out and I guess all I can say is I hope you do the same when your voters call you, give them Charlie Webster's number so that we can deal with the realities of now disenfranchising thousands of Mainers. Thank you, Mr. President.

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

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, thank God for technology, because I think the man you've been talking about disagrees with the whole way that the conversation went. You can have that discussion another day. I did want to rise because after the first debate on this where there were many people railing and so upset that I really wanted to understand the details of what I was voting on. I wanted to make sure that what I was doing I could explain to my constituents. Earlier today I spent a good deal of time with the Secretary of State and the Attorney General's Office going over the process and maybe the reason why something like this might be reasonable. From what I understand 44 of them don't have same day registration, or whatever the number is because I see some people saying yes or no, excuse me it's 42 states don't have same day registration. Why would these other states not have same day registration? I got the whole process explained to me and this is why I think maybe some people are over reacting. If somebody comes in on the same day to register, and we all know we have poll watchers to challenge if we think a voter is voting illegally or doing something wrong. We can challenge that

ballot. What happens is, the way it was described to me by the Attorney General's Office, if there is a challenge there is an identifying mark put on the ballot. That way if there is a problem with the ballot they can then track it down in the system. If you have a new registration, and it's a fraudulent registration, you've only got an instant when it's Election Day. You only have an instant to make a decision whether that person who is registering is potentially fraudulent. If you don't make a decision to challenge that ballot right then and there, which you have to have a reason to challenge, you can't put the identifying mark on it and you can't track down that ballot if it was fraudulent. Really, you are caught in this dilemma. You can have 50 people line up and as long as they meet the requirements to register, even if they are just here for a couple of weeks and they leave, you've only got an instant to make a decision. What will happen now if a person comes in, and it's a Thursday, and you think that this person, when they register, is fraudulent? You've got an opportunity to track down to see if they are really a Maine resident. If they are they can go vote. That's the American way. As it is now you have a system where they are at the ballot box voting, it's chaos, and you have your poll watchers. If they come in and register it's in a long line. It's unlikely that there is time or an opportunity to make a judgment. For me, that really clarified a lot.

I think that before we're all going to just start blowing up and making all kinds of accusations it might be wise for us to take a look at what other states are doing, why they are doing it, and what lead up to all these states not having same day registration. I know it makes great headlines in the newspaper, but all I want is good policy. I want a good process so we make sure there aren't fraudulent votes that are cast. We all heard stories and I'll tell you what, perception is often times worse than the actual truth. Maybe there isn't fraud, wide-spread fraud. I hope not, but I think it's unlikely that any of us can say with one ounce of certainty that there is no fraud because our system, as it is now, is not tight and I think that we can tighten it up. You know what, in the future if we can come up with a better process than doing away with same day registration I'll be there to support you in restoring this. Our system is not perfect and we need to fix it.

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, after we disenfranchise senior citizens and homeless folks and students and our new Americans I wonder who else is left? I think that this bill is un-American and is shameful. We're building barriers to voting. I remember the day that I became an American citizen. It's over 40 years ago and I remember what I wore and how I felt and lots of different emotions really, not just the pride I felt in becoming an American. It was amazing and I was proud. I was very proud to be an American. I'm very interested in American history and the way that American politics work and I just love the way that it is. I love the pride and the enthusiasm with which we engage with our government here, as we should. A few years ago in Lewiston they closed some of the voting polling places and they combined the precincts. Of course I was at the polls and the confusion was amazing. This was after they sent out postcards to people letting them know that their polling places had changed. People had been going to those places for 10, 20, 30, and 40 years, so they probably just threw the postcard aside and went to where they voted all the time. Especially in our inner cities, we have people who have no

transportation. They get rides, they live in senior subsidized housing, they get dropped off, and they are there and they are disappointed because they show up being excited and wanting to vote. I think that this is going to cause the same kind of disappointment and anger and disillusionment at the Legislature putting all those barriers in their place. I just wanted to put on record how disappointed I am that we are indeed turning back opportunities and the excitement and the fun and the celebration that people experience on Election Day. Thank you, Mr. President.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I do think that technology is a great thing and I hope King Charlie can hear me.

THE PRESIDENT: The Senator will defer. For what purpose does the Senator from Lincoln, Senator Trahan, rise?

Senator **TRAHAN:** Thank you Mr. President. I don't think it's the place of the Senate to be making fun of people that are outside of our Chamber. I just would like to question whether that kind of testimony is appropriate, Mr. President.

THE PRESIDENT: Senators are required to be temperate and respectful in their descriptions of anyone, whether they are a member of this Chamber or not. I believe this is a good time to remind members of that requirement. The Senator may proceed.

Senator **JACKSON:** Thank you Mr. President. I apologize for saying King. I would just say that I don't have a problem with what Mr. Webster said because I'm sure that's the way he feels. At least it's a reason now. At least for my part I know why this was such an important bill.

THE PRESIDENT: The Senator is reminded that it is not permitted to question the motives of other Senators. The Senator may proceed.

Senator **JACKSON:** Thank you Mr. President. I don't believe I was doing that.

THE PRESIDENT: I believe that the Senator crossed the line with that remark. The Senator may proceed.

Senator **JACKSON:** Thank you Mr. President. The article goes on to talk about how the clerk in Bangor, Ms. Dubois, talks about how she shudders at the thought of this upcoming election. She said, "I'd rather see Election Day registration continue rather than to deal with the fallout. We're going to have some very upset people." That was exactly my argument the other day when we were talking about this. All the people that are going to be coming in and they aren't going to be able to vote because they might have changed their addresses. As I said earlier, many of the clerks in my area do absentee ballots on Saturdays for the people that are gone all week. This law won't allow them to do that any more. I think the clerk in Bangor has made the very argument that this is going to be a real problem. I guess getting back to Mr. Webster, I've heard him say numerous times that finally this Body has the voice of the working people here now. I

just wonder how that can be. I know that I represent an awful lot of working people and these working people certainly now are not going to be able to vote when they regularly did, which was on a Saturday that they were home because they are gone all week. It makes it very hard for me to understand how working people are going to be represented better now, with not being able to vote same day or vote a couple days earlier with absentee ballots. Like I said, the woman in Bangor hit it right on the head as far as I'm concerned. We're going to have some very upset people. I believe we are going to have some very upset people. I encourage you to vote against this.

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

Senator **HOBBS:** Thank you Mr. President. Men and women of the Senate, I'm very pleased that the Presiding Officer stated the protocol for the way other legislators should treat each other and respect their colleagues with temperance and respect. There was a time in Maine with political parties that there was that feeling of respect, mutual respect, between the political parties and between the political leaders of the state of Maine. I earlier mentioned that I served as Chair of the Maine Democratic Party from 1980 to 1984. That was an era where it was very important for both political parties, Democrats and Republicans, to work together to try to promote voter activity, strengthen the Democratic and Republican parties so that they would not become extinct or not have the lack of viability that which they have had in the past, which are the cornerstones of political parties of our democracy. In 1979, at the urging of a conversation that took place between my predecessor, Harold Pachios, who served as Chair of the Maine Democratic Party, and Hattie Bickmore, who is a long and dear friend of mine and served as the Chair of the Republican Party, who were interviewed by Bill Moyers from CBS news. That piece was really quite a commentary about the Democratic Party and Republican Party in Maine. They were trying and attempting during that period of time to work together through the League of Women Voters so that they would not find themselves in the situation that was leaning that way post-Watergate. That was written about in a book by, as many people may know, David Broder, who wrote a book called "Is the Party Over?" Democrats and Republicans back then spoke well about each other. They respected the process. They encouraged voter participation. They encouraged the participation of government in an indirect way by establishing a \$1 check-off on people's income tax that would go to political parties to help with the financial aspect of the party to make sure that they could remain strong. It's so disappointing to me, having served with someone as did my counterpart with Hattie Bickmore, that the encouragement of both parties then was to have full participation through the democratic process and it was extremely important to a point where there was a real effort made between the parties.

Now we fast forward 32 years and what do we find, which is really disappointing for me personally? That there is divisiveness within the parties of trying to disenfranchise and change the playbook that has been so successful in Maine that began in the late 1960's, that has continued through the process of trying to have a participatory government through a full participation and making the law such that it helps through the process of election laws to have people participate in democracy. Without getting into personal details, it is somewhat ironic that, in its great history,

the Chair of the Republican Party now was at one time a colleague of mine in the Senate. In fact, I was the Chair of the Maine Democratic Party when the now Chair of the Republican Party was a candidate for the Democratic Party. Back then we had a different process, a different respect. After this is all over I hope to have a conversation, because I do have a good relationship over the years with the Chair of the Republican Party, and maybe we should begin this new process of having not such disrespectful and derogatory incendiary words used and quoted in the newspapers. That wasn't the way things were done then and it should not be now. We should focus on the positive of getting the parties to have their enrolled members to participate, those unenrolled members to participate, and all legally recognized parties to participate. I do have good memories of those times and I do have good memories of when Hattie Bickmore called me up, as the Chair of the Democratic Party, and she said, "I'd like to ask you if you'd like to join me to go to the funeral of a former Governor, Jim Longley, who was an Independent?" As a matter of symbolism of the two parties and respect to an Independent Governor we went together to his funeral. That's the type of approach that we should have, not only between the parties, because we might have our differences and philosophies, but we should have that same feeling. Unfortunately, it hasn't been that way and unfortunately, Mr. President and members of the Senate, we are diverting away from that approach. I would hope that before this bill becomes law that we all think about what the real intentions are. We should think beyond the vote and think about what will the repercussions be if we change the process. I would hate to revert back to the way it was, back before the cooperation of the Democratic Party and the Republican Party through the organizational process had done excellent work in working with the Secretary of State to encourage voter participation, not to a point where we are going to disenfranchise thousands and thousands of individuals. Thank you, Mr. President.

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

Senator **PLOWMAN:** Thank you Mr. President. Men and women of the Senate, this bill is not about newspaper articles. This bill is about preserving the integrity of the voter registration process and the integrity of the voter. Everyone who votes a ballot should be as equally sure that every ballot in the box has the same integrity as the one they cast. They should know that the person in the next booth really belongs in their town, really lives in their state, and really shares at least a vision of what that community should be like. This bill will not disenfranchise students. This bill does not say students can't vote. It doesn't say that the disabled can't vote. It says in order to vote plan ahead. Be there. Register to vote. That's what this vote, that's what this bill, is all about. The people who voted on this bill are all members of the Chamber and we're the only people that can pass legislation. We're the only people who can vote. Individuals outside of this place would love to pass legislation, or love to stop our legislation, but they don't get to vote. Under the freedom of speech, people are allowed to say things that many would find objectionable. I did, and I will, say that this is not what this vote was about. It wasn't about stealing elections by bus loads of people coming in. It was about a clean voter list Tuesday morning with a validated list of names of people so that everyone who shows up to vote can be assured that the vote in the box next to theirs was as valid as theirs. Integrity. Accessibility and integrity in the voting process must go

hand-in-hand in order for a democracy, and for the people who make up the democracy, to be sure that their vote counts, that their vote is not cancelled out by someone who walked in and obtained a ballot without passing every other kind of test that the legitimate voter passed.

Is there a lot of fraud reported? No. That process needs to be worked on because that process is the domain of an overburdened clerk who, by the time the election is over, has no way to go and find those people except to look at the paperwork that was left and try to find time between the three days she has to certify the election and send them all off, send the ballots all off, and try to send someone up to the Secretary's office for investigation. That's the only reason we don't have more reports. Each of us has an anecdote to tell. I, for one, have had a lot of legislation passed with anecdotal evidence and I've seen a lot of laws passed with pure emotion. We're talking about making sure my ballot doesn't get canceled out by somebody who rode in, got a library card, showed up, and got on the ballot. Six young men voted in six towns in 1992. One of those towns was mine. In 2000 a gentleman came in to get his ballot. Someone already had his ballot. That gentleman lived in my little town of Hampden. It's about the integrity. It's not about trying to enrage or discourage or try to manipulate away from integrity. Don't be pushed off the target. Don't be pushed off the reason for the vote. If you believed in integrity yesterday you can believe in it today.

