

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Fifth Legislature
State of Maine

Daily Edition

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January 4, 2012 to May 31, 2012

Pages 1594 - 2357

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

In Senate Chamber
Wednesday
March 28, 2012

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

Prayer by Pastor Carol Stevens of Rumford United Methodist Church.

PASTOR STEVENS: Good morning. This is an honor. Thank you. Let us be in the spirit of prayer. God of us all, we give You thanks for those gathered here who are giving their service to our state. They have answered the call to work together to fashion laws that are right and just. Bless now all who are gathered here. Infuse them with the gift of discernment. Grant them wisdom and vision to use their power for the greater good. Instill in all the patience and desire for cooperation. To those who debate here, grant clarity of thought. Bless those who make the decisions with the courage for truth. Keep ever before us the broken places of our life together, places of despair and disappointment. Set our ears to hear the cries of the poor. Set our eyes to see the needs of the sick. Set our hearts to beat in rhythm with Yours. Blend us with all people of good will, both in this place and beyond, in order that this state may be a signal of hope and promise. All this we humbly pray, to You, our Creator, our Redeemer, and Sustainer. Amen.

Pledge of Allegiance led by Senator Seth A. Goodall of Sagadahoc County.

Reading of the Journal of Tuesday, March 27, 2012.

Doctor of the day, Dr. Elisabeth Fowlie-Mock, MD, MPH, FAAFP of Holden.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Limit Health Care Mandates"

H.P. 649 L.D. 882

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-723)** (7 members)

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

In House, March 12, 2012, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-723)**.

In Senate, March 26, 2012, Reports **READ**. Bill and accompanying papers **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**, in **NON-CONCURRENCE**.

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

On motion by Senator **COURTNEY** of York, the Senate **INSISTED**.

COMMUNICATIONS

The Following Communication: S.C. 797

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

March 26, 2012

The Honorable Kevin L. Raye
President of the Senate of Maine
125th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 125th Maine Legislature, the Joint Standing Committee on State and Local Government has had under consideration the nomination of Abigail C. Yacoben of West Bath, for appointment to the State Civil Service Appeals Board.

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

YEAS Senators 1 Thomas of Somerset
 Representatives 7 Cotta of China, Boland of
 Sanford, Casavant of
 Biddeford, Graham of North
 Yarmouth, Harvell of
 Farmington, Moulton of York,
 Turner of Burlington

NAYS 0

ABSENT 5 Rep. Bolduc of Auburn, Rep.
 Cebra of Naples, Sen. Collins
 of York, Rep. Kaenrath of
 South Portland, Sen. Sullivan
 of York

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN,
 COLLINS, COURTNEY, CRAVEN, DIAMOND,
 DILL, FARNHAM, GERZOFISKY, GOODALL,
 HASTINGS, HILL, HOBBS, JACKSON,
 JOHNSON, KATZ, LANGLEY, MARTIN, MASON,
 MCCORMICK, PATRICK, PLOWMAN, RECTOR,
 ROSEN, SAVIELLO, SCHNEIDER, SHERMAN,
 SNOWE-MELLO, THOMAS, WHITTEMORE,
 WOODBURY, THE PRESIDENT - KEVIN L. RAYE

ABSENT: Senator: SULLIVAN
 EXCUSED: Senator: THIBODEAU

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Abigail C. Yacoben** of West Bath for appointment to the State Civil Service Appeals Board was **CONFIRMED**.

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

Eight members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Abigail C. Yacoben of West Bath, for appointment to the State Civil Service Appeals Board be confirmed.

Signed,
 S/Douglas A. Thomas
 Senate Chair
 S/H. David Cotta
 House Chair

READ and ORDERED PLACED ON FILE.

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

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 125th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#399)

YEAS: Senators: None

The Following Communication: S.C. 798

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

March 26, 2012

The Honorable Kevin L. Raye
 President of the Senate of Maine
 125th Maine Legislature
 State House
 Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 125th Maine Legislature, the Joint Standing Committee on State and Local Government has had under consideration the nomination of Robert W. Bower, Jr. of Cumberland, for appointment to the State Civil Service Appeals Board.

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

YEAS Senators 1 Thomas of Somerset
 Representatives 7 Cotta of China, Boland of
 Sanford, Casavant of
 Biddeford, Graham of North
 Yarmouth, Harvell of
 Farmington, Moulton of York,
 Turner of Burlington



NAYS 0

ABSENT 5 Rep. Bolduc of Auburn, Rep. Cebra of Naples, Sen. Collins of York, Rep. Kaenrath of South Portland, Sen. Sullivan of York

Eight members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Robert W. Bower, Jr. of Cumberland, for appointment to the State Civil Service Appeals Board be confirmed.

Signed,

S/Douglas A. Thomas
Senate Chair

S/H. David Cotta
House Chair

READ and ORDERED: PLACED ON FILE.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 125th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#400)

YEAS: Senators: None

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

ABSENT: Senator: SULLIVAN

EXCUSED: Senator: THIBODEAU

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Robert W. Bower, Jr.** of Cumberland for appointment to the State Civil Service Appeals Board was **CONFIRMED**.

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

The President requested the Sergeant-At-Arms escort the Senator from Kennebec, Senator **MARTIN** 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 **THOMAS H. MARTIN, JR.** of Kennebec County.

The Following Communication: H.C. 347

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

March 27, 2012

The Honorable Joseph G. Carleton, Jr.
Secretary of the Senate
125th Maine Legislature
Augusta, Maine 04333

Dear Secretary Carleton:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Amend the Law Regarding the Sale of Wood Pellets" (H.P. 1219) (L.D. 1610)(EMERGENCY).

Representative WEAVER of York
Representative HARMON of Palermo
Representative PILON of Saco

Sincerely,

S/Heather J.R. Priest
Clerk of the House

READ and ORDERED PLACED ON FILE.

Senate at Ease.

Senate called to order by President Pro Tem **THOMAS H. MARTIN, JR.** of Kennebec County.

ORDERS

Joint Order

On motion by Senator **PATRICK** of Oxford, the following Joint Order:

S.P. 677

ORDERED, the House concurring, that the Joint Standing Committee on Veterans and Legal Affairs shall report out, to the Senate, a Bill, "An Act To Ensure That the Responsibilities of a Constitutional Officer Are Not Compromised When the Constitutional Officer Is a Candidate for Office."

READ.

