

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Fifth Legislature
State of Maine

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

In Senate Chamber
Monday
April 9, 2012

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

Prayer by Pastor Natalie Blake of East Baldwin First Congregational Church.

PASTOR BLAKE: Good morning. Let us be in prayer to our God. Almighty and ever loving God, we praise You for Your majesty and for giving us the chance to live in this mighty state which we see in our snowcapped mountains, deep valleys, dark forests, sparkling rivers, and rocky coast. May we ever recognize that this beauty is but a reflection of Your goodness to us. We have much to ask of You today as the Maine Senate begins its formal workday, Lord. We are blessed today to ask You to help these Senators and their staff who serve our state and who have been working hard since the opening of the legislative session, that they might continue to work for justice and fairness in an ethical and honest way. We ask Your help not only for our state but for all those states which surround the state of Maine and for our nation as we face extraordinary needs today as a country. We ask Your help for other state legislatures as they convene this day and also for Your help for our President, his aides and staff, and the Congress of the United States as they strive to meet the needs of our country in a just and fair manner to all. We plead with You to help our country, to help our state, and all states and the economic problems we are facing. Give our legislators wisdom in stretching limited funds in order to meet the basic needs of our state. We pray for our legislators, that they may continue to nurture a deep respect for all people in our state and that the needs of the poor, the elderly, the disadvantaged, and the immigrants and their families are not forgotten. Help these legislators to work together with our Governor and staff and interested parties, that there be a minimum of petty bickering and that the business of our state's government maybe conducted successfully and respectfully. We ask that You bless these, are Senators, on this day and keep them safe as they go about the business of the state. Bless their loved ones and their families, that they also be safe this day. We pray these words in the name of our ever loving God. Amen.

Pledge of Allegiance led by Senator Dawn Hill of York County.

Reading of the Journal of Thursday, April 5, 2012.

The Chair noted the absence of the Senator from Aroostook, Senator **JACKSON** and the Senator from Cumberland, Senator **BRANNIGAN** and further excused the same Senators from today's Roll Call votes.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Amend the Law Regarding the Sale of Wood Pellets" (EMERGENCY)

H.P. 1219 L.D. 1610

In Senate, April 4, 2012, Committee of Conference Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (S-510)**.

Comes from the House, Committee of Conference Report **READ** and **REJECTED**, in **NON-CONCURRENCE**, and **A SECOND COMMITTEE OF CONFERENCE ASKED FOR**.

On motion by Senator **COURTNEY** of York, the Senate **RECEDED** and **CONCURRED** and **JOINED IN A SECOND COMMITTEE OF CONFERENCE**.

House Paper

Bill "An Act To Allow the Town of Fort Kent To Create a Downtown Tax Increment Financing District Using the Current Assessed Value of the Downtown" (EMERGENCY)

H.P. 1414 L.D. 1910

Presented by Representative **MARTIN** of Eagle Lake. Cosponsored by Senator **JACKSON** of Aroostook. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Comes from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** and ordered printed, in concurrence.

Joint Orders

Expressions of Legislative Sentiment recognizing:

Cody St. Germain, of Dixfield, a senior at Dirigo High School and forward for the Dirigo High School Boys Basketball Team, who is the winner for the second straight year of the C. Harry Edwards Award as the most valuable player and sportsman of the Western Class C Tournament. Cody was also named the Mountain Valley Conference Player of the Year by the Mountain Valley Conference coaches. We extend our congratulations to Cody on his achievements;

HLS 1144

READ.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise this morning to pay tribute to four different groups. The first one happens to be Cody St. Germain of Dixfield, who happens to be a senior at Dirigo High School. I'm happy to stand up and honor Cody. His dad is actually sometimes my boss at work, so it doesn't hurt to say thank you to the boss' son. What did Cody do? Cody was a forward for the Dirigo High School Boys Basketball Team, who was the winner for the second straight year of the C. Harry Edwards Award for the most valuable player and sportsman of the Western Class C Tournament. Cody was also named the Mountain Valley Conference Player of the Year by the Mountain Valley Conference coaches. Two great feats and I'm really pleased to congratulate Cody on his feats and wish him well in his future endeavors. Thank you, Mr. President.

PASSED, in concurrence.