This is not something that I was proud to see in the paper. This is something that I will be speaking about. As a member in 1992, I'll just mention the word ballotgate. Every person that thought that they were voting to elect a guy in Gorham and found out that someone came through a window, stacked a bunch of ballots in a corner box, and left a note and a burning cigarette, which kind of alerted people that things weren't just quite right. The man who was not seated for some 40 odd days had actually spent time in the Philippines when the United States was overseeing the elections there, the first democratic elections. His job was to make sure the integrity of the vote was protected. As he stood down the block he heard gunshots. When he ran to the polling place he found Philippine workers draped over the box that they tried to protect from the soldiers because the soldiers were going to take the people's votes and they defended the ballot box with their lives. They believed in the integrity of the vote. If someone can shed their blood to make sure that the votes have integrity, then we can make sure that Tuesday morning when the clerks set up they have a list that it is the most verified and accurate list that they can have to preserve the integrity of the vote of the people in that town. Thank you, Mr. President.

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

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1177

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO AWARD THE DESIGNATION OF "VETERANS OF THE UNITED STATES AND THE STATE OF MAINE" TO THE PROTECTORS AND DEFENDERS OF THE NORTHEASTERN BOUNDARY DURING THE AROOSTOOK WAR

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

WHEREAS, there was an undeclared confrontation in 1839 that lasted until 1842 between the United States and Great Britain over the international boundary between British North America, specifically the provinces of Quebec and New Brunswick in Canada, and Maine, referred to as the Aroostook War; and

WHEREAS, this confrontation had its origins at the end of the Revolutionary War because the Treaty of Paris of 1783 did not clearly determine the boundary between British North America and the United States and, during the War of 1812, British forces occupied most of eastern Maine, including Washington County, Hancock County and parts of Penobscot County, intending to permanently annex the region into Canada; and

WHEREAS, the Treaty of Ghent ended the war in 1814 and reestablished the boundary but left the border ambiguities intact, and when Maine separated from Massachusetts in 1820 as a new state, the status and location of the border emerged as a chief concern, with Massachusetts also retaining some interests in the land as part of the statehood agreement; and

WHEREAS, the dispute continued into the next decade as the area became more and more settled and the wealth of the lumber and land became apparent to both sides of the border, and in 1839 the Maine Legislature authorized newly elected Governor John Fairfield to send land agents and militia to the border; and

WHEREAS, high tensions and heated rhetoric in New Brunswick led both sides to raise troops and arm them and march them to the disputed border, but eventually negotiations between diplomats from Great Britain and United States Secretary of State Daniel Webster resulted in the Webster-Ashburton Treaty of 1842; and

WHEREAS, this dispute involved no actual confrontation between military forces, but 10 to 12 companies of more than a thousand men as well as drafted militia were sent to Aroostook County; and

WHEREAS, the men who were the protectors and defenders of the northeastern boundary of the United States and Maine and Massachusetts primarily were volunteers in service to the State of Maine, members of the Maine State Militia, members of a drafted militia and civilian suppliers, support personnel and settlers in the Aroostook Valley; and

WHEREAS, as Governor Israel Washburn, who was Governor of Maine during the Civil War, stated long after the dispute was settled, "The Aroostook war . . . forms a chapter in the history of the State which does real honor to its border chivalry"; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress award the designation of "Veterans of the United States and the State of Maine" to those who protected and defended the northeastern boundary and who served between February 5, 1839 and December 31, 1842 and who were willing to risk their lives; and be it further

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

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

READ and **ADOPTED**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1175

ORDERED, the Senate concurring, that Bill, "An Act To Require Use of the Electronic Death Registration System," S.P. 392, L.D. 1271, and all its accompanying papers, be recalled from the Governor's desk to the House.

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

READ and **PASSED**, in concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Direct the Department of Education To Review the Essential Programs and Services Model

H.P. 702 L.D. 958

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-604)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-604)**.

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

READ ONCE.

Committee Amendment "A" (H-604) **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 Protect Owners of Real Property"

H.P. 1086 L.D. 1477

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-600)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-600)**.

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

READ ONCE.

Committee Amendment "A" (H-600) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Regarding Eligibility for the Moose Lottery"

H.P. 235 L.D. 291

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-598)**.

Signed:

Senator:

PATRICK of Oxford

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" (H-599)**.

Signed:

Senators:

MARTIN of Kennebec
TRAHAN of Lincoln

Representative:

SHAW of Standish

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-598)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-598)**.

Reports **READ**.

On motion by Senator **TRAHAN** of Lincoln, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-598)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-598) **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 Provide a Tax Credit for High-quality Child Care Sites"

H.P. 830 L.D. 1118

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

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford

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 "A" (H-597)**.

Signed:

Senator:
WOODBURY of Cumberland

Representatives:
BERRY of Bowdoinham
BRYANT of Windham
FLEMINGS of Bar Harbor
PILON of Saco

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

Reports **READ**.

Senator **TRAHAN** of Lincoln 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 PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Woodbury.

Senator **WOODBURY:** Thank you Mr. President. Senate colleagues, this bill deals with the child care tax credit. The title is not exactly correct. The title says to provide a tax credit for child care. In fact, we already have a tax credit for childcare. It's tax credit with a cost, ongoing, of about \$3.5 million. What the bill does is try to improve it. The way the current program works is there is a credit that is a certain percentage, I believe it's 25%, of the federal credit, but the amount is doubled for childcare if your child is going to a childcare provider that is determined to be a high quality provider. The Department of Health and Human Services currently has a series of criteria that provide a quality rating to childcare providers of 1, 2, 3, and 4. You are eligible, under the current program, to receive the additional credit, the larger credit amount, if your childcare provider is a level 4. The idea behind this, at least in part, is to encourage childcare providers to try to improve their quality, to adopt policies that improve their quality. What the bills does is, instead of the simple doubling if you go from level 1 to level 4, it provides an incrementally higher child credit for a level 2, a level 3, or a level 4. It makes more of a continuum as opposed to a jump. This whole thing has been calibrated to be budget neutral with the exception of a \$10,000 charge in the first year to reprogram the system. The credit itself is designed to be neutral. Again, this is to provide an incentive for a childcare provider that is currently at a quality level 1 to work hard to move to a quality level 2, a quality level 2 to work hard to move to a quality 3, and so forth rather than the way it works now it is much more this discontinuous jump. I think it's a positive change in a program that we already have, not a new tax credit. That's why I'm voting against the pending motion. Thank you, Mr. President.

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, as we all know, we don't invest adequately in early childhood education or early childhood quality care. I'm rising also in opposition to the pending motion. As I understand it, I have not seen the budget, as it was voted out last night, in the Health and Human Services Committee there was a cut for scholarships to educate quality early childhood educators and childcare providers. That would have allowed childcare providers to take extra classes or have extra certification and so forth to provide higher quality childcare. I think that this Minority Report would certainly be able to bolster some of the cuts that were taken out of the Fund for a Healthy Maine for quality childcare and would hope that we could defeat the pending motion and pass the Minority Report. Thank you, Mr. President.

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

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I did not even know this bill existed until it ended up on our calendar and I was completely shocked to see what a smart, strategic policy this could provide to our childcare sites across the state of Maine. As many of you know, at 5 years old, many of our students end up in kindergarten and one amazing stat is that usually around one-third of our kindergarten age students are unprepared for kindergarten. What that translates into going forward is that they, those little 5 year olds, are now somewhat behind the eight ball and we now spend enormous amounts of dollars on those children, all the way up through K-12 because they are catching up. They are catching up. There have been plenty of studies to show how the brain works and how the brain develops from 0 - 3. I rise also to really, really hope that we can reject this motion and go to the Minority Report. The last thing that I would say is that we have done a lot of good work in this Body and we've also passed a lot of tax credits. If this one doesn't rise to one that we vote on, I guess I'm concerned because it's a very solid, smart, strategic bill for young people across the state of Maine. Thank you, Mr. President.

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

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I don't think that anyone on the committee does not support high quality daycare. I don't think anybody on the committee would not support daycare centers getting assistance if they need it. I think what some of the committee members objected to was what might be considered a black mark on some daycare centers. Think about this for a moment. We're going to have a system by which some daycares, based on whether they want to achieve this quality center label, go out and aggressively seek it. If you are a larger daycare center, and you have the resources to seek it out, you can get this quality stamp. That's wonderful. For those others, you are going to have them at different levels. You are going to be saying to the public, "This one is only grade 3 or this one is only a grade 4." Shouldn't we be assisting all these centers to get a mark of quality? All on an equal playing field. If we develop a system by which we can assist all of these daycare centers to all be quality

centers that should be our goal. I think what we're doing with this kind of policy is we are creating some that can get a label based on their ability while others can not. What about a little small daycare center, with maybe one or two employees and eight or ten kids? I'll bet you that really close contact is what those kids need while they are growing and maturing. When you have this large daycare center with 50 kids, are they somehow better? I don't think so. I think we should measure each center on the actual quality of their work and we should create a system that is very fair for everybody and measure them all on an even playing field. That way the consumers, the parents, and the people who want to take their kids to these centers can measure them all on the same criteria, not based on their ability to seek out a credit. Thank you.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, now I'm confused on this bill because of the previous remarks made by the Senator from Lincoln, Senator Trahan. I'm sort of going to let you know what I believed about the legislation and then maybe somebody can tell where I'm misguided or on target. I understood that there were already four levels of daycare and they are already rated. What I believed from this was that right now we give all of the tax credit only to the top level, that's what I understood, and the reason people are in opposition to the pending motion is that we are just giving it to one chunk, one tax credit to the top level. The whole goal of a tax credit is to try to incent improvement. If you are at the lowest level you want to try to encourage them to go up a notch and then go up a notch again and up a notch again so they are at that top level. That is the goal, not of the pending motion, but if this pending motion failed, this would be the goal or what it would do. Now I just need clarification because if we're just giving it to the top level groups then the Senator from Lincoln, Senator Trahan, just made the argument to defeat the pending motion. If somebody could clarify that would be helpful.

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

Senator **TRAHAN:** Thank you Mr. President. I would love to clarify that point. Thank you to the Senator for giving me an opportunity to do it. Under your assumption, right now only the top are getting it. That means that everyone else is labeled as not a quality center. That is my whole point. We create these different levels where one gets a greater credit because it is somehow more quality. The whole point is that our goal should be high quality for every single one and to develop a standard policy for all. Measure them all using the same criteria. Make sure that every single child gets the same quality in that center. I'm just thinking that this policy, whether it was in existence before or not, I disagree with. What I'm saying is that we need to develop a much more fair and equally distributed policy for all daycare centers. That's my whole point.

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

Senator **WOODBURY:** Thank you Mr. President. I'd also like to respond to the question. Maine already has this evaluation

criteria, called Quality for ME. I'm just going to name some of the criteria that are used. Quality for Maine is a system for licensed childcare providers to have their quality assessed on a four step rating scale. Every step is an important measure based on the following criteria; licensing history, learning environment, program evaluations, staff development, administrative policies and procedures, family involvement, community resources, and child observations. Based on these criteria, this four level scale already exists and what this improved tax credit is trying to do is to recognize each of the incremental steps that a childcare provider can go through rather than just giving the supplemental credit to those who get all the way up to the level 4. It's just a more continuous incentive rather than incentive at the very highest step.

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

Senator **SCHNEIDER:** Thank you Mr. President. Just a question. I'd like to pose a question through the Chair, if I may.

THE PRESIDENT: The Senator may pose her question.

Senator **SCHNEIDER:** Thank you Mr. President. I see the Senator from Lincoln, Senator Trahan, isn't there, but anyways this is to anybody who may answer. The argument was that we shouldn't be sort of discriminating against the smaller ones. Wouldn't this actually help? By voting against the pending motion, wouldn't that actually help the smaller agencies or childcare organizations?

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

Senator **WOODBURY:** Thank you Mr. President. If I'm looking at the data correctly, it looks like there are about 500 childcare providers that are participating in the quality evaluation system; 325 of those providers are at level 1 right now. This would provide a little incentive, possibly, for those to move to a level 2. There are currently only 34 of the almost 500 who are at the level 4. Thank you.

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

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, may I pose a question back to the folks?

THE PRESIDENT: The Senator may pose his question.