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

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

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

Senator **PATRICK:** Thank you Mr. President. Colleagues in the Senate, friends, I brought this issue forward partly politically but partly from the standpoint as a blue collar worker in the state of Maine who has mostly blue collar workers, tax paying workers, in Oxford County. This issue, I think, should have been before us many times in the past because the Constitutional Officers running for higher office, while not illegal, is a real perception problem. I really think it is. What are the Constitutional Officers in actuality? They are actually CEOs of their division of State government. My CEO, my mill manager, actually said to me, "John, the only value you have to me in this company is if you are on the job working." I actually accept that because he actually probably is right. I think he's wrong. I could go into why he's wrong, but that's his choice to do that. In the rules in the private sector, the working rules state that I cannot use their telephone, I cannot use their copying machine, and I can't do anything other than do my job on the job or I could be fired, up to and including discharge. Looking at the correlation of that, I'm sure my CEO, mill manager Gerry, is paid a fine wage. I'm hoping it's up in the \$200,000 range because he has a multi-billion dollar paper mill to run. Well these CEOs, our Constitutional Officers, are paid, I'm not sure exactly, \$80,000 or \$100,000 or more of taxpayer money to do their job as the AG, the Treasurer, and the Secretary of State. I want to thank the good Senator from Franklin for sending the information that there have been five Constitutional Officers that ran. As I said, it's not illegal but I think there is a perception problem. I think in this day and age, with more transparency and more disclosure and more highlight on taxpayer dollars, knowing that conventional wisdom says that the Constitutional Officers should be a-political. The office, although they can be put in by the Majority Party, traditionally is pretty much non-political. You have to make some decisions that are in the best interest of the state that we may not agree with but most of the time I think they're pretty non-political. I would say, in this day and age, that has changed. It has changed immensely. Our Treasurer has come out swinging from day one. He's a small man, about 5'1", but I'll tell you he has a voice of a 7' MBA player. Tough as nails and believes in what he's doing. He's actually kind of like a Superman in his own right. He's actually been able to leap ten acres of tree growth property in a single bound and come down

on the other side with open spaces. I don't know how he does that stuff, but he does a real good job. All three officers, Constitutional Officers, are all inter-related with one another. Our Secretary of State, Charlie Summers, to me, has come out extremely partisan. He's come out with the Republican Chair, Charlie Webster, beating their drum about voter fraud, despite evidence to the contrary. We've ended up having to have a Citizen Initiative because one of the things he spearheaded wasn't the way the people were looking.

I know what I'm looking to do is have the committee have a hard discussion about some of the things that would make it so the perception is not there. Secretary Summers has delegated his duties for the voting election division to Julie Flynn. I know she'll do a good job. I've never met a CEO that could be 100% hands-off on anything. I know in my job I can't make a telephone call to raise money for my political office. I guess if I ran in a primary myself, which all of the Democrats and Republicans are running, that I would have to spend every waking moment either trying to raise money or trying to convince voters that I was the best possible candidate available. That was for State office. I know how much time I had to devote to that. As a matter of fact, I probably lost a bunch of wages because I had to take time off from my job because, like most people, I work, at least my wife wants me to work, at least 40 hours or longer. I know I've never met a CEO that didn't work 50 or 60 or 70 hours because they are responsible for what happens below them, every single employee. I don't know how our Constitutional Officers can actually delegate enough authority, still work 40 hours, and are able to get elected to public office. It's a great task.

Secretary of State Summers was asked that very question in a radio interview this morning. He said that he works 40 hours and sometimes more. I've never met a CEO that worked 40 hours, so he must be doing a very efficient job. Next the Secretary of State said, in the interest of avoiding a conflict, he would assign duties to his Deputy, which I guess he has but I haven't seen officially that he has and what the parameters are and the like. He just had a press conference the other day. I'm not sure if he took a day off or how his pay structure or how his schedule is such. When we have tons and tons of e-mails with our Constitutional Officers now progressing more and more and their duties delegated, it's kind of disingenuous, I guess. You look at how all the Constitutional Officers are all intertwined. We have issues before us now where the Secretary of State's Election Division, it is gone by now, where all of our petitions were run through the Elections Office. His wife is another reason why I think he has the ability to run for office. I think this is the first time in the history of the five people previous to him; none had a wife that was running for public office at the same time under the guise that some of what happens to them comes under his jurisdiction. She is Assistant Chair of the Republican Party. Not that that makes much of a difference I guess because Charlie takes most of the headlines.

I think this is an important issue. If one of them gets elected to be the nominee, what will happen then? If you factor in that if they make \$80,000 or \$100,000 how much taxpayer dollars is actually going to the candidates versus the Constitutional Officers? That's one of the questions I have to ask. In this day and age where people in this Body would just vehemently oppose to certain things because it would take a dollar away from someone that's going to be thrown off the MaineCare roles or something like this, yet we have the ability to just slough it off that no phone calls for raising money or the like. I guess I would ask

you to vote against the Indefinite Postponement because I actually think there are some good reasons why we should do this. I don't care if it's a Democrat or a Republican, we should be actually trying to get something done so by the time we do pass something going forward, at least in the General Election, they will know the parameters of running for office as a Constitutional Officer. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I listened carefully to the words of my friend and colleague from Oxford, Senator Patrick. I appreciate his candor when he said that his motivation for moving this forward was at least partly political, although I wonder if "partly" is the correct adjective. The suggestion is that it's somehow improper for a sitting Constitutional Officer to seek higher office when in term. I have a question, Mr. President, to anyone who may choose to answer. That is; what has changed since 1966 when a member of the other party, the sitting Secretary of State Kenneth Curtis, ran for Governor? What has changed since 1978 when a sitting Secretary of State Mark Gartley ran for Congress? Since 1994 when a sitting member of the other party, and now a member of this Body, then Secretary of State ran for Congress? Since 1994 when a sitting member of the other party, Attorney General Joseph Brennan ran for Governor?. What has changed since 1986 when a member of the other party, Attorney General James Tierney ran for Governor? Thank you, Mr. President.

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

Senator **DILL:** Thank you Mr. President. I rise to respond to the question from the good Senator from Kennebec, Senator Katz. What has changed is that the Maine Legislature passed a law. The law is Title 5, Section 7056-A. That law that is currently on the books applies to a broad category of employees in State Government. Specifically it refers to officers or employees in the classified service or employees from the Executive Branch in the unclassified service. All of those employees are prohibited by this law from giving political contributions; engaging in political activities, including using State resources for political purposes; as well as running for office. I had a question. The question is; whether or not the Constitutional Officers were included in that group? The information that I received from the Attorney General's Office is that they are not. It certainly strikes me as a lawyer and as a State Senator and as a candidate that perhaps Maine law should apply equally to everyone in State Government. If there are large groups of people who can't engage in political activities then perhaps at least it's worth the discussion to talk about whether Constitutional Officer should be included as well. I oppose the motion. I think it's a good idea. Things have changed and thank you for your time and attention.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm a candidate. I'm running for