Raymond Broomhall, of Mexico, on the occasion of his retirement after 50 years with the Mexico Fire Department. Mr. Broomhall started with the department as a firefighter on February 11, 1962 and retired as deputy chief on February 11, 2012. He is a member of the Western Maine Firefighters' Association and the Maine State Federation of Firefighters. During his tenure with the Mexico Fire Department Mr. Broomhall received several honors and awards. In 1978 he received special recognition from the Town of Mexico for bravery in preventing the loss of life at a fire. In 2001 he was named Part-time/Reserve Employee of the Year and received the George Downs Firefighter of the Year Award. In 2002 he was named Citizen of the Year by the Town of Mexico and in 2006 was inducted into the Maine Ski Hall of Fame. Mr. Broomhall also coached for several sports in the Mexico schools and Mountain Valley schools. We extend our appreciation to Mr. Broomhall for his dedicated service to the citizens of Maine and wish him well in his future endeavors;

HLS 1145

READ.

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 rise this morning to pay tribute to a wonderful man, Raymond Broomhall of

Mexico, on the occasion of his retirement after 50 years in the Mexico Fire Department. If you know anything about skiing in Western Maine, the name Broomhall is synonymous with Black Mountain. Mr. Broomhall started with the department as a firefighter on February 11, 1962 and retired as Deputy Chief on February 11, 2012. Mr. Broomhall received several honors and awards. In 1978 he received special recognition from the town of Mexico for bravery in preventing the loss of life in a fire. In 2001 he was named Part-time/Reserve Employee of the Year and received the George Downs Firefighter of the Year Award. In 2002 he was named Citizen of the Year by the Town of Mexico and in 2006 was inducted into the Maine Ski Hall of Fame. This man has dedicated himself to his community and I'm really pleased that he's reached the 50 year anniversary and is retired. I wish him health, happiness, and prosperity in his retirement years. Thank you, Mr. President.

PASSED, in concurrence.

Caleb Hall, of Dixfield, a senior at Dirigo High School, who is the 2012 Class C State Wrestling Champion in the 132-pound weight division. Caleb is a 2-time state champion wrestler and a 3-time regional champion wrestler. We extend our congratulations and best wishes to Caleb on his achievements;

HLS 1146

READ.

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 rise this morning to honor Caleb Hall of Dixfield, a senior at Dirigo High School who is the 2012 Class C State Wrestling Champion in the 132 pound weight division. Caleb is a two time State Champion wrestler and a three time Regional Champion wrestler. I'd just like to personally thank Caleb for his wonderful effort and wish him well in his future endeavors. Thank you, Mr. President.

PASSED, in concurrence.

The members of the Dirigo High School Boys Basketball Team, of Dixfield, who have won the 2012 Class C State Championship: Caleb Turner, Josh Turbide, Cody St. Germain, Ben Holmes, Mitch Stanley, Jake Dowland, T. J. Frost, Hunter Ross, Nick Blodgett, Robbie Babb, Chad Snowman, Dylan Kidder, Kaine Hutchins, Brian Volkernick, Joey Hebert, Issah Brown and Tyler Frost and head coach Travis Magnusson, assistant coaches Gary Holman, Marty Magnusson and Bill White, managers Jenn Smith and Tameka Cheadle and athletic trainer Aaron Perrault. We send our congratulations and best wishes to the members of the team on their achievement;

HLS 1147

READ.

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 rise this morning to say I'm saddened that I was unable to be here Friday because the Dirigo High School Boys Basketball Team, who had won the Class C Championship, was here and I just wanted to say one more time that it was probably one of the most exciting games I've seen in many years and I'm really proud of the efforts they put in and the class that they showed and wish them well for the 2013 season. Thank you, Mr. President.

PASSED, in concurrence.

Joint Resolution

The following Joint Resolution:

H.P. 1413

JOINT RESOLUTION COMMEMORATING THE HOLOCAUST AND YOM HASHOAH, THE DAY OF REMEMBRANCE

WHEREAS, from 1933 to 1945, 6,000,000 Jews were murdered in the Holocaust as part of a state-sponsored, systematic persecution and annihilation program of genocide, and millions of other people suffered as victims of Nazism, such as the handicapped, political dissidents and many others for racial, ethnic or national reasons; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated and the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies and governments; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some of whom lost their lives and others of whom have experienced lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, the national community, pursuant to an Act of Congress, will be joining other nations in commemorating the week of April 15th through April 22nd as the Days of Remembrance of the Victims of the Holocaust, including the Day of Remembrance, known as Yom HaShoah, April 19, 2012; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the Second Regular

Session, on behalf of the people we represent, pause in solemn memory of the victims of the Holocaust, and in honor of the survivors, as well as the rescuers and liberators, urge one and all to recommit themselves to the lessons of the Holocaust through the international week of commemoration and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Holocaust and Human Rights Center of Maine and the United States Holocaust Memorial Council in Washington, D.C. on behalf of the people of the State of Maine.