Senator **TRAHAN:** Thank you Mr. President. My question to the Chamber is, can someone explain to me why quality daycare centers, as a whole, shouldn't be striving to improve their care to give a good service to the people that they serve instead of to get a credit or incentive? I think, folks, you will find that these daycare centers already are trying to provide the greatest service possible and they should be striving to do that for their customers, for the people that they serve, and not for a tax credit.

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

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'd be glad to answer that. I think this system was set up to ensure that when you, as a parent, bring your son or daughter to a childcare center you know what they are good at and what they are not good at. You know that they are all striving to get to a level 4. Before this system, from what I understand, it was just basically 500 centers across the state of Maine, or sites across the state of Maine, that had no rating system. You had no idea, as a consumer or as a parent, where that site was or what the quality was. Exactly what the Senator from Lincoln is asking for, that is why this system exists. Exactly what he is striving for, that is why this incentive program is smarter to have instead of having all of your chips in one basket, level 4. Why not have a little incentive in level 2? A little bit more incentive in level 3? A little bit more in level 4? The good Senator from Lincoln is spot on. You want to create a great childcare system across the state. Do this incentive program and reject the Majority Report. Thank you.

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

Senator **SCHNEIDER:** Thank you Mr. President. I also stand to answer the question of the Senator. I agree. I believe that the whole point of rejecting the pending motion is actually to encourage one step to the next step. Right now we just hand it all off to the organizations that have the funding to simply pay for professional development and that sort of thing. This is to actually help those littler sort of Mom and Pop kind of childcare providers. That's why I'm learning more and I apologize for not really understanding this fully. I think voting against the pending motion actually would help the smaller ones and that is why we do tax incentives, to assist in giving them some tools in their toolbox, to help them improve so the burden isn't quite as much on them to do that. I think that this is a good thing. Thank you, Mr. President.

THE PRESIDENT: 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 (#228)

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

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFKY, HILL, HOBBS, PATRICK, SCHNEIDER, SHERMAN, WOODBURY

EXCUSED: Senators: GOODALL, SULLIVAN

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **TRAHAN** of Lincoln 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 To Amend the Laws Governing Corporate Political Donations"

H.P. 493 L.D. 663

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

Signed:

Senators:

FARNHAM of Penobscot
PATRICK of Oxford
PLOWMAN of Penobscot

Representatives:

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

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

Signed:

Representatives:

CHIPMAN of Portland
RUSSELL of Portland

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

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

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

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1178

ORDERED, the Senate concurring, that when the House and Senate adjourn, the House does so until Tuesday, June 14, 2011, at 9:00 in the morning and the Senate does so until Monday, June 13, 2011, at the call of the President of the Senate.

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

READ and **PASSED**, 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:

ORDERS

Joint Order

On motion by Senator **THIBODEAU** of Waldo, the following Joint Order:

S.P. 518

ORDERED, the House concurring, that Bill, "An Act To Reduce Energy Prices for Maine Consumers," S.P. 501, L.D. 1570, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

READ and **PASSED**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

ENACTORS

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

Acts

An Act To Amend the Process of Federal Aviation Administration Airport Improvement Program Grants

H.P. 585 L.D. 778
(H "A" H-479 to C "A" H-193)

An Act To Provide a Temporary License To Operate a Public Dance Establishment

H.P. 645 L.D. 878
(H "A" H-578 to C "A" H-299)

An Act Regarding the Attendance of Attorneys at Individualized Education Program Team Meetings

H.P. 822 L.D. 1110
(CC "A" H-590)

An Act To Amend the Laws Concerning the Child Care Advisory Council and the Maine Children's Growth Council

H.P. 1093 L.D. 1486
(H "A" H-593)

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

An Act To Allow the Repayment of Improperly Awarded Workers' Compensation Benefits

S.P. 389 L.D. 1268
(C "A" S-124)

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm just going to quickly, and I can act quickly at times, just remind everyone that this is a bill that the testimony was that it only happens a few times every year and they are looking to help injured workers, who most likely do not have the ability to repay an improperly awarded claim. I would just ask you to vote in opposition to this bill. Thank you.

THE PRESIDENT: 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 (#229)

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

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

EXCUSED: Senators: GOODALL, SULLIVAN

23 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 2 Senators being excused, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Act

An Act Concerning Solid Waste Facility Citizen Advisory Committees

H.P. 522 L.D. 693
(H "A" H-500 to C "A" H-444)

Comes from the House, Bill and accompanying papers **COMMITTED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES**.

PASSED TO BE ENACTED and signed by the President, in **NON-CONCURRENCE**.

Sent down for concurrence.

Resolves

Resolve, To Amend the Rules Concerning Long-term Care Services To Better Support Family Caregivers

S.P. 232 L.D. 739
(H "A" H-518 to C "A" S-205)

Resolve, To Require the Commissioner of Labor To Convene a Stakeholder Group To Determine the Most Appropriate Amount of Time an Employer May Employ an Employee without Being Subject to Unemployment Compensation Requirements

H.P. 829 L.D. 1117
(C "A" H-271)

FINALLY PASSED and having been signed by the President 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:

ENACTORS

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

Emergency Measure

An Act To Encourage Fishing for Individuals with Disabilities

H.P. 825 L.D. 1113
(H "A" H-505 to C "A" H-382)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Encourage Prompt Payments by the State When It Contracts with Outside Agencies

H.P. 912 L.D. 1221
(C "A" H-389; H "B" H-594)

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

Emergency Measure

An Act Concerning Fees for Users of County Registries of Deeds

H.P. 1100 L.D. 1499
(S "A" S-280 to C "A" H-503)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Prohibit the Sale or Possession of So-called Bath Salts Containing Dangerous Synthetic Drugs

H.P. 1147 L.D. 1562
(C "A" H-586)

Senator **ROSEN** of Hancock moved the Bill and accompanying papers be placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

Senate at Ease.

Senate called to order by the President.

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

Acts

An Act To Foster Economic Development by Improving Administration of the Laws Governing Site Location of Development and Storm Water Management

S.P. 52 L.D. 159
(C "A" S-139)

An Act To Improve the Delivery of School Psychological Services to Children

S.P. 327 L.D. 1094
(C "A" S-279)

An Act To Fully Enfranchise Voters

H.P. 1087 L.D. 1478
(H "A" H-566 to C "A" H-508)

An Act To Regulate the Licensing and Oversight of Professional Investigators

H.P. 1148 L.D. 1563
(C "A" H-585)

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

An Act To Allow School Administrative Units and Educational Advisory Organizations To Participate in the State's Group Health Plan

S.P. 200 L.D. 619
(C "A" S-64)

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

An Act To Create Consistency and Fairness in Maine's Bottle Bill

H.P. 970 L.D. 1324
(S "A" S-275 to C "A" H-316)

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

An Act To Create Innovative Public School Zones and Innovative Public School Districts

S.P. 466 L.D. 1488
(C "A" S-277)

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

An Act To Ensure Accountability in State Contracts

S.P. 468 L.D. 1492
(S "A" S-278 to C "A" S-262)

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

An Act To Create a 6-year Statute of Limitations for Environmental Violations

S.P. 87 L.D. 281
(C "A" S-239)

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 (#230)

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

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFOSKY, HILL, HOBBS, WOODBURY

EXCUSED: Senators: GOODALL, SULLIVAN

23 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 2 Senators being excused, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Resolve

Resolve, Directing the Department of Administrative and Financial Services, Bureau of Revenue Services To Review the Farm and Open Space Tax Law

H.P. 848 L.D. 1142
(C "A" H-580)

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

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow Municipalities To Restrict the Possession of Firearms in Certain Circumstances"

S.P. 170 L.D. 578
(S "A" S-143)

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass** (4 members)

In Senate, June 8, 2011, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-143)**.

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

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

Sent down for 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 **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Establishing a Slot Machine Facility"

I.B. 1 L.D. 985

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-436)** (2 members)

In House, June 6, 2011, 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-436)**.

In Senate, June 9, 2011, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, **INSISTED**.

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

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Conform Maine's Estate Tax to the Federal Estate Tax"

S.P. 347 L.D. 1147
(S "B" S-217 to C "A" S-133)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-133)** (10 members)

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

In Senate, June 1, 2011, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-133) AS AMENDED BY SENATE AMENDMENT "B" (S-217)** thereto.

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

On motion by Senator **TRAHAN** of Lincoln, the Senate **RECEDED** and **CONCURRED**.

House Paper

Bill "An Act To Promote Rail Competition in Northern Maine"
(EMERGENCY)

H.P. 1133 L.D. 1544

Presented by Representative FITTS of Pittsfield.
Cosponsored by Senator: COLLINS of York, Representatives:
CEBRA of Naples, MAZUREK of Rockland, PEOPLES of
Westbrook.

Committee on **TRANSPORTATION** suggested and ordered
printed.

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

On motion by Senator **COURTNEY** of York, **TABLED** until Later
in Today's Session, pending **REFERENCE.**

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **STATE AND LOCAL
GOVERNMENT** on Bill "An Act To Modify the Requirements for
Municipal Code Enforcement Officer Training"
H.P. 840 L.D. 1128

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

Signed:

Senators:

THOMAS of Somerset
COLLINS of York
SULLIVAN of York

Representatives:

COTTA of China
BOLAND of Sanford
BOLDUC of Auburn
CASAVANT of Biddeford
CELLI of Brewer
GRAHAM of North Yarmouth
HARVELL of Farmington
KAENRATH of South Portland
TURNER of Burlington

The Minority of the same Committee on the same subject
reported that the same **Ought To Pass as Amended by
Committee Amendment "A" (H-601).**

Signed:

Representative:

MOULTON of York

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

Reports **READ.**

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act
Regarding the Recognition of Corporate Entities for Tax
Purposes"

H.P. 432 L.D. 549

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-335).**

Signed:

Senator:

TRAHAN of Lincoln

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 Not To Pass.**

Signed:

Representatives:

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

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

Reports **READ.**

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

ENACTORS

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

Act

An Act Relating to Concealed Firearms Locked in Vehicles
H.P. 28 L.D. 35
(C "A" H-422)

On motion by Senator **SAVIELLO** of Franklin, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-422)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-422), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-298) to Committee Amendment "A" (H-422) **READ**.

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

Senator **SAVIELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, this amendment simply recognizes that if an employer has in fact a policy that says no weapons on their property, which includes the parking lot, there would be no weapons allowed. If one does not have such a policy, then, as we have already passed in L.D. 35, they would be allowed to have them. In fact, if there was any enforcement action against those individuals having their weapon on the site when there is no policy, that would not be grounds for firing. Thank you very much, Mr. President.

Senator **COURTNEY** of York moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-298) to Committee Amendment "A" (H-422).

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#231)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, JACKSON, KATZ, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, ROSEN, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFSKY, HASTINGS, HILL, HOBBS, RECTOR, SAVIELLO, SCHNEIDER, WOODBURY

ABSENT: Senator: LANGLEY

EXCUSED: Senators: GOODALL, SULLIVAN

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent and 2 Senators being excused, the motion by Senator **COURTNEY** of York to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-298) to Committee Amendment "A" (H-422), **PREVAILED**.

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 (#232)

YEAS: Senators: COLLINS, COURTNEY, HASTINGS, JACKSON, KATZ, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, ROSEN, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFSKY, HILL, HOBBS, RECTOR, SAVIELLO, SCHNEIDER, WOODBURY

ABSENT: Senator: LANGLEY

EXCUSED: Senators: GOODALL, SULLIVAN

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent and 2 Senators being excused, Committee Amendment "A" (H-422) **ADOPTED**, in concurrence.

PASSED TO BE ENACTED and having been signed by the President 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:

REPORTS OF COMMITTEES

**Senate
Ought to Pass As Amended**

Senator **HASTINGS** for the Committee on **JUDICIARY** on Bill "An Act To Amend the Child and Family Services and Child Protection Act"

S.P. 352 L.D. 1152

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-294)**.

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

READ ONCE.

Committee Amendment "A" (S-294) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect Young Children from Sex Offenses"

S.P. 357 L.D. 1182

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

Signed:

Senator:
GERZOFSKY of Cumberland

Representatives:
PLUMMER of Windham
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" (S-295)**.