reelection to the seat that I hold. Should I be barred from that? State Senate requires probably as much time as a Secretary of State, the Attorney General, or any of the Constitutional Officers. Should I be barred? My phone starts ringing at 5:30 in the morning and sometimes it doesn't quit until 10 o'clock at night. How is it possible that I could run for reelection and still serve? Maybe we all should be one term here. Not only that, I run a small firewood company. I have to do that. I delegate the responsibilities to those that are there, to my employees. If they have a problem I have a cell phone I carry in my pocket. Every once in a while I have to step out of the Chamber to answer it. I have to be careful. I see no difference. I've called both the State Treasurer and the Secretary of State at all kinds of hours, day and night. They are more than up to the job that they are doing. I think they are all doing a marvelous job and if they weren't I'd be the first to say so. Thank you.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I recall when I was serving in the past when there was a real outcry when somebody even used their title in some endorsement. It wasn't to raise money or anything. I remember that really well, the outcry from the Republicans on that. As I see what's going on in this particular environment, when I see the Secretary of State holding campaign events during the business day, under the Dome, I think if the taxpayers, the people of Maine, who are paying them fairly well, knew what was going on would object vigorously. One of the things is, at least for me, when somebody says, "What's changed?" is that I'm here. I wasn't here before. I think I have a duty, regardless of party. Whether or not there are some who have political motivations or not, I just don't think it's right. There is not one person who has run a political campaign, especially a statewide campaign, that can look me in the eye with a straight face and tell me that they can run a statewide political campaign and at the same time do a 9 to 5 or longer job for the State of Maine and do both well. I cannot find a person to say that and I know what it's like to run just a State Senate race well. Nobody can convince me that what is going on here is in the best interest of the taxpayers of the state of Maine, regardless of what has happened previously. We are changing things all the time. To me, this is wrong, what's going on. It deserves a thorough discussion and the people of the state of Maine, I think, would be outraged if they really knew what was going on here. No, I oppose the pending motion vigorously and I would hope that we would all stand up and say this is something that we need, regardless of party. Things can change. When things change, as far as who's in power, I think it would be just as bad if this was happening with three Constitutional Officers who were Democrats. I hope people will look into the future and understand that this is what's best for the people of the state of Maine, taking a thorough look at this and perhaps including the Constitutional Officers, even if we don't do it this campaign cycle. Sometimes we don't do things retroactively. I hope that you will look into the future and see that this is really not in the best interest of the people of the state of Maine. Thank you.

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

Senator **DIAMOND**: Thank you Mr. President. Ladies and gentlemen of the Senate, I think about a couple of things. One, I think we have to be fair about this. I think we have to understand, whether we like it or not, that this has been the system. The Secretary of State and the Attorney General, they have run for higher office. I know now times are more partisan. I know now that there is much more scrutiny. Thanks to the Senator from Franklin, Senator Saviello, for giving us a history. There was no need of him having the "Lost" be all in capitals necessarily. It is something that I think we have to be fair about. I think we have to say that if this is going to be an issue that a Legislature needs to look at, wants to look at, then it should be done not when someone is already signed up and with good precedent to run. I understand and I certainly respect the people who have spoken. The Senator from Oxford, Senator Patrick, certainly laid out a good side there. I think we really have to say that this is something that we're concerned about. Let's whoever is going to be here do it next time. To do it right now just doesn't strike me as being fair and I think we ought to let it go. Thank you, Mr. President.

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

Senator **ALFOND**: Thank you Mr. President. Ladies and gentlemen of the Senate, I concur partially with the good Senator from Cumberland, Senator Diamond, that it should be prospectively. We shouldn't go back in time. These folks have all signed up and doing what is current law, legal and that is their right. I think we're missing part of the question here this morning. We're not talking about whether they should run or not. We're talking about protecting the public trust when someone does run. I think that issue should be explored. Whether it's this session or next session, it should be explored. We've all been here in the 125th and we've looked at many different policies that have been in place for a long time. Some of them we've agreed should stay in place. Some of them we've agreed, and sometimes disagreed, should change. That's okay. We look at programs and policies all the time, some that have been in place for a very long time. I think that's healthy and that's what democracy is about. My previous job before I came up here was encouraging candidates to run. Again, I think it's terrific that the state of Maine is now on the map. Everyone is looking at the United States Senate race as we are talking about the balance of power, potentially, in the United States Senate. That is a terrific thing. This discussion should take place. I'll bring up a couple of things that have bothered me since our Constitutional Officers have jumped into the race. One, just since the United States Senate seat has been open I feel like every day I am getting some sort of press release from one of them. You know, some of them I think are interesting and legitimate. Some of them I think might be when I scratch my head and say, "What's going on here? Are they just sending out press releases so they can get more air time?" I just think that needs to be looked at. The second question I have is that there needs to be a real discussion on what is State property. The State property issue is this, I get those e-mails from the Treasurer or the Secretary and they come to my e-mail address Justin@justinalfond.com. I'm running for reelection too. The piece that bothers me a little bit is that this same e-mail address is being sent to me by these campaigns. I'm not a lawyer, but I do know that this crosses a very gray area. Somehow these campaigns got my e-mail without me signing up and now they are

sending me campaign updates. I believe part of that could be State property, my e-mail address. Now, all of a sudden, without signing up to any of these campaigns, I'm getting e-mails from them. I think this is an issue that needs to be explored as well as many others. This is the tip of the iceberg. I hope that the good Senator from Oxford, Senator Patrick, if this isn't successful and if we don't defeat the pending motion, will bring this back next session and bring it back to the Veterans and Legal Affairs Committee and have a real discussion about this issue because it's time. It's over due. Thank you, Mr. President, for allowing me to speak.

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

Senator **PATRICK**: Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, although I partially agree with the concept of moving forward I also have seen what our Constitutional Officers have done so far and, to me, they have probably pushed the boundaries of the law to the ultimate degree in a lot of different things that have transpired. I'm looking to take a look at where and how do we define the appropriate line and where it might be crossed. I will not waste one dime of taxpayer money if I think for one moment during the hours of when they are at work, Monday through Friday, that they could be out campaigning while they are sitting in the office trying to raise money for a U.S. Senate seat. It costs anywhere between \$20,000 and \$50,000 for a State Senate seat. It probably costs \$1 million to run a primary. You don't do that in just a few hours on the weekend or at night. That's one thing I know. Things have changed. The economy has changed. Every dime that the taxpayers spend they want to make sure it's spent wisely. Maybe we will have to look at it going forward and maybe forward will be if we pass this bill. They can go the way the law stands right now, but I think going forward, if they are still going to receive 50% of their salary after the June primary, the taxpayers ought at least have a say to find out where the line is that we're going to cross and what things they can utilize. Thank you, Mr. President.

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

Senator **WOODBURY**: Thank you Mr. President. Senate colleagues, I'd like to add my voice to those who think that this issue does, indeed, require a thorough and careful review, especially in light of the restrictions on political activities that we have for other members of government. I think this is a time that this warrants a thorough review. However, at this point in the session, the timing, to me, just feels a bit too politically motivated for me to feel comfortable supporting that happening now. I think next session it would be a very important thing to do. I'm going to support the motion to Indefinitely Postpone now. Thank you.

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

Senator **HOBBINS**: Thank you Mr. President. Men and women of the Senate, I rise today to explain my vote on this matter. First of all, I concur with the remarks of the Senator from Cumberland, Senator Alford, but I also concur with the remarks from the Senator from Cumberland, Senator Diamond. I believe that any

type of resolve or bill that is reported out should be prospective in nature and not retroactive in nature or I would consider having some vehicle so this matter could go to some type of study to look prospectively at the roles of individuals who are "employees of the State" that run for higher office or run for elected office. My vote today against the motion to Indefinitely Postpone is not in any way a vote to show disrespect or to in any way express my opinion regarding the qualifications of those who are presently candidates. I think that the rules and the ideas and parameters of this whole issue needs to be looked at and the possibility of having some type of vehicle in place to do that for consideration by the committee of Legal and Veterans Affairs for next session would be probably a proper one. My vote today will be against the motion to Indefinitely Postpone to provide a vehicle for that purpose. Thank you.