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

READ.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, this Resolution commemorates the Holocaust and Yom Hashoah, the Day of Remembrance, as well as the week of April 15 through 22 as the Days of Remembrance of the Victims of the Holocaust. I rise to make a few remarks this morning, Mr. President, and I'm going to read from a part of an address that the President made several years ago on this subject. He was talking about the 89th Infantry Division, which were the first Americans to reach a Nazi concentration camp at Buchenwald. He said as follows: "The story goes that when the Americans marched in and discovered the starving survivors and piles of dead bodies, General Eisenhower made a decision. He ordered Germans from the nearby town to tour the camp so that they could see what had been done in their name. He ordered the American troops to tour the camp so they could see the evil they were fighting against. Then he invited Congressmen and journalists to bear witness and he ordered that photographs and films be made. Some of us have seen those images, whether in the Holocaust Museum or elsewhere. Eisenhower said he wanted to, "Be in a position to give firsthand evidence of these things if ever in the future there developed the tendency to charge these allegations merely to propaganda." Eisenhower understood the danger of silence. He understood if no one knew what had happened that would be yet another atrocity and would be perpetrator's ultimate triumph. What Eisenhower did to record these crimes for history is what we are doing here today. That's what the survivors we honor here do by fighting to make their memories part of our collective memory. That's what the Holocaust Museum does everyday on our National Mall, the place where we display for the world our triumphs and failures and the lessons we've learned from our history with the opposite of silence. We also must remember that bearing witness is not the end of our obligation, it's just the beginning. We know that evil has yet to run its course on earth. We've seen it in this century in the mass graves and the ashes of villages burned to the ground and children used as soldiers and rape used as a weapon of war. To this day there are those who insist the Holocaust never happened, who perpetrate every form of intolerance, racism, and anti-Semitism; homophobia, xenophobia, sexism, and more hatred that degrades its victims and diminishes us all. Today and

every day we have an opportunity, as well as an obligation, to confront these scourges, to fight the impulse to turn the channel when we see images that disturb us, or wrap ourselves in the false comfort that others sufferings are not our own. Instead we have the opportunity to make a habit of empathy, to recognize ourselves in each other, and to commit ourselves to resist the injustice and intolerance and indifference in whatever forms they may take, whether confronting those who tell lies about history or doing everything we can to prevent atrocities like those that took place in Rwanda and those in Darfur. 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 rise today on this special day where we remember one of the most heinous periods in our world's history. We are here today not only to mourn the loss of thousands of lives that were senselessly persecuted, but we also want to honor those who survived and those who helped save them and to contemplate and bear witness to their courage and resiliency. We don't have to look far even in today's world to see that oppression, brutality, and violence, including that which is happening in Central Africa and in the Middle East, is still happening today. Today, Mr. President, I ask that we make sure that "never again" no longer rings hollow. Thank you.

ADOPTED, in concurrence.

COMMUNICATIONS

The Following Communication: H.C. 356

**STATE OF MAINE
CLERK'S OFFICE
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AUGUSTA, MAINE 04333**

April 6, 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 Establish the St. John Valley Regional Planning Commission" (H.P. 578) (L.D. 771).

Representative DOW of Waldoboro
Representative AYOTTE of Caswell
Representative TUTTLE of Sanford

Sincerely,

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

READ and ORDERED PLACED ON FILE.

Senate at Ease.

Senate called to order by the President.

SENATE PAPERS

Resolve, Authorizing the Executive Department To Facilitate the Closure of the Maine Energy Recovery Company Facility in Biddeford by Negotiating the Transfer of the Juniper Ridge Landfill and Requiring Other Actions To Improve Recycling
S.P. 683 L.D. 1911

Presented by Senator HOBBS of York.
Cosponsored by Representative CASAVANT of Biddeford and Senators: BARTLETT of Cumberland, COURTNEY of York, SULLIVAN of York, Representatives: BEAUDOIN of Biddeford, DRISCOLL of Westbrook, HOGAN of Old Orchard Beach, PEOPLES of Westbrook, PILON of Saco, ROCHELO of Biddeford, VALENTINO of Saco.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested and ordered printed.