Signed:

Senators:
MASON of Androscoggin
WHITTEMORE of Somerset

Representatives:
BLODGETT of Augusta
BURNS of Whiting

Reports **READ**.

Senator **MASON** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report. On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **MASON** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (6/9/11) Assigned matter:

HOUSE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-490)** (7 members)

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

Tabled - June 9, 2011, by Senator **MASON** of Androscoggin

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

(In House, June 6, 2011, 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)**.)

(In Senate, June 6, 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: The Chair recognizes the Senator from Cumberland, Senator **Alfond**.

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise in opposition of the Ought to Pass motion and I'd like to share a couple of reasons why this report was divided. This bill would allow any student that goes to a religious or private school that has 30 students or less to go to any one of our public schools and enjoy all of the extracurricular activities or cocurricular activities that the public school offers. The challenge has become this, in my opinion, there are a couple of things that I think I've learned up here that you really don't want to touch. One is how you treat animals. The other is high school sports. Let's talk about high school sports. In this Body almost every session we all get all of our championship teams up here and we all celebrate them. It's really exciting and I can talk about a team in Portland winning a championship or we hear about a team from Oxford County or a team from Lincoln County. It's terrific. What this possibly, and probably, will do is that now you will have private and religious school students coming into our public schools and changing the dynamics of our high school sports. Some of you who don't have children might not think this is a big deal, but for communities that love their sport teams this is a huge deal. A huge deal. All of a sudden recruitment of religious students and private school students will start happening and will start influencing our high school sports.

Now let's take it to another level. You are a parent of a high school student. You have 12 spots on the JV team or the varsity team. Your daughter or son loves the game of basketball. They

have played with their teammates all the way through K-8 and their freshman year they played on the freshman team. All of a sudden, in their sophomore year, they want to play on the JV team. There are 12 spots. All of a sudden two or three new students come into that school. Those students happen to be good basketball players. All of a sudden your young daughter or son, in this bill, probably would not have a spot on that team. There are only 12 spots. These three students coming in from a religious school are good athletes. They are going to play on that basketball team. Whether it is at the varsity level or JV level, there are only 12 spots. Our schools can't carry endless numbers of students on each team. I worry about that family. I worry about that family and our K-12 schools that, all of a sudden, their son or daughter is going to come home and say, "Mom, Dad, I'm not on the JV team. I'm not on the varsity team this year because three new students came into our school. They are very good athletes and I am no longer on this team." I think that's a very troubling possibility and one that I don't support.

There are a couple of other things that I might get to later, but with that I hope that this Body rejects the current pending motion and moves onto the Ought Not to Pass. Thank you, Mr. President.

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, I find it really appalling that we wouldn't want all kids to participate in our sports. These kids that live in these communities, their parents pay taxes. In life it is often said that sports are an analogy for life. We learn a lot of life lessons through sports. Having been part of two professional sports organizations, I can tell you that this is true. In life we don't give out participation awards. If you are good enough to play on the team, you get to play on the team. That's the way it works. I find that this argument just doesn't hold water. It was mentioned about recruitment. Right now a school, if they have a private school in their community, according to the MPA, can contract with that private school and allow the private school kids to play sports with that local public school. The problem is that the private school has kids from all over the place that come there. If we want to talk about recruiting, this bill will stop that. These kids will have to play in the community that they live in. If I had a kid they would play for Lisbon. They wouldn't be able to play for another school far away if I decided to send them to private school. I think that this would actually help stop a lot of recruiting. Right now, if you home school your child, they can participate in your local town's sports program. How is that any different? It's not. It's exactly the same. I can think of a couple of kids on my local football team that are home schooled. Actually, one of them just happens to be the captain of that football team. This notion that these outsiders are going to come in and disrupt the whole dynamic of a team just doesn't hold up. I would hope that you would all vote with me today and accept the Majority Ought to Pass Report. Thank you, Mr. President.

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

Senator **PLOWMAN:** Thank you Mr. President. Men and women of the Senate, school teams belong to communities. When I go to the local football game I can't believe how many people there are

there to cheer on the team, not even having one child on the team. They just know that, as part of the community, they show up. I'm going to tell you, when I get my tax bill every year, and everyone else in Hampden does, it shows right on my bill that 85% of my tax dollars goes to my schools and so do my three children. The family next door, their kids don't go to that school. They go to a private school. Eighty-five percent of their tax dollars go to that school to support that community. I don't see the difference between a home school child and a child who goes to another school. They are all children of the community and everybody's parents, in one way or another, through rent or through owning their own home, pays into the school district. Sports are for children, no matter their race, creed, or color. To discriminate against them, as a member of the community, by saying, "You don't belong here because you didn't pick the public school," just doesn't seem right to me. It's an awful lot of money that goes from my neighbors to supporting my children in their education and we offer them nothing, no help, no tax deduction, no tax credit, but we also say to them, "Your kids don't belong in our community and can't stand up and wear the jersey of our town's community." It just doesn't seem right. Thank you, Mr. President.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I've really struggled with this bill. I started talking with people about it because of the fairness issue. It occurred to me that public school children cannot go to private schools for their activities. Now we're asking for private school people to be allowed to go in and potentially take spots of public school kids. I think that there is some sense of community involvement with regard to the team aspect. It is very interesting because I've always found that when it comes to the sort of enthusiasm behind the teams, it is linked to the school. If you have kids who are from outside the school playing on the team, their allegiance is really to the private school. It's not to the school. They are not enthusiastic or playing for that school spirit. They are just coming in because they want to have that activity. Also the tax thing really doesn't hold for me because I pay taxes and I don't expect to be able to send somebody, a niece or whatever, into the public schools to participate. I know that I pay taxes because it's to the benefit to all kids, even though I don't have children in the schools.

There is a decision that is made by parents if they take their kids out of the public school system. It is different than home schooling. There is absolutely a big difference. You are taking your children from the public schools into a private school environment. You are saying that the public schools are not where your children are to be educated. You don't want them to be a part of that community, that school community. I really struggled with this, but I realize that there is a sense that you should be allowed to get the spots on the team if you go to the school. It would be egregious if somebody came in and said, "Well, our kids are going to a private school because we don't think that this is the place for our children for whatever reason and we want to be able to come in and potentially take those spots away from the kids that go to that school and have that school spirit." To me, it is about community. It's great when people turn out in communities and support teams even if they don't have kids there. If I was a parent sending my kid to a public

school and my next door neighbor is sending their child to a private school, and the private school kid comes in and takes those spots away from the kids who are at the school, participating in all of the things that go on at that school, it seems to me that they should get preferential treatment and that they should be able to participate.

There is a difference between home schooling. The home schoolers don't have a school environment with other kids. The private school kids do have an environment with other kids. They do have that socialization activity. The parents have made a decision, a very thoughtful, I'm sure, decision, to take their kids and put them into the private school versus the public school environment. Because of that choice, they don't get the things that are at the public schools. They made that choice. I struggled with this a little bit, but when I started talking to parents and I think they would be really upset if all of a sudden a kid comes in from a private school and said, "I want to play because I don't have this opportunity at my private school and, therefore, your kid is getting kicked off of the team." I just don't think that is right. I hope you will vote against the pending motion.

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

Senator **WOODBURY:** Thank you Mr. President. May I pose two questions through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **WOODBURY:** Thank you Mr. President. My two questions, the first question is, and I think I understand from the bill but I would just like it to be clarified; this is only allowing the students in private schools to participate in the athletic program of a school that they would otherwise be entitled to go to. In other words, in their own district, not any school. If that is true, it strikes me it deals with this recruitment issue that came up earlier in the debate, but I'd just like it to be confirmed. The student could go to that public school if they were not going to the private school. The second question deals with the number 30 students in the entire school. If this is a high school, with four grades, we're talking about a senior class of seven students. These are very, very small schools. My question is; how was the number 30 arrived at?

THE PRESIDENT: The Senator from Cumberland, Senator Woodbury poses two questions through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Mason.

Senator **MASON:** Thank you Mr. President. In an attempt to answer the questions. Yes, this would allow them to participate in the community that they live in, that they reside in. The number 30, I can't answer that part of your question because I don't know.

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

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, two quick final points. First, in current law, small private schools that are members of the Maine Principal Association already have the opportunity through a cooperative individual policy to practice and compete along side a

local public school, but still representing the private school. There are already these arrangements that can happen in law. The second piece is that the interesting part, to me, about this bill is that these schools, private or religious schools, don't want to pay the Maine Principal Association for their students. They are asking to come into our schools, our public schools, but they don't want to pay to play sports or band or theater or whatever. We have focused a lot on sports here, but that's any cocurricular activity that is offered by that school that the student coming into the school would like to participate in. Thank you, Mr. President.

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

Senator **MASON:** Thank you Mr. President. I just have to stand up and say I really resent this battle of them and us. These are our public schools. The State of Maine's public schools. All these kids are asking for is an opportunity to participate. There are many reasons why people send their children to private schools. Their parents have made the decision to send them to a private school, but there are many, many, many reasons for that. I just think it is very reasonable to allow them to be part of their local public school's athletic offerings. This is very reasonable. This is not outside the mainstream. The MPA will get their dues through the public school that they play for, for the per child allotment that is due the MPA. Nobody's going to get ripped off by this. I can't think of anything else to say right now, so I'm going to sit down. Thank you, Mr. President.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#233)

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

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DILL, GERZOFISKY, HILL, HOBBS, JACKSON, PATRICK, SCHNEIDER

EXCUSED: Senators: GOODALL, LANGLEY, SAVIELLO, SULLIVAN

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 4 Senators being excused, the motion by Senator **MASON** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

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

On motion by Senator **MASON** of Androscoggin, Senate Amendment "A" (S-293) to Committee Amendment "A" (H-490) **READ**.

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, this amendment simply turns this into an option for the school district. The "must" is removed, basically. It strips the bill of the 30 student limit from the private school and extends it to all private schools who are not members of the Maine Principal Association.

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: The Chair recognizes the Senator from Cumberland, Senator Alfond.

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I was very proud of myself not to have introduced the argument of a slippery slope in the first part of the bill, but this amendment clarifies, illustrates, and showcases what I thought could happen. I thought maybe it was actually going to happen a year from now or two years from now, but it happened two minutes from the passage of the original bill. I would urge folks now to reconsider what this will mean now that any private or religious school, regardless of the size, to come into the public schools and do any of the cocurricular or extracurricular activities for the same points that I made before. Thank you, Mr. President. Please reject this motion.

On motion by Senator **SCHNEIDER** of Penobscot, **TABLED** until Later in Today's Session, pending the motion by Senator **MASON** of Androscoggin to **ADOPT** Senate Amendment "A" (S-293) to Committee Amendment "A" (H-490). Roll Call Ordered

The Chair laid before the Senate the following Tabled and Later (6/8/11) Assigned matter:

An Act To Restore the White-tailed Deer Population and Improve Maine's Wildlife Economy and Heritage

S.P. 502 L.D. 1569
(C "A" S-256)

Tabled - June 8, 2011, by Senator **COURTNEY** of York

Pending - **ENACTMENT**, in concurrence (Roll Call Ordered)

(In Senate, June 7, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-256).**)

(In House, June 8, 2011, **PASSED TO BE ENACTED.**)

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

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, it seems nice to rise to say something nice and to talk about a bill that so many people have worked together on to achieve a unanimous committee report. I'll give you a little history of this bill. This bill started even before this session began. It encompassed subcommittee meetings and a correlation group that met periodically, with one mission and that mission was to restore our deer herd. I don't think it's any secret that our deer population has collapsed. Our economy reflects it. Some areas of the state rely on a healthy deer herd for a good portion of their economy. So many people enjoy seeing wildlife. This bill, I think, is very important for rural Maine. Without getting into details of the bill, I wanted to rise and thank the President for his leadership on this matter. He sponsored this legislation, has monitored it very closely, and had great input in it. I think it is truly a good example of what we can do when we work together. I just wanted to rise and point that out. Thank you, Mr. President.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#234)

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

NAYS: Senators: None

EXCUSED: Senators: GOODALL, LANGLEY, SAVIELLO, SULLIVAN

31 Senators having voted in the affirmative and no Senator having voted in the negative, with 4 Senators being excused, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease.

Senate called to order by the President.