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

Senator **DILL:** Thank you Mr. President. I'd just like to point out briefly that while the timing may seem sort of political, it strikes me that everything we do in this Body is political. That's the nature of the work. I would just point out that coming on a supplement as an after deadline bill, that clearly addresses a highly charged political situation and it was a bill that was approved by the Legislative Council. It pertains to a very controversial political issue and political figure. It creates a brand new law in this session that applies prospectively. I would just suggest to you that sometimes you just have to seize the day. It's an issue now. It's a real issue. It may not have to apply to the people who are involved, but it is something that I think matters to the people of Maine. It's something that's clearly our job and so I would just add another plea for you to consider this motion and vote against it. Thank you.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just want to remind people that there are four Constitutional Officers, one of them being a Democrat. This will affect all of them in the future. Also, as a Legislative candidate, we're barred from taking any position in State Government throughout the entire length of our term. I think that this is appropriate to look at, at least, with the Constitutional Officers.

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

Senator **HASTINGS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I will not question the motives of any member here, but it's hard to avoid that this has the appearance of political motivation; coming in the last ten days of a legislative session when there is clearly no time to resolve any complicated issue. What really disappoints me is that the debate today at times has turned into personal, in my mind, and crossing the line into personal attacks on individuals who are not here today to defend themselves. It disappoints me that this Body would allow that to happen. I just sincerely hope that we all recall and we all try to avoid that as we move forward. I think it's just very difficult when we engage, perhaps unintentionally and from the emotion

of the moment, in debate that can amount to an attack on another person when that person is not even here to defend themselves. That's the kind of stuff we should be doing in the hallway. Thank you very much, Mr. President.

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

Senator **JOHNSON:** Thank you Mr. President. For those of you who know me, and probably most of you don't know me very well yet being new here, I've done a lot of work in various positions. Most recently I worked for several years chairing a policy committee in which we deal all the time with how rules are put in place for people to know what line they can't cross. I don't have any political motivation in this whatsoever, regardless of what other people might bring to it. For me, this is a question of having a good definition, as we have put in law for other employees, of where the boundaries and defining the rule of Constitutional Officer and the rule of a candidate for office and how they can know what line to not cross to properly conduct both affairs. I think it's important that we do move forward with a study as to how that line should be drawn. I think it should be something effecting future work of people in State Government and remove it from the realm of being a witch hunt or being viewed as such by some people. Instead we should be carefully drawing that line and people would know where it is so that they can avoid crossing it. Thank you.

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

Senator **SCHNEIDER:** Thank you Mr. President. I rise again because the notion that large complicated bills are not put in at this point in session simply doesn't pass the straight face test given how many bills are coming out at this point in time. We have done many studies and thorough investigations between different Legislatures. I don't understand why this can't be looked at. It is an issue, at least for me, that has risen high up because I've seen actions taken by the candidates. It's not an attack on them. What it is an attack on, to me, is the system that we've set up. It's just plain wrong. Whether or not they are following the rules or not is not, to me, the issue. The issue is that we should not have allows this to occur regardless of whether it was done in the past or not. If it was done in the past then we shouldn't have let that happen in the past either because that's not in the best interest of the people of this state. That's what I think is wrong. Let sleeping dogs lay is not, in this case, the right thing to do. To say, "Well, it's been done in the past and so we're just going to go on and continue doing the wrong thing." No, that's why I stand and vigorously oppose this motion. If it was done in the past then I hope that I would have, regardless because I have done this before in my own party, stood up and said no, as I have done in the past on people who were defending things on my side of the aisle. To me, this is about repeating the past, if it has been done in the past. If the Constitutional Officers did take part in campaigning on State property during work hours, then I would say that that was wrong in the past. Going on and repeating the same wrongs isn't in the best interest of this State. I think it sets a bad example. What we're here to do is to make the rules fair mostly for the taxpayers, the people of the state of Maine. That's who I'm standing on behalf of because I'm their voice in my Senate District. If the shoe was on the other foot,

there would be outcries from the other side of the aisle and I think this is just wrong regardless of political affiliation. I just want to reiterate, Mr. President, that, for me, we can look at this, and probably show, because according to those in charge now what is being done is being allowed to be done. I'm not attacking somebody based on that. What I'm saying is if anything I'm attacking the system that we've created, that allows this to occur. I would hope that we could move this bill forward, perhaps have a really good discussion about it in committee this session, and also continue that discussion over the Summer perhaps. That makes a lot of sense to me. If you don't even have the discussion in the committee you can't get there. I would hope that you would join me in moving in opposition to the Indefinite Postponement. Thank you.

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

Senator **SNOWE-MELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, the only thing that I have a problem with is that the possibility of losing one of our three outstanding Constitutional Officers. Otherwise, I am in full support of the Indefinite Postponement of this bill and all of its papers.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I just want to touch base on one thing about the lateness of this bill. Had it not been for Senator Olympia Snow not deciding to run for office this bill wouldn't have been put in because it wouldn't have been on my radar. It was actually because of her stepping down and the problems she faced in Washington D.C., the insurmountable problems. I respect the heck out of that lady for coming forward and saying that there are problems in Washington D.C., that people just won't work together any more. That's why this issue is here. As a former House Chair of the Legal and Veterans Affairs Committee, I have seen bills come in the last week. As members, most of us have seen bills come on the last day without a public hearing and get rammed through. There is still plenty of time to have a public hearing on this issue. We just heard a bill last week that doesn't rise to the statue of an emergency. The issue is coming up four years from now, yet it was a compelling State interest. I think we have plenty of time to do this and I think we have plenty of time to do it right, even though I may like to see it effect those this year after the primary. Chances are the committee wouldn't see the same thing. I've been one to usually defer to the committee, provided we have decent dialog on it. Sometimes we fight and claw at one another and totally disagree, but a lot of times we come together and we can make good policy for the State of Maine. That's what I'm hoping for, the opportunity to do that with this bill. Thank you.

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

Senator **RAYE:** Thank you Mr. President. You know, I think it's the silly season. I think we need to be a little bit introspective here today. Would we be having this debate if the voters had decided last November to continue with the Majority that had been in control previously? With all due respect to the Senator

from Penobscot, Senator Schneider, the shoe has been on the other foot. The shoe has been on the other foot for decades. We have in front of us, every one of us, a list which the Senator from Cumberland referenced, Senator Diamond, of those members of the other party serving as a Constitutional Officer who have sought higher office. I don't recall a similar display of raw partisanship on the floor of the Senate in response to their candidacies. I sort of think that perhaps the next Legislature will be entertaining proposals that would prohibit a sitting Governor from running for reelection. We had a sitting Governor run for reelection in 2006, an incumbent sitting Governor, responsible for his day to day responsibilities. I don't recall anyone from either party suggesting it would somehow be inappropriate for him to seek another term. There is no difference. There is no difference. There is no difference from any member of this Body seeking reelection or seeking another office from what any of the Constitutional Officers are doing. As I said, if the voters had made a different decision last November and the three Constitutional Officers running for higher office were of the other party, I don't think we'd be having this debate. I don't think that's debatable because we've seen in the past what has happened when members of the other party have sought higher office as a sitting Constitutional Officer. No such partisan debate. Here we are, facing important issues relating to health care, jobs, the economy, the budget. What are we standing here debating? An absolutely partisan issue.