Senator **SAVIELLO** of Franklin moved to **TABLE** until Later in Today's Session, pending **REFERENCE**.

Senator **SCHNEIDER** of Penobscot requested a Roll Call. Less than one-fifth of the members responding, a Roll Call was not in order.

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

Bill "An Act To Encourage Responsible Teen Driving"
S.P. 684 L.D. 1912

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Representative CEBRA of Naples and Senators: COLLINS of York, HOBBS of York, President RAYE of Washington, Representatives: CAIN of Orono, MAZUREK of Rockland, Speaker NUTTING of Oakland, PEOPLES of Westbrook, WILLETTE of Mapleton.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **COLLINS** of York, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

ROLL CALL (#454)

Senator **DILL** of Cumberland **OBJECTED**.

Senate at Ease.

Senate called to order by the President.

THE PRESIDENT: The Chair would advise that the objection to the Reference from the Senator from Cumberland, Senator Dill, came too late in the process. The bill had already been Referenced.

The Chair **RULED** the motion by Senator **DILL** of Cumberland to **OBJECT OUT OF ORDER**.

Senator **DILL** of Cumberland moved the Senate **RECONSIDER** whereby it **REFERRED** the Bill to the Committee on **TRANSPORTATION**.

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 Schneider.

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, the reason why I agree with my Senate colleague, Senator Dill, about stopping this from being referred to committee is that consistently I have gotten up in this Body to speak against poor public process. We are in the weaning days of session and this is a significant bill which will impact many families. Whether or not it's good or bad is not the issue. To me it is about the people of Maine knowing what these changes are and having a full opportunity to vet this. This is not an emergency. It cannot pass the straight face test for emergency. That's why I'm standing in opposition. It's not because of anybody involved in this. I think that they are bringing this bill forward with good intentions, but it is poor public process. I hope that you all will agree because there may be other days when there are bills that are brought forward at the tail end of session and you will have wished for, consistency sake, that you are in agreement that this is not the time to be referring bills to committees that are substantially going to impact the people of this state. I will hope that we will vote in opposition to reference of this bill and stand together on this because it's the right thing to do for the people of this state. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Dill to Reconsider Reference. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

YEAS: Senators: ALFOND, BARTLETT, CRAVEN, DILL, FARNHAM, HILL, JOHNSON, PATRICK, SCHNEIDER, WOODBURY

NAYS: Senators: COLLINS, COURTNEY, DIAMOND, GERZOFKY, GOODALL, HASTINGS, HOBBS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

EXCUSED: Senators: BRANNIGAN, JACKSON

10 Senators having voted in the affirmative and 23 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **DILL** of Cumberland to **RECONSIDER** whereby the Bill was **REFERRED** to the Committee on **TRANSPORTATION, FAILED**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Improve Maine's Liquor Distribution System" H.P. 664 L.D. 905

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-915)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-915)**.

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

READ ONCE.

Committee Amendment "A" (H-915) **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

Pursuant To Public Law

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Revise the Target Prices for the Dairy Stabilization Program" (EMERGENCY)

H.P. 1409 L.D. 1905

Reported that the same **Ought to Pass**, pursuant to Public Law 2009, chapter 467, section 16.

Signed:

Senators:

SHERMAN of Aroostook
THIBODEAU of Waldo

Representatives:

EDGECOMB of Caribou
BLACK of Wilton
CRAY of Palmyra
DILL of Old Town
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-866)**, pursuant to Public Law 2009, chapter 467, section 16.

Signed:

Senator:

SCHNEIDER of Penobscot

Representatives:

McCABE of Skowhegan
O'BRIEN of Lincolnville

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-911)**.

Reports **READ**.

Senator **SHERMAN** of Aroostook moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Prohibit Organized Retail Theft"

H.P. 478 L.D. 648

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

Signed:

Senators:

MASON of Androscoggin
GERZOFKY of Cumberland
WHITTEMORE of Somerset

Representatives:

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

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

Signed:

Representatives:

PLUMMER of Windham
MORISSETTE of Winslow

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Expand Educational Opportunities for Maine Students"

H.P. 1372 L.D. 1854

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-885)**.