ROLL CALL (#235)

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

An Act To Preserve the Integrity of the Voter Registration and Election Process

H.P. 1015 L.D. 1376

Tabled - June 10, 2011, by Senator **COURTNEY** of York

Pending - **ENACTMENT**, in concurrence (Roll Call Ordered)

(In Senate, June 8, 2011, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, June 9, 2011, **PASSED TO BE ENACTED**.)

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

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I would just like to pose an idea. There are four members of this Body who are not here tonight. Four members who have been excused by the President so obviously they are not here for good reasons. I think all four of them have passionate feelings about this bill. I would think it would be appropriate that we, as a Body, consider tabling this until Monday so those four could participate. I know I've debated it so I can't make that motion but my sense is that I don't see a reason why we would have to do it tonight, that they should have a full opportunity to discuss this. Thank you, Mr. President.

Senator **HOBBINS** of York moved to **TABLE 1** Legislative Day, pending **ENACTMENT**, in concurrence.

On motion by Senator **COURTNEY** of York, 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.

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, DIAMOND, DILL, FARNHAM, GOODALL, HOBBINS, JACKSON, KATZ, PLOWMAN, SCHNEIDER, WOODBURY

NAYS: Senators: COLLINS, CRAVEN, GERZOFISKY, HILL, LANGLEY, MASON, MCCORMICK, PATRICK, RECTOR, ROSEN, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, COURTNEY, THE PRESIDENT - KEVIN L. RAYE

EXCUSED: Senators: HASTINGS, MARTIN, SAVIELLO, SULLIVAN

13 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 4 Senators being excused, the motion by Senator **HOBBINS** of York to **TABLE 1** Legislative Day, pending **ENACTMENT**, in concurrence, **FAILED**.

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

Senator **BARTLETT:** Thank you Mr. President. When we first took this bill up we started the day by talking about some very bad press around this bill. There were some statements that were made that were very incendiary. I asked at the time if there were any members who supported this bill who would stand up and repudiate those comments. So far no one has. The debate is not over. I hope somebody will because, whether you support this or not, to simply let slide accusations that one party or another has stolen elections for years is unacceptable. I would hope that we can all at least recognize, collectively, that this is not acceptable. It's not what the bill is about. It should be an easy request to fulfill. I'm now troubled, as we end the night, with bad process, in my opinion. We have four members who are not here, all of whom have been excused for legitimate reasons. They are deprived of the opportunity to vote Enactment on an extraordinarily significant bill. We've debated this with passion because it is an enormous change in Maine's election law. If you believe it is the right change, you should argue passionately for it and hopefully all members would have an opportunity to voice their opinion on that very significant change. We all know the vote tally was 18-17. If any one member who supported it has a change of heart tonight by voting with those four members absent we will change the outcome. Maybe that's not going to happen. Man, if it did what would people think? We've had a long session and we have what looks like another week to go. We're going to be dealing with extraordinarily difficult issues. It is sad to me that we are kicking off our final week, essentially heading into the final week, on a note like this, where somebody who has been lobbying for a bill has attacked the party, accused us of stealing our elections and not being here legitimately, and having four members not have an opportunity to vote on this historic legislation. I really hope before this debate is over that any member supporting this could articulate their views with respect to these outrageous comments that have appeared in the press. Thank you, Mr. President.

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

Senator PLOWMAN: Thank you Mr. President. Men and women of the Senate, I don't want to repeat everything I said earlier, but I did want to reiterate why the bill was necessary. None of it, none of the reasons I spoke about, were the ones that were mentioned in the press. I already said, and it's on the record, that I am not pleased. The Chair of the Republican Party does not speak for the members who vote here. As for process, the rules say we have to have a quorum of the 35 that were here. There is a quorum present. At this time of year, for different reasons, different people decide where they need to be. I can tell you that in past years excuses were not given freely or if ever. The Presiding Officer has been very generous when very many people have made personal choices not to be here are excused rather than showing as absent. Today is June 10th. Statutory adjournment is next Wednesday. Statutory adjournment is process. Voting is process. Yes, there are members absent. Tomorrow will be a different batch, or Monday. People will come and go as they feel that they need to for family purposes, health purposes, or official legislative business. We cannot hold up votes in order to make sure 35 people are here, which is why the rules provide that we can operate under a quorum. We have not broken process. We addressed the question that was asked. We are ready to vote and we have much business to transact before next Wednesday when we are due to adjourn. I would remind you that every day that we are here past adjournment we begin to cost the state more money. They are counting on us to get work done. They don't care if we have to stay late. They don't care if we have to come in early. Frankly, they do think we talk too much. Thank you, Mr. President.

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

Senator SCHNEIDER: Thank you Mr. President. Men and women of the Senate, I'm a little disappointed that the Senator from Lincoln, Senator Trahan, is not sitting in his seat only because when we tabled this bill and then recessed we were in the middle of discussing this issue. He made a number of statements that I wanted to talk about. One of them was that he said our election system was in chaos. That really concerned me because I, on Election Day, make it a point to start early in my Senate District and go around to the different polling places. I start in Veazie and I go to Orono and Old Town and Howland and I end up in Lincoln in the end. I can assure you that not only have I never seen chaos in any of the times that I've run and, in fact, when I've voted I've never seen chaos when I have voted in any election. In fact, quite to the contrary, I have absolutely seen things run beautifully. I tip my hat to the people who put so much time, effort, and energy into the election system. Perhaps for the Senator from Lincoln, Senator Trahan, his clerks have done a really poor job and his district is chaos because apparently he must have seen that chaos. Maybe that's his experience, but that is not my experience. In fact, having spoken with colleagues, that's not their experience at all. We all are very complimentary to those who serve us and the clerks and all the people who give their time to the election process. Even in the most difficult, the biggest turnout, we saw a wonderful job in 2008. It's just amazing how they handled it and did a terrific job. I wanted to speak to that notion that our election system is in chaos. It's just not so, at

least not in my Senate District, having witnessed that first hand. Again, I want to thank my clerks for the outstanding job that they do. In no way do I want them to think that I view their work in any other way but just beautiful work.

The other issue is that we need to fix it and fix our system. I go back to what the Senator from York, Senator Sullivan, previously said about fixing it and fixing it and fixing it until it's broken. That's what we're about to do here tonight. We're about to break a really good system and make it less accessible to people. I wanted to just say that it's not broken. Nobody's said it's broken. The notion about lack of integrity, by saying we need to fix the integrity of our system or keep the integrity, implies that we have not had integrity in our system. This is also totally false. In fact, I'd like to read from this article, "Which brings us to Maine's central voting registration system, a data base that since 2007 has served as an electoral clearinghouse for every municipal nook and cranny in Maine. Put simply, if you dare vote twice in the same election in this state, this system is going to catch you. Don't believe me? Then take a look at what the Secretary of State himself had to say back in January when he boasted to the Legislature's Veterans and Legal Affairs Committee that the system had helped election officials smoothly administer a very busy and closely watched election in November. 'Our primary objective has been to seamlessly implement a reliable system that facilitates the voter's registration process and assures the accuracy and integrity of Maine's elections,' Summers told lawmakers." Our own Secretary of State. That was then, as they say in the article. Apparently everything has gone to Hell in a handbasket today. I don't believe it.

Now about the buses. We have a major change under the dome in who is in the Majority. I'm just wondering, what happened to all of our buses? Apparently our buses didn't get there for a lot of our members. I'm wondering what happened? We didn't do a very good job at stealing the election did we? Technology. We shouldn't be going back. Technologically the younger people are becoming more and more on-line based communicators. The notion that now we have improved technology so that we cannot have same day voter registration is just ridiculous. Our clerks don't want this. They don't want to eliminate people from same day registration. They know that they are going to hear from people and I don't believe the people of Maine want this. Turning back the clock 38 years to something that is worse, so we can be worse and align ourselves to have a worse system than other states. We're the envy of the country. We have great voter turnout. Nichole Wells, Director of Maine League of Young Voters, called the elimination of the same day registration act "Voter suppression" by the Republicans and said her group is considering, among other things, a referendum campaign aimed at restoring an important part of Maine's electoral process. The people should rise up, if we pass this, and say no. I hope, hope, hope that they do because it is just absolutely an affront to our democracy, as is voting tonight, in my opinion, when we have members missing. I truly believe that this will be viewed by the people of Maine as moving this along. Yes, we have time and we all know we have time. We can do this on Monday. Absolutely. The reason that I speak so passionately over and over and over again is because I know that in my heart of hearts that this is wrong and there are some who will look in the mirror and have real problems with this later on down the line. This was a bi-partisan effort to make our democracy more accessible to people and we're going to rip the rug right out from

under people. It's absolutely turning the clock backwards to a worse system when we have the technology to do better. I urge defeat of the pending motion and I hope we don't pass this. Should we, I hope the energy of the people of Maine give us the signal that by taking on a citizens initiative to undo this horrible change. 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, I want to just, for one moment, focus on the unfunded mandate issue. If you recall, the Senator from Lincoln, Senator Trahan, gave us an elaborate and very helpful explanation about how this new bill with its new process is going to address a very significant and important problem. I ask you, if this new process that's going to enable our clerks in our towns to address this very significant problem that some believe, voter fraud, busing, and all that sort of thing, if this brand new process doesn't sound like it's going to expand or modify a town's activities so as to necessitate additional expenditures from local revenues. Do you really believe that this solution, as great as it sounds, to solve this significant problem is not going to cost our towns, not one town, one dollar? I don't think so. I think we're kidding ourselves. We didn't pass the order that would have had the justices answer the question. However, I would alert you to the fact that there is a pending request to our Attorney General. He is, by statute, obligated to give us a written opinion. I assume that, in his efforts to be helpful, he will issue that opinion very promptly. Perhaps not tonight but certainly, I would imagine, in the next day or so. If you have any question in your mind that this is a mandate it strikes me that voting on this tonight is not a good idea. Again, I just read from the section of the Constitution about State Mandates. It's just, in my view, so obvious that this is an unfunded mandate and that we are going to face significant controversy and expense because we're not doing what we need to do when there is an unfunded mandate. Thank you, Mr. President.

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

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I also object to this bill being run tonight. I strongly will be in opposition for many reasons that my colleagues have already stated. One thing that I guess is troubling to me is that I guess it just confuses me that it's just one party that's concerned about the fiscal implications for our towns. I mean if you go by the antidotes; Democrats, we spend, we're big government, and the Republicans are fiscally conservative, they want to make sure their fiscally responsible. I'm just so confused about this mandate question and how it's just one side of the aisle that's concerned about our local communities. We also talk about local control and how this is so important to our communities. Yet we are now on the verge of passing the cost to every one of our communities. I guess it's only one side of the aisle that's concerned because I haven't heard anyone from that side of the aisle come up, pop up, be concerned. Maybe the Senators that joined us, the Democrats, maybe that is some of their concerns. I don't understand why it's just one part of the Body that's concerned about the fiscal implications of this. I don't understand the rush of why we're doing this tonight when we

have an Attorney General who has not weighed in on the fiscal mandate. From what I understand, the 15th is the statutory adjournment. It's the 10th. Bringing this up on Monday or Tuesday, after that decision is made by the Attorney General, I think is smart. I think that is why people elect us to come up here, to not rush through things, not ramrod things through. I don't understand why we are so insistent that at 7:20 on a Friday night we need to be doing this.

I'm also very concerned about the cost. Not about the cost just to our local communities, but also about that our Secretary of State has put forth to educate Maine voters; \$2,400 to \$2,900 to educate the entire state. I did a little math. Just to do a mailer, just to one of our Senate districts, costs \$2,400. This is just a mailer. If we're going to take this bill seriously then you would think we would try to educate the state of Maine about this massive change that is going to occur to all of our communities. In January we have local races for school committees and we have local races for town councils. This law will be the law of the land and we have \$2,400 to educate everyone in five months. I know maybe us talking a lot and standing here longer will get more newspapers to print more stuff about it. Maybe that will educate them a little bit, but I don't think everyone reads the newspapers and maybe not everyone is on the internet. There are going to be many, many people who show up in November and get turned away.