With respect to Senator Snowe, I know something about Senator Snowe, having spent the better part of two decades working at her side. I can tell you that when she references the polarizing partisanship that has been crippling our nation's capital it is precisely this kind of debate that has been brought to the Maine Senate today that she's talking about. Fortunately, the debate today is uncharacteristic of this Body. I'm proud to say it's uncharacteristic of this Body because we have, I think, held ourselves to a higher standard of civility and bipartisan cooperation to address problems. This debate is very much not in keeping with that tradition. I want to associate myself with the remarks of the good Senator from Cumberland, Senator Diamond. I hope that this Body will support the pending motion.

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

Senator **BARTLETT:** Thank you Mr. President. With all due respect, I think if the elections had gone differently in November we would be having this exact same debate, it would just be a different sponsor of the Joint Order in question. In fact, we routinely have legislation brought before us seeking to make Constitutional Officers properly elected because of the frustration that Majority Party was able to select them. I have at times supported that effort. I do think there is an issue with the partisanship of these officers and I don't think it's necessarily new. I think when we look at our Constitutional Officers let's bear in mind that they are given a fiduciary responsibility under the Constitution of this State. I think they ought to be able to run for reelection or run for election of any office they choose. I have no objection to that. I do think there ought to be parameters around the way that a Treasurer can do fundraising, given their fiduciary responsibility, or the way a Secretary of State oversees elections when they are on the ballot. That's all that I see with this bill. I'm not looking to radically change anything, but simply to see if we can put some clear parameters that members of both parties can

follow so the people of Maine can be confident that the Constitutional responsibilities are being fulfilled and that people are given a fair opportunity to run for higher office. 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, all due respect also. When Ken Curtis ran I wasn't born and when James Tierney ran I was 24 years old and I wasn't legal to be in this Body at that time. I don't feel that it's a reflection on anything that I did in the past. I'm here now and I don't have anything against the current officers running because that is the rules that they are under. Obviously, the can run but I do think in the future that we should be able to at least look at this because I definitely think there are problems with this, whenever the Secretary of State can look at all of our papers and he might choose to look at them in a certain light or the Attorney General can make rulings on election papers. There is just something that's not good there, in my mind. I think in the future we should be able to at least have parameters around that so it would be clear. I think it would be to the benefit of the Constitutional Officers themselves so there wouldn't be any thought of any improprieties. I reject the fact that it was done in the past and that's okay because I wasn't here. That doesn't make me have to vote any one way because of it.

THE PRESIDENT PRO TEM: 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 (#401)

YEAS: Senators: COLLINS, COURTNEY, DIAMOND, FARNHAM, HASTINGS, JOHNSON, KATZ, LANGLEY, MASON, MCCORMICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - THOMAS H. MARTIN

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

ABSENT: Senator: SULLIVAN

EXCUSED: Senator: THIBODEAU

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **COURTNEY** of York to **INDEFINITELY POSTPONE** the Joint Order, **PREVAILED.**

Off Record Remarks

Expressions of Legislative Sentiment recognizing:

The Jonesport-Beals High School Boys Basketball Team, the Royals, which has won the 2012 Class D State Championship. This is the 10th State title for the school and the first State Championship since 1993. The team is coached by Gordon Faulkingham, who was on the school's team in the 1970s, playing on 4 State title teams. We extend our congratulations and best wishes to the members of the team on their achievement;
SLS 623

Sponsored by President RAYE of Washington.
Cosponsored by Representative: TILTON of Harrington.

READ.

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

Senator **RAYE:** Thank you Mr. President. I rise to pay tribute today to the Jonesport-Beals High School Royals, Boys Varsity State Champs, Class D State Champs. Jonesport and Beals, those two towns on the rugged coast of Downeast Maine, have produced, over the years, a series of extraordinary basketball players. Around the rest of the county the rumor about Jonesport and Beals is that the little babies over there learn to dribble before they learn to walk. They have demonstrated an excellence in basketball over the years that any community would be extraordinarily proud of. The winning tradition dates back to 1969 and 1970. The Royals went on in the 1970's to win five straight State Championships. They went on again to win additional State Championships in 1977, 1983, 1985, and, most recently, in 1993. This year's Championship win by the boys is the tenth. The tenth State Championship for this small high school in Jonesport. In addition to that, they have been Eastern Maine Champions time and time again. Everyone in Downeast Maine, regardless of their home town team, has enormous respect and affection and pride in the Jonesport-Beals Royals. I want to congratulate Varsity Coach Gordon Faulkingham, Assistant Coach Roger Beal, Shaun Dulac and Diane Clark, as well as Principal Michael Kelley and an extraordinary team of young men and their managers who do their community proud and are carrying on an extraordinary tradition in Jonesport-Beals.

PASSED.

Sent down for concurrence.

THE PRESIDENT PRO TEM: The Chair is pleased to recognize in the rear of the chamber the Jonesport-Beals Boys High School Basketball Team. Would they please rise and accept the greetings of the Maine Senate.0

Senate at Ease.

Senate called to order by Pro Tem
THOMAS H. MARTIN, JR. of Kennebec County.

Off Record Remarks

ORDERS OF THE DAY

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later (3/14/12) Assigned matter:

JOINT ORDER - Expression of Legislative Sentiment
Recognizing the members of the Deering High School Boys
Basketball Team

HLS 1051

Tabled - March 14, 2012, by Senator **ALFOND** of Cumberland

Pending - **PASSAGE**, in concurrence

(In House, March 13, 2012, **READ** and **PASSED**.)

(In Senate, March 14, 2012, **READ**.)

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

Senator **ALFOND:** Thank you Mr. President. It is my great honor that I rise this morning to recognize the Deering High School Class A Boys Basketball Champions. They've been in the balcony for a while this morning. I'm actually kind of glad because what they saw here today was a spirited conversation about democracy. We sometimes forget that these are student athletes. They are students and they are athletes, so what they saw here this morning was an important part of their state, their Legislature, talking about bills and where we are going. Back to Deering High School. They have a long and also very proud tradition of being basketball champions of the state of Maine and it's just a real pleasure and treat to have them here once again. It was a spirited game against the good Senator from Penobscot, Senator Plowman's Hampden team. What was showcased that night was great basketball. Of course, in sports there is a winner and a loser. I'm very proud and excited that the winners up in the balcony are from Deering High School, but Hampden played remarkably well and put the Deering High School team to test. Today with us we have the Athletic Director, Mel Craig; the Boy's Basketball Coach, Dan LeGage; and also Principal of Deering High School, Ira Waltz. I am just thrilled that Deering High School is here, that their student athletes are here, and they are being recognized for their accomplishment of being the State Class A Champions this year.

At the request of Cumberland, Senator Alfond, the Sentiment was **READ**.

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

Senator **BRANNIGAN:** Thank you Mr. President. Men and women of the Senate, I just want to let you know that I live right near Deering High School and Deering High School is in my district. It is a championship district. The McCauley women, they are in my district. The Cheverus boys and women are in my district. It's a championship district. That's what you get for living in the suburbs, not downtown. They are a great group. We're so glad they are here. We're so glad they are so repetitive, coming back, different ones from this group. Congratulations and thank you, Mr. President.