Signed:

Senators:

LANGLEY of Hancock
ALFOND of Cumberland
MASON of Androscoggin

Representatives:

RICHARDSON of Carmel
EDGECOMB of Caribou
JOHNSON of Greenville
LOVEJOY of Portland
MAKER of Calais
McFADDEN of Dennysville
NELSON of Falmouth
RANKIN of Hiram
WAGNER of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-886)**.

Signed:

Representative:

McCLELLAN of Raymond

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended by Committee Amendment "A" (H-885)** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-885)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-885) AS AMENDED BY HOUSE AMENDMENT "B" (H-901)** thereto.

Reports **READ**.

On motion by Senator **LANGLEY** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-885)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-885) **READ**.

House Amendment "B" (H-901) to Committee Amendment "A" (H-885) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-885) as Amended by House Amendment "B" (H-901) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-885) AS AMENDED BY HOUSE AMENDMENT "B" (H-901)** thereto, in concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Limit MaineCare Reimbursement for Methadone Treatment"

H.P. 1361 L.D. 1840

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-912)**.

Signed:

Senators:

McCORMICK of Kennebec
CRAVEN of Androscoggin
FARNHAM of Penobscot

Representatives:

STRANG BURGESS of Cumberland
EVES of North Berwick
FOSSEL of Alna
MALABY of Hancock
O'CONNOR of Berwick
PETERSON of Rumford
SANBORN of Gorham
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-913)**.

Signed:

Representative:

STUCKEY of Portland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-912)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-912)**.

Reports **READ**.

On motion by Senator **MCCORMICK** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-912)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-912) **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 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-914)**.

Signed:

Senator:

CRAVEN of Androscoggin

Representatives:

STRANG BURGESS of Cumberland
EVES of North Berwick
FOSSEL of Alna
MALABY of Hancock
PETERSON of Rumford
SANBORN of Gorham
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**.

Signed:

Senators:

McCORMICK of Kennebec
FARNHAM of Penobscot

Representative:

O'CONNOR of Berwick

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-914)**.

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-914) **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 **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Provide Incentives To Foster Economic Growth and Build Infrastructure in the State" (EMERGENCY)

H.P. 310 L.D. 384

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-895)**.

Signed:

Senators:

RECTOR of Knox
MARTIN of Kennebec

Representatives:

PRESCOTT of Topsham
DRISCOLL of Westbrook
GILBERT of Jay
HERBIG of Belfast
HUNT of Buxton
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 Not To Pass**.

Signed:

Senator:

JACKSON of Aroostook

Representative:

DOW of Waldoboro

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-895) AS AMENDED BY HOUSE AMENDMENT "A" (H-909)** thereto.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-895) **READ**.

House Amendment "A" (H-909) to Committee Amendment "A" (H-895) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-895) as Amended by House Amendment "A" (H-909) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-895) AS AMENDED BY HOUSE AMENDMENT "A" (H-909)** thereto, in concurrence.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Phase Out Dirigo Health and Establish the Maine Health Benefit Exchange for Small Businesses and Individuals"

H.P. 1099 L.D. 1498

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

Signed:

Senators:

WHITTEMORE of Somerset
SNOWE-MELLO of Androscoggin

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-867)**.

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

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

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

Reports **READ**.

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

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **WHITTEMORE** of Somerset to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Standardize the Definition of 'Independent Contractor'"

H.P. 960 L.D. 1314

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-832)**.

Signed:

Senators:

RECTOR of Knox
MARTIN of Kennebec

Representatives:

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

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

Signed:

Senator:

JACKSON of Aroostook

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-832) AS AMENDED BY HOUSE AMENDMENTS "B" (H-897) AND "C" (H-916)** thereto.

Reports **READ**.