We've also heard a lot this session about how maybe the Democrats didn't listen to people enough. The people have spoken. Well, I want to read some comments that have come in about this bill. "I've worked in voter registration in this state. I've also lived out of the state where advance registration is required. Our system is far more fair and inclusive, particularly now where it is possible to track information given instantly by computers. There is no justification for fixing what is not broken." That's from Augusta, Maine. "This bill is presented as a tool for preventing voter fraud after a couple of cases in 30 years that have been reported but by effectively disenfranchising thousands of voters this bill is voter fraud on steroids." That was from Lewiston, Maine. "Voter rights are not for you to tamper with. Everyone should be able to vote. There is no reason to change the tradition. Why would you not want to get more people to register to vote? Is that not what this country is founded on? Our right to do so." That was from Monmouth, Maine. "While the comments contained in this e-mail are reactionary and every bit as partisan as the motivations which allowed this initiative to begin, I must inform you that as a lifelong citizen of Maine, this is a heinous act. Democracy itself requires every person who has the right to vote to be allowed to vote and this is an attempt to put barriers in the way to the very foundations of government. It harkens back to a time in our history from which I hoped we had learned our lessons. To think that our Maine people, good people, would support this kind of new-age gerrymandering is very short sighted. It's politically inept. Let people speak. Let our democracy work." I could go on and on and on but I think the people are speaking. I don't think this Body is listening and I really urge you all to vote against the current motion. Thank you, Mr. President.

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

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, just real quickly. I wanted to correct the

record. I think my clerks in my towns do a terrific job. When I spoke of the chaotic conditions inside of the ballot area I was just speaking of the chaos that is created around Election Day. I don't like my words being twisted so I wanted to correct the record. I can tell you from my experience that we have lines that go out the door. We usually have each party with their people checking, watching. We usually have people that are milling about. We have people that have petitions that are getting signatures. The atmosphere itself is what I meant by chaotic. A lot of pressure for the clerks. I thought that easing up that pressure would be a good thing. I don't want the record to show that I have any ill feelings towards my clerks. I think they are tremendous professionals and I think they do a wonderful job. I just wanted the record to show that.

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

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I think we've probably beaten this old horse quite a bit, it's 7:25. I spent eight years of my life working on elections in the state of Maine and had a chance, an opportunity, and really an honor, to travel around the state and look at a lot of and observe a lot of town clerks and wardens and how they run all of their elections. When someone speaks of fraud that does hit a little bit of a raw nerve with me because I think everybody works so hard to make sure that the process was not fraudulent. The process itself is a self-policing process. You have people who are candidates. You have the wardens and you have the campaign supporters. You have all these people who are watching each other. They call the Secretary of State probably 1,000 or 1,500 times on Election Day because they all want to report somebody in for doing something. Cars too close. Got a bumper sticker on this car. This person is talking to candidates. You hear all of these things. You hear all of these things so people are watching each other. I don't really believe that the fraud issue really plays out. It was mentioned about ballotgate. That was the longest ten years of my life and it was only about ten months. That had nothing to do with same day registration. It had nothing to do with anything that any law abiding person would get involved with. That was all about people breaking into the room where ballots were kept. I would say that as a result of that we have a much improved system so these things have a way of playing out in an improved way. No matter who we are, what we think, what we say tonight, all of us, no matter what we do, can't deny what the bottom line will be. The bottom line will be thousands of people will not be able to vote at the next election as they expect to when they go to the polls. Whether we support this bill or we don't, that's the bottom line. Thousands, maybe tens of thousands, of people will be turned away. That's a fact. Same day registration has been one of Maine's shining lights and I truly believe this bill is going to turn off that light. Thank you, Mr. President.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I want to talk a little bit about the fraud aspect myself and some of the things I heard. One or two of the things that I will say is there is a lot of cockamamie antidotal evidence that keeps cropping up as to all

the fraud that goes on. I've heard some of the wildest stories in my life dealing with this. Antidotal stories. If half the antidotal stories were true there would prisons full of felons. I cannot, for the life of me, understand how anyone would drive around in a van, going from place to place to vote, and telling somebody. Any American I know would have turned those guys into the police. I've heard lots of these stories. Stories. I want to hear the truth. I want to have the facts presented to me. From what I've heard on this committee, year after year after year, there were two cases. Two cases of fraud. What happens, ladies and gentlemen, when antidotal stories get told? It really messes up the total integrity of what is going on. It's the same thing as a farmer who spreads manure on his field one day. Then he comes back another day. Then he comes back another day. Then he comes back another day and wonders why he can't plant any crops because it burns everything. It takes everything. There are think-tanks throughout the United States of America that have spent billions of dollars coming up with these ideas on how we ruin a good idea. Billions of dollars coming up with how to frame issues, how to make issues, how to pass a bill, how to make things bad, and how to make people say to themselves "Oh my goodness, the general public is going to think the world is coming to an end because there is fraud." Rampant fraud is just everywhere. That's disgusting. They use these think-tanks on everything under the sun. They use these cockamamie antidotal stories. That's why we got ourselves into wars. Another Al Qaida cell is around the neighborhood.

I will thank the good Senator from Lincoln, Senator Trahan, for explaining his process for the election because mine is the same thing. I stand here every day and everyone said to me, "You must be nuts because you stay there from an hour before they open until 8 o'clock at night and then you wait for the results." Never once did I see anything that resembled fraud. I did say, and I did testify, that I did see people leave that place because they tried to register that day and they got turned away because they didn't have the proper credentials. I'll tell you again that some of these people, all went away mad. Some of them came back, but because they had to jump through that small hoop they stopped voting and they stopped voting for life. That's what happens when we disenfranchise people.

What I'd like to do is talk for about 37 minutes, but I'm not going to because I think I made my point. The last thing I'll say is that right next to that new sign that we put up on the turnpike that Maine welcomes business will be another sign on the turnpike that says "Welcome to Maine, after 38 years we took away our citizen's right to register to vote on Election Day because our election clerks were too busy." That's going to be shameful because the clerks, when they testified, every one of them, ladies and gentlemen, said, "We don't want to disenfranchise anyone." Ms. Dubois from Bangor was the best witness for us. She wanted a little bit of help with the absentee issue. She spoke to the folks. The absentee issue. We were willing to help them out but she says, as a representative for all the clerks in the state of Maine, do not take away same day registration because they do not want to disenfranchise one voter in the state of Maine. Not one voter. By golly this bill is going to do a lot more than disenfranchise one, it's going to disenfranchise thousands of them and I'm going to be so proud to vote against this bill on enactment. Thank you, Mr. President.

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

Senator **WOODBURY**: Thank you Mr. President. Senate colleagues, friends, since I first registered to vote myself I've always loved Election Day. I love going to the polls. I love the feeling of engaging in the democratic process. I've always wished that Election Day were a national holiday just because the feeling is so much like you're doing something that's the core of what our country is about. Since getting into politics I've loved standing at the polls all day long because then I'm not only participating in the democratic process by myself, I'm sharing that experience and that feeling with my community. I shake hands as people go by. Some of them I know, some of them I don't know. Some I'm sure support me, some of I'm sure don't. I love the experience of seeing them all. We had a discussion the other day, this afternoon, and tonight about a lot of things, some of which are I think are fundamental, and some of which are perhaps secondary. The discussion as to whether this bill is a mandate. If it's a mandate then we should pay for the mandate. Is there an advantage to this bill to one party over the other? Well, if there is than that advantage happens. If there is fraud then to what extent is there fraud? If there is fraud then we should identify it and prosecute it. All those things are relevant to this and important to have in the discussion, but it's not the core point. The core point is that voting is at the very heart of our principles of democracy. I want to encourage and facilitate participation as much as possible, not discourage it. That's why I'm so saddened by what this legislature is about to do. I have to say that I'm saddened a bit that we're doing it while missing four people who I know would like to weigh in on this vote. This bill, to me, is just not right and I urge you to vote against it. 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 Cumberland, Senator Gerzofsky.

Senator **GERZOFSKY**: Thank you Mr. President. Ladies and gentlemen of the Senate, I finally get up and speak tonight and there is hardly anybody here to hear me. Well, maybe they'll hear me at home because it ain't going to be quiet because I'm very, very sad. This is a sad evening to me. When we started this session off I had such great hopes. We had new people coming here. We had new people for the first time participating in our great democracy as elected officials. People that had been in the Minority for a while were going to have the opportunity to be in the Majority and would see what the difference was. A little bit more work involved. You might say a lot more work. I had great hopes when we came here in January. As I said yesterday, it was snowing outside and chilly, downright cold for most of it. Watching the session wane on, the first act was to do away with the committee that had been started in this state in the 1800's,

the Committee on Labor. I made a comment then about the perception of lifting your leg on the working people of the state of Maine. Some people didn't like that comment and I actually thought myself that maybe that was going a little bit overboard. We had plenty of months to get it back together. I have, throughout my career, tried my best and was successful, somewhat, to work across the aisle on some very important legislation. People in this room, on both sides of the aisle, have worked on good legislation. I know the current President of the Senate and I, not only this year, worked on some pretty good legislation together. We've done it in the past, whether I was in the other Body or in this Body. The President Pro Tem and I have been seatmates and had darned few arguments, but we've argued passionately when we had them and we still smile at each other. What saddens me tonight is the great hope that I thought in January after hearing the voters of Maine and, to be honest, around the country say in a very loud voice, "We're were sick and tired of partisan bologna. We want you people to go to work and we want you to work together." People can walk out of this room tonight if they don't want to hear the truth. That's fine with me. My voice isn't going to get lower because you're doing it, it'll get louder and louder and louder and louder. Mr. President, I'm sorry I'm yelling.

Senate at Ease.

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 Cumberland, Senator Gerzofsky.

Senator **GERZOFSKY**: Thank you Mr. President. I apologize and you know I do. I will address the Chair. I'm here to rock and roll and I know you are. You are absolutely right. Address the Chair, the President.

I am saddened that this is what this session is winding up in the final week of session. On a hot night, 7:30 or 7:40, dealing in an extremely partisan manner when we came here with the people's instructions to work for their interests. Preventing same day registration is not in the best interest of the people. Coming here to work on the important issues of the day takes two parties working together. You can't do it with just one. God knows it hasn't ever worked and it's not going to work. We need to somehow find a way to remember that the 20 year old stories of these mystery buses floating around the state of Maine that nobody can ever find, Mr. President Pro Tem, isn't the way to try to craft legislation. Talking about ballotgate, an issue that happened a long time ago and people were actually apprehended and went to jail over it, showed that the system worked then and it works better now. I heard the word cockamamie used in here tonight. It's one of my favorite expressions because that is really where we are disintegrating into. When we came here to do the people's business the people were pretty loud and clear about what that business was. It was about the economy. It was about education. It was about their jobs. Health insurance. We all got the same message. I don't think that any district is any different than another. Some might be more pro guns, some might be less

pro guns, so we got to spend a couple of days dealing with guns. Some districts might be a little bit affluent than others, so we tried to balance that out a little bit. We had a rather long discussion about the fetus, born or unborn. I don't know anybody that ran on most of those issues. I think we all ran on healthcare. I think we all ran on the economy. The debates I had in Brunswick had to do with trying to create jobs at the naval air station and we were successful. We had a good beginning. That's because this Body got together in a bi-partisan manner over the last five years of putting bills together and gave us the tools to do that. That was done bi-partisanly. The President of the Senate, the then Minority Leader, was very involved in trying to work out the tools that we needed. There was a lot of reaching across the aisle. When a piece of legislation comes in that's so totally partisan as this piece of legislation and is held when members of this Body are in hospitals with wives that are extremely ill and members that are ill themselves and we can't wait until Monday I find it very disturbing. Yes, I raised my voice. I raised my voice when I hear that total silence, the total silence, from the other side of the aisle when we talk about issues of this importance. It just boils down to cockamamie ideas about buses flying around the state of Maine, dropping off voters willy-nilly. I'll tell you, they didn't go to John Nutting's district and I'll assure they didn't come to Stan Gerzofsky's district. I doubt very much that they came to any district. If they did there would be a different government in the state of Maine because it seems to me, Mr. President Pro Tem, that these buses were all sent out with blue paint on them. It doesn't seem to me that there are many blue shirts in here but I see an awful lot of red ones tonight. You know how slow I am. It took me until tonight to figure out what that was all about. I never saw this building as blue or red. I always thought this building was maroon, a little bit of blue and red. Mr. President, I'll sit down now. I apologize deeply, from the bottom of my heart, about breaking our rules because I love this Body so and I'm very sorry if I offended anybody with the tone of my voice or the direction it was aimed but it's out of sincere compassion for the voters of the state of Maine. They sent us here to do a job and we're really not doing it. Thank you, Mr. President, for your time.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you Mr. President. I want to preface my remarks by responding to the comments of the Senator from Cumberland, Senator Gerzofsky. The red shirts that you see on Senators and on staff are part of Red Shirt Friday. Red Shirt Friday is a movement that I'm under the impression has been shared with Senators of both sides of the aisle and others well beyond this Chamber and this building to honor our soldiers inspired by a young man, a young American soldier, who, while terribly wounded and as his blood soaked his shirt red, carried wounded comrades to safety. In response to that, there is a movement on college campuses and workplaces and public places all across this country to wear a red shirt on Friday in solidarity with our men and women in uniform. I'm sorry that you misinterpreted that. I understand you weren't aware of it, but I couldn't not let the record reflect that.