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

Senator **PLOWMAN:** Thank you Mr. President. I stand with the Senator from Hampden and wish the victors congratulations. I wish my friend from Cumberland, Senator Alfond, totally enjoys this coming year. I won't be here to challenge him next time, but those two teams will and I'm hoping that we have just as great a game but with a little bit different outcome. Thank you.

PASSED, in concurrence.

THE PRESIDENT PRO TEM: The Chair is pleased to recognize in the balcony of the chamber the Deering Boys High School Basketball Team. Would the team please rise and accept the greetings from the Maine Senate.

Joint Resolution

On motion by Senator **COURTNEY** of York (Cosponsored by Representative CUSHING of Hampden and Senators: COLLINS of York, KATZ of Kennebec, MARTIN of Kennebec, MASON of Androscoggin, PLOWMAN of Penobscot, President RAYE of Washington, ROSEN of Hancock, SHERMAN of Aroostook, SNOWE-MELLO of Androscoggin, THIBODEAU of Waldo, WHITTEMORE of Somerset, Representatives: AYOTTE of Caswell, CEBRA of Naples, CHASE of Wells, CLARK of Millinocket, COTTA of China, CURTIS of Madison, DAMON of Bangor, DUNPHY of Embden, ESPLING of New Gloucester, FITZPATRICK of Houlton, GILLWAY of Searsport, HARMON of Palermo, JOHNSON of Eddington, KESCHL of Belgrade, KNIGHT of Livermore Falls, LONG of Sherman, MAKER of Calais, McCLELLAN of Raymond, MORISSETTE of Winslow, NEWENDYKE of Litchfield, Speaker NUTTING of Oakland, O'CONNOR of Berwick, PARRY of Arundel, RICHARDSON of Warren, SANDERSON of Chelsea, SARTY of Denmark, SIROCKI of Scarborough, TILTON of Harrington, VOLK of Scarborough, WATERHOUSE of Bridgton, WINSOR of Norway) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.), the following Joint Resolution:

S.P. 676

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO SUPPORT THE COMPLETION OF THE KEYSTONE XL PIPELINE

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

WHEREAS, the United States Department of Health and Human Services decreased federal funding to the Low-income Home Energy Assistance Program, bringing Maine's current total to less than \$37 million, compared to \$56.5 million the State received the previous year; and

WHEREAS, the average program benefit for Mainers will be \$483 during the 2011-12 heating season compared to \$802 last winter and the average program benefit will pay for less than 150 gallons of heating fuel due to the escalating cost of fuel; and

WHEREAS, the State of Maine and the Nation rely on, and will continue to rely on for many years, gasoline, diesel and jet fuel despite a recent focus on the development and use of alternative and renewable sources of energy; and

WHEREAS, additional amounts of oil and natural gas, as well as alternative sources of energy, will be necessary in order to expand this country's economy; and

WHEREAS, the United States currently depends on foreign imports for more than one-half of its petroleum usage and, as the largest consumer of petroleum in the world, this country's dependence has created difficult political relationships, with damaging consequences for our national security; and

WHEREAS, neighboring Canada contains vast oil reserves, totaling an estimated 173 billion barrels of recoverable oil, that are 2nd in size only to reserves in Saudi Arabia, and Canada is the single largest supplier of oil to the United States at 2.62 million barrels per day and has the capacity to significantly increase this rate; and

WHEREAS, there is a proposed system called the Keystone XL pipeline expansion, which would expand the existing pipeline system to transport synthetic crude oil and diluted bitumen from northeastern Alberta, Canada to multiple destinations in the United States, including refineries in Illinois, an oil distribution hub in Oklahoma and proposed connections to refineries in Texas; and

WHEREAS, the Keystone XL pipeline expansion would, when completed, carry an estimated 700,000 barrels of North American oil per day to American refineries in the Gulf Coast region and the construction of the pipeline expansion would create an estimated 120,000 jobs nationwide, generate an estimated \$20 billion in economic growth and generate millions of dollars in government receipts; and

WHEREAS, the Keystone XL pipeline expansion has the support of several prominent national labor unions, with membership in the millions, because it would create jobs; and

WHEREAS, a recent study by the United States Department of Energy found that increasing oil deliveries to American refineries has the potential to substantially reduce this country's dependence on foreign energy sources; and

WHEREAS, the money saved by purchasing more North American oil would likely later be spent directly on American goods and services in contrast with money sent to hostile oil-producing governments that is later used to further antidemocratic agendas; now, therefore, be it

RESOLVED: That We, your Memorialists, request that the President and the Congress of the United States support the continued and increased development and delivery of oil derived from North American oil reserves to American refineries to promote the reduction in the price of oil, which would help all Americans and the American economy; and be it further

RESOLVED: That We, your Memorialists, respectfully urge the President and the Congress of the United States to support the completion of the Keystone XL pipeline expansion, which has been awaiting a permit since 2008, in order to reduce dependence on unstable governments, improve this country's national security and strengthen ties with an important ally; and be it further

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

READ.

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ADOPT**.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Improve and Ensure Adequate Funding for E-9-1-1 Services" (EMERGENCY)

H.P. 1296 L.D. 1761

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-826)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-826)**.

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

READ ONCE.

Committee Amendment "A" (H-826) **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 **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend the Boothbay Region Water District Charter" (EMERGENCY)

H.P. 1354 L.D. 1834

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-828)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-828)**.

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

READ ONCE.

Committee Amendment "A" (H-828) **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 **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Provide Transparency in Electricity Pricing for Maine Ratepayers"

H.P. 1387 L.D. 1875

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-827)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-827)**.

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

READ ONCE.

Committee Amendment "A" (H-827) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding the Fund for a Healthy Maine's Prevention, Education and Treatment Activities Concerning Unhealthy Weight and Obesity"

H.P. 1373 L.D. 1855

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-830)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-830)**.

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

READ ONCE.

Committee Amendment "A" (H-830) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Restore the Deer Herd in Certain Wildlife Management Districts in Maine"

H.P. 933 L.D. 1242

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-829)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-829)**.

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

READ ONCE.

Committee Amendment "A" (H-829) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Implement the Recommendations of the Office of Program Evaluation and Government Accountability and the Government Oversight Committee Regarding Quasi-independent State Entities"

H.P. 1364 L.D. 1843

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-831)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-831)**.

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

READ ONCE.

Committee Amendment "A" (H-831) **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 Improve Preventive Dental Health Care and Reduce Future Avoidable Costs"
H.P. 826 L.D. 1114

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

Signed:

Senators:
McCORMICK of Kennebec
CRAVEN of Androscoggin
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 To Pass as Amended by Committee Amendment "B" (H-818)**.

Signed:

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

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 **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Department of Health and Human Services To Amend Its Rules Governing Electronic Benefits Transfer Cards To Require a Person To Show Photographic Identification When Using a Card
H.P. 1336 L.D. 1812

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-817)**.

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 Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-817)**.