This has been a long and difficult debate. Let me address several of the issues that have been raised. On any given day members of this Body have other responsibilities, conflicts, or appointments that may take them away from here. Particularly at this time of year, members who are not here are aware that we

are literally in the final days of session, the last week of session, and bills that are on the calendar can come up. We know that any bill can come up. Despite that, as the Senator from Cumberland mentioned, one of our colleagues is away from here for a period of time because of his wife's illness, something for which we have all been in solidarity with him and in prayer for his wife's recovery. Despite disagreements like this that happen on this floor that sometimes do divide us along party lines, the fact of the matter is we love each other here as human beings and as individuals and as friends, even when we vote differently on issues. As the Presiding Officer I have accommodated our friend by making sure that he has been excused from every vote while he's at his wife's side. I would point out that it was not that long ago in this Chamber when a previous Presiding Officer refused to excuse the votes of a Senator who sat at the bedside of his wife as she died from cancer. When I hear the rhetoric and the hyperbole and the criticism coming tonight about the outrage that we would act and move on and do our business because some Senators have a conflict, I'm left a little bit perplexed.

As for the underlying issue, the bill we are debating, to listen to this debate one would think that we were on the verge of taking away a God given right, carved on the tablet by Moses as the eleventh commandment, or something enshrined in the Constitution. No, what we are talking about here tonight is hardly the outrage that has been portrayed. It is, Mr. President, a proposal that would make Maine the 43rd state in the nation to require people to register in advance of Election Day. What an abomination. These expressions of indignation, I heard the good Senator from Cumberland, Senator Alford, read into the record that it is a heinous act. A heinous act. Give me a break. If this were such a heinous act, if this were such an outrage, if this was such a disenfranchisement of the right to vote, 42 other states would have revoked long ago. No, through administrations and legislatures, both Democratic and Republican, they still require people to register in advance of Election Day. The Senator from Penobscot, Senator Schneider, said that we are the envy of the country. I stood up there just a little while ago and heard that we are the envy of the country. If that is the case then why after 38 years have 42 states opted not to embrace and become what they so envy? Perhaps because it's not so. If we are talking about turn-out I would say we're the envy of the country when it comes to turn-out. Guess what? History shows we were the envy of the country when it came to turn-out long before we had Election Day registration. That is something Maine people take pride in. They participate in their democracy. It has nothing to do with Election Day registration. This bill disenfranchises no one. I repeat, despite the rhetoric and the claims and the repetition and the condemnation, this bill disenfranchises not a single Maine person from voting. Not one person is prevented from registering or voting. Voter drives will continue. People will continue to register. People will continue to follow the rules. People the established rules to do it. There is some responsibility that comes with citizenship. We have to follow rules. We have to have a driver's license to drive a car. We have to refrain from texting when driving a car. I mean, look at the books in that cabinet up there and look at the statutes of all the things that we have to do as responsible citizens. I don't think it's asking too much of any Maine person to follow the rules, the rules that are followed by the voters of 42 other states all across these great United States of America. I don't think the people who live in those 42 states believe that they live under a repressive regime which denies them their right to vote because they have a right to vote.

Good people can and do disagree. It happens here all the time. It happens across party lines. It happens within the same caucus. I have never believed for a moment, and I still don't, that any one Senator lacks integrity because he or she may disagree with me, no matter the issue. I'm pro choice. Many of my colleagues are pro life. We respect each other's positions and we move on. What I hear tonight, what I have heard throughout this entire debate as I have sat up there unable to participate is a sense of indignation and outrage that, frankly, puzzles me because I look out across this great country, a beacon of democracy around the world, and I'm not aware of protests or people saying they are denied their right to vote, a God given right that we Americans have, that we exercise. America is the envy of the world but many of these people across the country live under exactly what's proposed by this bill. Whether you are for or against it, that's fine. People can come down on one side or the other for a variety of reasons. The suggestion, when I hear about disenfranchisement, you are suggesting, Mr. President, if I understand it correctly, that all those people who register on Election Day would otherwise not register and not participate. We have nothing to base that on. That is a specious argument. That is to say that only because they can register on Election Day do people vote. You can go into any one year or any number of voters and pick it out and say, "Well that 500 voters right there will be disenfranchised." No they won't. Of course they won't. They will be able to register to vote, just as their counterparts in 42 other states do.

I understand passions rise and you know what, that's a good thing. That's a good thing. It's good that we all care. It's good because you wouldn't want people here who don't care. What disturbs me about this particular debate is the animosity I feel from those people who are opposed to this measure towards those of us who support it. The suggestion that what lies beneath it is something mean spirited or nefarious, I can tell you, as I stand here before this entire Senate, Mr. President, there is nothing mean spirited or nefarious about why I believe this is the right thing to do. I believe that this is a reasonable proposal that lies well within the mainstream of the American democratic tradition and we need look any further than the 42 other states who already conduct their elections and their voter registration in this way. Mr. President, while people continue to debate and make their points, I hope that a little bit of the edge of the animosity and sort of what seems to me to be a very personal anger directed at those of us on the other side of the issue will come down just a notch because it's unwarranted and it's unfortunate. I hope that everybody here can respect and understand as I do, Mr. President, for the people who are on the opposite side of this issue and other issues from me that each of us possesses integrity and each believes in certain principles that are important to us, but that does not mean that those who disagree are any less principled or have any less integrity or have any less good intentions.

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, it's no fun at all that the previous speaker has knocked the wind out of my sails and have everything being real tepid and calm now. I'm going to stand up and be very nice. It seems to me that there is no value added. I stand, actually, in opposition to the motion because I feel that there is no value

added with the passage of L.D. 1376. I think that it's an expensive proposition and that it really will disenfranchise people. I think it's a distraction from getting out to vote and having people really participate. I think that it's going to create disruptions everywhere in every polling place. I do want to list some of the organizations that are in opposition to this measure. The AARP is in opposition. The Disabilities Rights, Equality Maine, Homeless Voices for Justice, the League of Women Voters, the League of Young Voters, the Maine Civil Liberties Union, the Maine's Peoples Alliance, Maine's Women Lobby, and Preble Street Resource Center. Those are only a few of the organizations that have voiced their opposition to this bill and so do I. I think that it is a sad day, that we are rolling back and creating yet another barrier for our constituents. 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, you all can thank the Senator from Lincoln, Senator Trahan, for my getting up yet again on this particular piece of legislation. When he described Election Day, the chaos of Election Day, with a line for voting and he described the whole set up with people taking people voting and people with petitions and so on and people talking. I guess he was referring to exit polling, I'm assuming. That's just the normal Election Day. That's just what Election Day is. I don't consider that chaos. I'm not really sure he was saying what he meant by chaos. I'm not sure if he meant it was chaotic or it wasn't chaotic, but on Election Day once in a while there are lines because people are waiting in line to vote. That's a good thing because that means people are turning out to vote. In fact, when I go to the polls and there are lines of people at the polls and the clerks checking people off, they are happy when it's busy. They want big turn-outs. They honor Election Day, that's why they are volunteering that day. Crowds are good things. Crowds are not a bad thing on Election Day.

There was something said earlier, and I'm not sure who said it. They talked about our troops and about sort of the sanctity of voting and defending the ballot box. I think that is exactly why there is so much passion from us on this issue because, like our troops are protecting our freedoms and the ballot box, so too do I feel that we are on this issue. We're defending the right to register on the day of voting and I think that this is precious. The notion that all these other states are not allowing same day registration and that somehow we should follow them, well our symbol is *Dirigo*, I lead. I don't think we should be following and doing things in a way that is taking us back 38 years. Why did we allow same day registration in the first place, in a bi-partisan effort? Why? It was to increase voter participation. How can we say it's not going to decrease voter participation? The notion of a beacon of democracy. Exactly. Today we have that and I feel that this beacon is going to be somewhat dimmed. Will it prevent people from voting? I believe it will prevent those people who forgot, who did not plan, who want to express themselves at the polls, they will be prevented from voting. Yes, we are going to stop people from voting by passing this. Absolutely. We wouldn't have passed this 38 years ago if we thought that somehow it was not going to increase voter participation. There are passionate pleas here, passionate about sticking up for the citizens of Maine, for those people who may not plan so well but who still want to participate in our election process on the day of the election.

They may have moved, or they may have forgotten to register. Why, why do we want to stop them from voting? I suppose the reason why, it's become exceedingly testy here, is that we all know, everybody on both sides of the aisle know full well that this is a national item, a national agenda, issue. That's what is frustrating, because we don't like that here in Maine. We want to work together. That's the frustration because when we came here, and I believe that in part the reason why people changed, was that they felt that we were not listening to them. I would submit that this bill is exactly the kind of bill that the people of Maine are going to look at and frown vigorously at and say, "Why are you wasting time on undoing something that has worked for 38 years? Jobs and the economy are what you people should be working on down there." Jobs and the economy, not undoing the rights of citizens to register and to vote on Election Day. That's why there is such passion. That's why there's such sadness. I really believe that this is something that we've done right and we are the envy of the rest of the country on this issue, on voter turnout. We've done it really well for a really long time and our clerks have done it really well for a really long time. That's why we debate and we debate and we ask for roll calls and we ask for rolls calls again because we think it is so wrong. Will I respect people tomorrow on the other side of the aisle? Sure, I don't carry around these things. I know that we will probably lose. Do I think that this is wrong? Absolutely. I don't think we'll be respected for sending this along and voting in favor of this. This takes away the rights of people. It doesn't improve upon them. With that, hopefully somebody will not inspire me once again to rise from my seat, but if they do I can assure you I will voice my thoughts and concerns once again. 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 really wish that the Senate President was in here. I hope he can hear me. I think a lot of what he said was quite accurate, but I guess the issue that I rise for is that he talked about 42 other states not doing this, not having same day registration, and that may be so. I don't know what the history is of those 42 states are. Maybe they had it at some time. Maybe they didn't. From what I gather, they probably never did have it. I think that's quite different than having it for 38 years and then taking it away. I think that's where my big indignation comes from, the fact that people are going to be really caught off guard by this next election. I don't see it any different than if we changed the speed limit from 65 down to 55 on the interstate and didn't tell anyone about it. There would be a lot of people that would be getting caught by that for a while until they understood that the law had changed. I think that's what's going to happen here in the next election. We can talk about letting people know and all that, but I guarantee you that a majority of people won't know and the \$2,400 that the Secretary of State has got to do it with is not going to make a bit of difference in letting people know. Besides that, we've taken, again, the absentee ballots on Saturday which is going to be a huge problem. I'd just like to say that when I came here nine years ago, I thought that this was the place that if you spoke honestly and spoke about things that were true and in your heart you could make changes and make a difference. I don't see that really anymore in this place. I don't know if I've become cynical or what.

I know that when I was very young my mother, who is only 16 years older than me, and I kind of grew up together. I can remember in 1972 she didn't have a car and my father was off working. We walked down to the polling place and she registered to vote and voted for Richard Nixon. I can remember being just four years old and asking who she voted for. I don't really know why but I can remember standing in that booth with the curtain and standing in there with her and really not understanding it but her telling me she voted for Richard Nixon. Years later, in 1988, when George Bush, the first, was running. I was 20 years old. She lives in Allagash where I did. She said, "Hey, you want to go down and vote?" I had never really thought of it until then. I figured ya, I'll go. I went in and they asked me who did I want to vote for. No, they asked me what party I wanted to be in. I had it in my head that I was going to vote for George Bush because he had some connections to Maine. I thought that was probably a good thing, so I said I wanted to be Republican. I wanted to vote for George Bush. I registered right there and voted for George Bush. I stayed that way for years. Later on, whenever I had a true interest in getting into politics, I ran for the legislature. I ran in a district that had a college in it. I stood at the polls all day long, as I have ever since then, and I never saw any buses show up. I stood there and it's almost embarrassing to say that I've stood there as a Republican and I've stood there as an Independent and I've stood there as a Democrat. Not once did I see a bus show up that was coming for me or coming against me. I guess I don't know if it's indignation or what, but it's a real worry about what we're about to do here. I don't understand what the problem is. I really, really don't. I haven't seen it. I know with everything that there are people that violate stuff. I understand that they do. I mean that there's nothing that we can do to make sure that everyone does everything perfectly legal, but I didn't see this as being a big, big issue. I honestly have to tell you that I think that we're causing a real, real problem here. Maybe in a couple of election cycles people will understand that. I think that the clerks in the state of Maine understand what they are in for in at least the first one. This is going to be a real problem. Like I said the other day, if we had never had this, obviously, it wouldn't be a problem, if we hadn't done it for 38 years. People just come to expect that now. They've come to expect that if they move they can go in and register on that day. They've come to expect that if they have kids that turned 18 they can take them in and register them that day. At least in my district, they've come to expect on Saturdays that they go in for absentee. I think, like I said, I'm going to sit down and I'm not going to get up again. I just think that, this isn't being partisan or anything, people are going to be sorry for this. I really, really do. Maybe it would be better for me to say go ahead and do it and we'll pick up the pieces and I'll be back on that side of the aisle in two years. I just think that people are going to be sorry and that's too bad because people in Maine are going to suffer.

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

Senator **PATRICK:** Thank you Mr. President. First of all I would like to thank the Senator from Washington, Senator Raye, for enlightening us on the red shirt issue. I didn't get the memo and if anyone knows anything about me, I wear a pink or purple shirt every Thursday since I think it was 2003 or 2004 in the other Body because that is for breast cancer awareness. I thank him for that. I am now enlightened and I will get a red shirt and I don't

mind because the issue is the important thing. I don't have an aversion to red.

Looking at this issue I wonder what is the real overwhelming benefit and the purpose and the gain for the state of Maine? We hear it's fraud, one of the issues. I think I definitely disagree with that, that it is a fraudulent system because there are always cases of illegalities in any law in the state of Maine. What I will say is, listening to the Senator from Washington, Senator Raye, I disagree with his statement. I think it's actually poppycock to think that nobody is going to be disenfranchised by taking away the right to register on Election Day because I, personally not antidotal, saw people disenfranchised from voting on Election Day because they didn't have the proper identification and our standards are fairly low. What this boils down to really is the American lifestyle. I will tell you that my lifestyle now, Mr. President, has changed since the day I was 18 and I'm not going to tell you who I voted for when I was age 18 because that was in 1972 as well. Evidently I'm a little bit older than my colleague from the North. Our lifestyles are so busy. I will say once again that I was invited by the Senator from Aroostook, Senator Jackson, to go to fish in the International Muskie Derby in Fort Kent. When I got there I realized I hadn't registered. As I said once before, thank God for MOSES, because I was able to register on-line and participate in that tournament. I'm not going to tell people they've got to change. I'd like to see them change. I'd like to see someone register as the Senator from Bangor said like her children did when they turned 18 because it should be the pride of every American. In Israel every single person has to spend two years in the military because of their national pride. Yet we in America, because of our lifestyles being so busy for so many foolish reasons in a lot of respects that I look at but is very important reasons to them, we forget. When you have someone that's on minimum wage working three jobs to survive, if they move from one town to the other are they going to remember? Is that going to be a priority on their list? No. There are a million excuses why people just wait until the last to register. Under any circumstance, it's become maybe not a right, but it's been theorized in their own minds that they are able to do this and they like this and it's important to them. I do think a lot of people will be disenfranchised. I think it's an important political issue and I wish it wasn't because, like others have said, I think it should be totally bi-partisan.

I will also say about the Senator from Washington, Senator Raye, that I do thank him because I do tend, like the Senator from Brunswick, to put everything into what I believe in 100% and I do tend to carry my voice a little bit louder myself. I will say one thing to all my colleagues in the Senate, I respect each and every one of you and each and every one of your opinions. Totally ethical. Totally moral. I have no question with that. There are times when I am totally disgusted with people on both sides of the aisle and it's probably more times with people on my side of the aisle, if it was ever really known. That doesn't matter. What the issue is is what are we, as Americans, doing? We have a busy lifestyle. We do things that are more self-gratifying. We put off the things that are our responsibility. What happens in the state of Maine is that we vote and the reason, I think, that I don't want to become the 43rd state to do away with same day voter registration is because the 8 states that have same day voter registration right now are amongst the highest and Maine has been in the top five and usually in the top three. That's a good thing to strive for. Mr. President, ladies and gentlemen of the Senate, I would really hope that you would think whole heartedly

and vote Ought Not to Pass on this Enactment vote. I just want to thank you for the opportunity to have a civil debate with a lower voice tone as well as others. Thank you, Mr. President.

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, thank you all for being here. It's nice to have an audience. I will be brief because I'm so respectful of all, you that are here to listen to me. I will be very brief. Besides, the Bruins are playing, Mr. President, so I think we need to take that into mind.

I did want to just make a couple of responses, Mr. President, about the Senator from Washington, Senator Raye, and his comments which were, I think, appropriate to kind of tone down things although I need to say that I did not sense anger. I sensed a lot of passion. Frankly, the good Senator from Cumberland, Senator Gerzofsky, probably doesn't have a mean bone in his body. He was so quick to apologize and I think everyone knew that. I think it was just the passion that people carry on both sides of this issue. I would also say about Charlie Webster, I've known Charlie Webster for a long time. I knew him when he was a Democrat, Mr. President. I knew him when we got him to run for the House of Representatives and I helped him win his election. He's not mean either. What he said though was difficult for many Democrats to have that blanket thrown over everyone with that suggestion. I think that's the issue that we really want to get out, we don't feel that it was appropriate, but, again, I don't think Charlie was mean for a second. I think that's just the way he is sometimes.

The disenfranchisement that was the issue that the Senator from Washington, Senator Raye, brought up, I think that is an issue. I know he said it wasn't one but I really think it is. I think the proof of that will be on Election Day when people are told they are not going to be able to vote. I think that's one of the things, probably the biggest thing, that bothers me is that big change in our election laws when that happens.

Senator **PATRICK** of Oxford rose to a **POINT OF ORDER** as to whether there was a Quorum present.

The Chair **RULED** that a Quorum Call would be ordered if deemed necessary.

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

Senator **DIAMOND:** Thank you, Mr. President. I think they are listening somehow. I do not want to drag this out but I would say when it comes to the sense of indignation that the good Senator from Washington, Senator Raye, spoke of and the outrage, I think that will be seen on Election Day itself. There is that shock factor that is going to happen. I think we need to be ready for that because to simply tell the people to follow the rules is not going to be enough because they won't understand that. Again, I think the tone of this has come where it should. I think there are some sincere positions on both sides of this issue and I do think that, in fact, we will have an issue to deal with come election time. I would hope that we could turn this around but I suspect we won't. Thank you for your time, Mr. President.

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

Senator **PATRICK:** Thank you Mr. President. As the speaker is sitting down now I would now ascertain as to whether or not there is a Quorum in the Senate Chamber.

THE PRESIDENT PRO TEM: The Senator from Oxford has suggested that there is the absence of a quorum. I don't think there is much of a quorum issue any more. The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **McCORMICK:** Thank you Mr. President. Men and women of the Senate, I wish I'd been counting the last couple of days to see how many times we've heard that support for this bill, which I am fully in support of, is somehow disenfranchising voters. I can assure you my support for this bill in no way is intended to disenfranchise any voters. We've heard a number of times how many thousands of people will be prevented from voting on this bill. Again, I can assure you I have no intention of limiting anybody from voting. I guess I have more confidence in the voters of this state than my colleagues in that those people who wish to vote will know the rules, they'll follow the rules, and they will vote. I was in the military for 23 years. Even though I could have registered and voted in many of the states I lived in I chose not to. Maine was my residence. I paid my taxes in Maine. I voted in Maine. That required me to know what the rules were. When are the elections? How many days before the election are the absentee ballots available? How many days do I have to make sure I get the ballot to me, wherever I am, and get it back in time to be counted? If you want to vote you'll find out what the rules are. I have more confidence in the people of this state than some of you apparently. I do admit for the first cycle it will incumbent on a lot of us and I guarantee my mailers that go to every residence in my district will include information about what the procedure will be if they choose to vote on Election Day. That doesn't include anyone who votes early and there are increasingly more of those every year who walk in and vote early. This won't impact them. It won't impact absentee voters. This bill simply will require people to know the rules and, if they choose to vote on Election Day, to be registered a couple of days before that. The people of New York know the rules. For them it's 30 days. The people of Massachusetts know the rules. For them it's 20 days. For us it will be two. That is a change, but I think it's something people can handle. I've heard a number of times about antidotal evidence and people complaining about antidotal evidence were presenting antidotal evidence, in particular that none of the clerks want this. I can assure you of the 11 municipalities I represent, and spend all of Election Day with, there will be at least five of those clerks cheering that they do not have to deal with the burden of these same day registrations and they admittedly say they cannot provide the same level of check that they do when it's not Election Day. I can provide phone numbers if certain members wish to validate that. I think this is not a bad deal. It is definitely a change and it will be up to us and many others to explain that change to people. We're not out of line with most other states. My support for this is certainly dependent on keeping people from voting. Thank you very much, Mr. President.

THE PRESIDENT PRO TEM: The Senator from Oxford, Senator Patrick, requests unanimous consent of the Senate to address

the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, the representative of the Clerk's Association testified that basically the clerks did not want to see same day voter registration stopped, but they did testify that they needed some help with the absentee ballot issue. Even though I didn't agree with even fixing that, I understand that we can do something to make it better. The one question that I did ask the clerks what was the issue that they were having? I actually brought up about a mill shut down. I understand what it takes in manpower manning a mill shut down, just like any manufacturing plant, you have to have shut downs. I asked the clerks. I think everybody on the committee was very appreciative of the effort that they put forth both in testifying and the work they do. Basically what came forth when I asked the question is that in a lot of municipalities it is that they are understaffed because their municipalities are unwilling, as good Americans, to give them the funds to better staff their elections. To me, I think that's unconscionable because the idea of not giving them enough funds to have the proper staffing does create a problem. Realistically that is something I hope that through the testimony that comes out that more towns that are a little bit frugal with their dollars will come forth. We've always been willing to look at pilot projects to try to make things better and to come up with ideas that increase the participation on elections, not decrease participation on elections. I will say again that I do believe there will be disenfranchisement and that I do believe that moving the date back, as my colleague said, in certain municipalities that do have absentee ballots on Saturday will create a huge problem. Going back 21 days to register, whether its two days or one day or 20 days will definitely create a problem with some people. As the numbers I brought forth in other days; 18,000 people on Election Day last year, I think it was 4,600 Democrats, 1,700 Greens, 4,400 Republicans, and 7,700 unenrolled registered on the last day. If those numbers keep bearing out and half of those people don't get to register on those days it's going to be a shame if one person doesn't get to vote because we backed things back and took away their right to go on Election Day. I would thank you for the opportunity to speak a third time briefly.

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 (#236)

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

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

On motion by Senator **PLOWMAN** of Penobscot, **ADJOURNED**, pursuant to the Joint Order, to Monday, June 13, 2011, at 3:00 in the afternoon.

EXCUSED: Senators: GOODALL, LANGLEY, SAVIELLO, SULLIVAN

17 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 4 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.

Senate at Ease.

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

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

Senator **RAYE** of Washington 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.

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

Senator **RECTOR** of Knox was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

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