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-817) **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 Pro Tem
THOMAS H. MARTIN, JR. of Kennebec County.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Related to Specialty Tiers in Prescription Medication Pricing"

H.P. 1243 L.D. 1691

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-813).**

Signed:

Senators:

WHITEMORE of Somerset
BRANNIGAN of Cumberland
SNOWE-MELLO of Androscoggin

Representatives:

BEAUDOIN of Biddeford
BECK of Waterville
GOODE of Bangor
MORISSETTE of Winslow
MORRISON of South Portland
PICCHIOTTI of Fairfield
TREAT of Hallowell

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

Signed:

Representatives:

RICHARDSON of Warren
FITZPATRICK of Houlton
McKANE of Newcastle

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-813).**

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (H-813) **READ** and **ADOPTED**, in concurrence.

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

Senate

Ought to Pass As Amended

Senator LANGLEY for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Restructure the National Board Certification Program for Teachers"

S.P. 618 L.D. 1781

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-488).**

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

READ ONCE.

Committee Amendment "A" (S-488) **READ** and **ADOPTED.**

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

Ordered sent down forthwith for concurrence.

Senator SAVIELLO for the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Resolve, Directing the Department of Environmental Protection To Adopt Rules Pertaining to Petroleum Storage and Gravel Pits

S.P. 641 L.D. 1846

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-485).**

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

READ ONCE.

Committee Amendment "A" (S-485) **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 McCORMICK for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Require Notification of Health Care Facilities That May Be Negatively Affected by a Certificate of Need Application"

S.P. 642 L.D. 1848

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

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

READ ONCE.

Committee Amendment "A" (S-493) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Senator RECTOR for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Resolve Conflicts in the Implementation of the Maine Uniform Building and Energy Code"

S.P. 529 L.D. 1619

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-486)**.

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

READ ONCE.

Committee Amendment "A" (S-486) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Senator RECTOR for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Assist Maine's Returning Veterans"

S.P. 645 L.D. 1850

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-492)**.

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

READ ONCE.

Committee Amendment "A" (S-492) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Senator RECTOR for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Clarify Authorized Associations of Veterinary Practice"

S.P. 656 L.D. 1877

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-487)**.

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

READ ONCE.

Committee Amendment "A" (S-487) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Senator FARNHAM for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend Maine's Gambling Laws"

S.P. 610 L.D. 1771

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

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

READ ONCE.

Committee Amendment "A" (S-491) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, To Amend the Pilot Project for Independent Practice Dental Hygienists To Process Radiographs in Underserved Areas of the State (EMERGENCY)

S.P. 669 L.D. 1891

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-489)**.

Signed:

Senator:

JACKSON of Aroostook

Representatives:

PRESCOTT of Topsham

DOW of Waldoboro

DRISCOLL of Westbrook

GILBERT of Jay

NEWENDYKE of Litchfield

TUTTLE of Sanford

VOLK of Scarborough

WALLACE of Dexter

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-490)**.

Signed:

Senators:

RECTOR of Knox
MARTIN of Kennebec

Representatives:

HERBIG of Belfast
HUNT of Buxton

Reports **READ**.

Senator **RECTOR** of Knox moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-490)** Report.

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

On motion by Senator **THOMAS** of Somerset, **TABLED** until Later in Today's Session, pending the motion by Senator **RECTOR** of Knox to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-490)** Report. (Roll Call Ordered)

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

ENACTORS

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

Emergency Measure

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

H.P. 1137 L.D. 1550
(C "A" H-711)

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

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

Senator **HASTINGS:** Thank you Mr. President. Ladies and gentlemen of the Senate, very briefly, I just want to remind the Senate of the several Registry of Deeds bills we've had this year. They seem to be a hot item in this Legislature. This is the bill that increases the filing fees for you to file a deed or mortgage or the like at the registry. I oppose this bill on the grounds that it's not a

user fee. If this was a fee that was just making sure that the counties are held whole in operating their registries I would be perfectly comfortable with a fee increase as a user fee. The purpose of this increase, however, is to increase the profit made by the counties from the registries over and above the costs of the registries. It amounts to a tax increase and I think I have discussed this plenty earlier and I won't say any more. I urge you to vote against the pending motion. Thank you.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, tax increases remind me a little bit of the first car that I ever owned. It was a 1955 Chevy and it had the first V8 in it that Chevy ever built. I was proud of that car. It was nice. I didn't have a lot of money in those days, so the tires on it weren't very good. That meant we had to change tires quite often. The bumper jack didn't work right. The bumper jack was one of those that the lever that would let it go back down was broke. You could jack it up, you'd get it off the ground to change the tire, but you couldn't let it back down. You'd jack it all the way up and then push it off the jack. Then you could get the jack to go down. It reminds me of tax increases in Maine. We seem to have the up lever fixed quite well and we can raise taxes and raise taxes, but we can never get them to go back down. Like my '55 Chevy, when you pushed it off the jack you wanted to be careful where you were standing because you could get hurt. When we get taxes high enough are we going to be standing under it? Who's going to be standing under it when this tips over? Taxes are getting awfully, awfully high in Maine. Have no mistake, this is a tax increase. I hear that the lever to make property taxes go down is this bill. We can raise deed fees, the fees to file deeds. That's the magic lever that's going to make property taxes go down. The problem I have with that is that's what sold the sales tax. Fifty or 60 years ago we imposed the sales tax in Maine to lower property taxes. It didn't work. That wasn't the lever. Then in the 70's the income tax was going to be the magic lever that made taxes go down. That didn't work either. Over and over and over again we're told that if we only raise this tax we can lower another tax. I don't think this is the lever to make taxes go down and I don't want this to be that last click on the bumper jack where you have to tip over and where there are people falling under it as our economy comes crashing down. Thank you.

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

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I don't know if anyone in this Body really has the expertise or the knowledge of all 16 counties and their financials. For someone to state here that what this bill is just a profit centered bill on a user fee for only those who are recording their deeds, I don't think anyone is in possession of all the knowledge of all 16 counties and their financials. I don't know if that is an accurate statement. In a previous bill, we cut the copying fees for 15 out of 16 counties. That's a \$1 million loss to our counties. Somehow that is going to be made up. Whether we make it up in this bill or we make it up in increased property taxes across the state, somehow they are going to make it up. I think this is a more than rational reason and more than rational

path for us to take. I hope that we succeed in passing this bill, like we did previously, and we can move on to probably something we need to do because we might not get two-thirds. Thank you.

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 (#402)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFISKY, GOODALL, HILL, HOBBS, JACKSON, JOHNSON, KATZ, MCCORMICK, PATRICK, RECTOR, SAVIELLO, SCHNEIDER, SHERMAN, WOODBURY

NAYS: Senators: COLLINS, HASTINGS, LANGLEY, MASON, PLOWMAN, RAYE, ROSEN, SNOWE-MELLO, THOMAS, WHITTEMORE, THE PRESIDENT PRO TEM - THOMAS H. MARTIN

ABSENT: Senator: SULLIVAN

EXCUSED: Senator: THIBODEAU

This being an Emergency Measure and having received the affirmative vote of 22 Members of the Senate, with 11 Senators having voted in the negative, and 22 being less than two-thirds of the entire elected Membership of the Senate, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by Pro Tem **THOMAS H. MARTIN, JR.** of Kennebec County.

Emergency Measure

An Act To Sustain the Elver Fishery
H.P. 1298 L.D. 1765
(C "A" H-816)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Acts

An Act To Amend the Housing Provisions of the Maine Human Rights Act

S.P. 487 L.D. 1530
(C "A" S-465)

An Act To Strengthen the Relationship between Land Users and Landowners

H.P. 1222 L.D. 1613
(H "A" H-819 to C "A" H-793)

An Act To Allow for Timely Access to and Enhanced Administration of All Vaccines

H.P. 1267 L.D. 1715
(C "A" H-815)

An Act To Change Regulation of Forestry Activities

S.P. 596 L.D. 1739
(C "A" S-471)

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

Ordered sent down forthwith.

An Act To Restore Maine's Secondary Roads

S.P. 421 L.D. 1367
(C "A" S-452)

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

Resolve

Resolve, Regarding the Laws Governing Electric Industry Restructuring

S.P. 532 L.D. 1622
(C "A" S-472)

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

Ordered sent down forthwith.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (3/27/12) Assigned matter:

Emergency Measure

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2012-13

H.P. 1368 L.D. 1847
(C "A" H-804)

Tabled - March 27, 2012, by Senator **COURTNEY** of York

Pending - **ENACTMENT**, in concurrence

(In Senate, March 23, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-804)**, in concurrence.)

(In House, March 26, 2012, **PASSED TO BE ENACTED**.)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **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
THOMAS H. MARTIN, JR. of Kennebec County.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Move the Land for Maine's Future Program to the Department of Agriculture, Food and Rural Resources"

H.P. 832 L.D. 1120

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

Signed:

Senators:

SHERMAN of Aroostook
SCHNEIDER of Penobscot
THIBODEAU of Waldo

Representatives:

EDGECOMB of Caribou
BLACK of Wilton
CRAY of Palmyra
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-698)**.

Signed:

Representatives:

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

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Protect Maine's Biomass and Forest Products Industries by Allowing Biomass Generators To Enter into Short-term Contracts"

H.P. 1258 L.D. 1706

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

Signed:

Senator:

BARTLETT of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-809)**.

Signed:

Senator:

THIBODEAU of Waldo

Representatives:
CRAY of Palmyra
DUNPHY of Embden
HAMPER of Oxford
LIBBY of Waterboro

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

Reports **READ**.

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

Divided Report

Ten members of the Committee on **TAXATION** on Bill "An Act To Strengthen Maine's Economy through Improvements to the Educational Opportunity Tax Credit"

H.P. 632 L.D. 835

Reported in Report "**A**" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-703)**.

Signed:

Senators:
COURTNEY of York
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:
KNIGHT of Livermore Falls
BENNETT of Kennebunk
BERRY of Bowdoinham
BICKFORD of Auburn
BRYANT of Windham
FLEMINGS of Bar Harbor
PILON of Saco

One member of the same Committee on the same subject reported in Report "**B**" that the same **Ought to Pass as Amended by Committee Amendment "C" (H-704)**.

Signed:

Representative:
HARMON of Palermo

One member of the same Committee on the same subject reported in Report "**C**" that the same **Ought Not to Pass**.

Signed:

Representative:
WATERHOUSE of Bridgton

Comes from the House with Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-703) READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-703) AS AMENDED BY HOUSE AMENDMENTS "A" (H-814) AND "B" (H-844)** thereto.

Reports **READ**.

On motion by Senator **COURTNEY** of York, Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-703) ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "**B**" (H-703) **READ**.

House Amendment "**A**" (H-814) to Committee Amendment "**B**" (H-703) **READ** and **ADOPTED**, in concurrence.

House Amendment "**B**" (H-844) to Committee Amendment "**B**" (H-703) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "**B**" (H-703) as Amended by House Amendments "**A**" (H-814) and "**B**" (H-844) thereto. **ADOPTED**, in concurrence.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Provide Tax Relief for Maine's Citizens by Reducing Income Taxes"

S.P. 252 L.D. 849
(S "C" S-443 to C "C" S-427)

In Senate, March 19, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-427) AS AMENDED BY SENATE AMENDMENT "C" (S-443)** thereto.

Comes from the House, **FAILED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-427) AS AMENDED BY SENATE AMENDMENT "C" (S-443)** thereto, in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Promote School Attendance and Increase School Achievement"

S.P. 473 L.D. 1503
(C "B" S-378)

In Senate, February 16, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-378)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-378) AS AMENDED BY HOUSE AMENDMENT "B" (H-756)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **LANGLEY** of Hancock, the Senate **RECEDED** and **CONCURRED**.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Regarding Legislative Review of Chapter 26: Producer Margins, a Major Substantive Rule of the Maine Milk Commission (EMERGENCY)

H.P. 1341 L.D. 1819

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-841)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-841)**.

Report **READ**.

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

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Provide a More Comprehensive Ban on the Possession of Synthetic Hallucinogenic Drugs"

H.P. 1370 L.D. 1852

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-833)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-833)**.

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

READ ONCE.

Committee Amendment "A" (H-833) **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 **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Implement the Recommendations of the Dig Safe Work Group"

H.P. 1329 L.D. 1803

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-842)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-842)**.

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

READ ONCE.

Committee Amendment "A" (H-842) **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 Allow Forfeiture of Maine Public Employees Retirement System Benefits for Persons Convicted of Certain Crimes"

H.P. 1351 L.D. 1831

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-838)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-838)**.

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

READ ONCE.

Committee Amendment "A" (H-838) **READ** and **ADOPTED**, in concurrence.

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

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

SENATE PAPERS

Bill "An Act To Create the Leased Space Reserve Fund and To Amend the Law Regarding the Issuance of Securities under the Maine Governmental Facilities Authority"

S.P. 678 L.D. 1904

Presented by Senator KATZ of Kennebec. (GOVERNOR'S BILL)

Senator **COURTNEY** of York moved to **REFER** to the Committee on **STATE AND LOCAL GOVERNMENT**.

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

Senator **SCHNEIDER:** Thank you Mr. President. I am standing only to bring everybody's attention to this bill referral. It's a new bill at the end of session. I would hope that, as we talk about late referrals, as these bills continue to be referred, we understand we're all on the same page about how there is really nothing that unusual about bill referrals occurring given the previous discussion about bill referrals. I hope everybody's attention, as we go through and more bills are referred, is that we don't act as though this is something that is new. Thank you very much.

On motion by Senator **COURTNEY** of York, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Make Additional Supplemental Appropriations and Allocations and To Change Certain Provisions of the Law for the Fiscal Years Ending June 30, 2012 and June 30, 2013"
(EMERGENCY)

H.P. 1405 L.D. 1903

Presented by Representative FLOOD of Winthrop.
(GOVERNOR'S BILL)
Cosponsored by Senator ROSEN of Hancock.

Comes from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

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

Representative STRANG BURGESS submitted the Report of the **Department of Health and Human Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 30: Maine Uniform Accounting and Auditing Practices for Community Agencies, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)
H.P. 1404 L.D. 1902

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

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

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

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

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

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

On motion by Senator **COURTNEY** of York, **ADJOURNED** to Thursday, March 29, 2012, at 10:00 in the morning.