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

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

Senator **RECTOR:** Thank you Mr. President. Men and women of the Senate, this may be one of the most important business pieces of legislation to be passed in the 125th Legislature. I just wanted to let you know that you should be proud of folks representing virtually every area of business, labor, the insurance community, and many many others who met in repeated meetings to develop a common definition for "independent contractor" that could be used both by unemployment insurance and Workers' Compensation Insurance so that they would know clearly whether or not the folks that were working were either independent contractors or indeed employees. We came up with what I think is a definition clear enough, as I described it in committee, for my mother to be able to read and understand, which was an important test from my perspective. My mother's a reasonably smart woman, but I believe that everyone, as an employer or employee, should understand clearly what their status is. What this does is creates a presumption of employment unless you meet particular qualifications. Those are spelled out in a five part conjunctive test and an additional seven part test of which you have to meet at least three of those seven parts. It also has report backs to the committee with jurisdiction over labor

issues in 2013, 2014, and 2015 about misclassification and changes. All of this will take place starting the first of next year and the purpose of that is to give a chance for both the Workers' Compensation folks and the unemployment insurance people at the Department of Labor to be able to share that information, make sure that people are educated about the changes that are taking place in the law, and making sure that they will be prepared to deal with it. This was a very strong committee report. It was bi-partisan and I want to thank those from the various groups that came together to work on this and to get us to this place. We should be very proud of that work. Thank you, 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, if, indeed, what the good Senator has said is true, and I have no reason to think it would not be true, I would say congratulations, congratulations, congratulations. Having served on both of the committees that used to make up single committees for this one committee, this has been a major problem for consumers and businesses and for the taxpayers, both as private citizens and as business taxpayers. These are the types of bills that need to go out of this Chamber and the other Chamber and be signed because this is going to work together and really makes everybody's lives better; workers and managers, employers and employees. Thank you very much to the entire committee.

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

READ ONCE.

Committee Amendment "A" (H-832) **READ**.

House Amendment "B" (H-897) to Committee Amendment "A" (H-832) **READ** and **ADOPTED**, in concurrence.

House Amendment "C" (H-916) to Committee Amendment "A" (H-832) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-832) as Amended by House Amendments "B" (H-897) and "C" (H-916) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-832) AS AMENDED BY HOUSE AMENDMENTS "B" (H-897) AND "C" (H-916)** thereto, in concurrence.

Divided Report

Eight members of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Establish the Department of Agriculture, Conservation and Forestry" (EMERGENCY)

H.P. 1350 L.D. 1830

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-876)**.

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

Three members of the same Committee on the same subject reported in Report "B" that the same **Ought Not to Pass**.

Signed:

Senator:

SCHNEIDER of Penobscot

Representatives:

KENT of Woolwich
O'BRIEN of Lincolnville

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-877)**.

Signed:

Representatives:

DILL of Old Town
McCABE of Skowhegan

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-876) READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-876) AS AMENDED BY HOUSE AMENDMENT "C" (H-910)** thereto.

Reports **READ**.

Senator **SHERMAN** of Aroostook moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-876)**, 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, you'll see on your calendar today that this was a very divided committee report in that we had three different

reports out of committee. We heard a great deal of testimony on this and very, very little of it was completely in favor of it. The merger has been proposed in a different way in the past. Now it's coming back to merge two departments, the Department of Agriculture and the Department of Conservation. I think what I'll do is share with you some of the words from people who came forward. A former colleague of ours, in this Senate Chamber, Senator Gooley, came to speak in opposition to this merger. He had the opportunity to work under the Department of Conservation in Forestry Management. He speaks to the lack of dollar savings. In fact, he says there would be little in dollar savings. The opposite would be true. He believes this is actually going to end up costing more money in the long run. He also says that there is going to be more difficulty with meetings because it will be harder to arrive at consensus on policy and funding decisions. He goes on to say that he's quite familiar with these agencies and their work and he has concerns that there would be a top-down, more bureaucratic sort of mega agency scenario. That's just one person and there were many, in fact. It was very interesting testimony because people who came forward, even when they either spoke neither for nor against or spoke in favor, nearly everybody had significant concerns about a merger. I think the concerns are essentially, and I think they are very much warranted, that depending upon who is in power at the time, there will be either too much weight given to one department, the Department of Conservation, or the other department, the Department of Agriculture. If they are brought together as one, one of the two entities will lose out depending upon who is in power at the time. I'd like to read some testimony also about some of the concerns because there are many. There are many bugs that have to be worked out in this. This is from George Smith of Mt. Vernon, Maine. We all know him as the former Director of the Sportsman's Alliance of Maine. He said, "We know that support for our natural resources agencies has fallen from 4.2% of the General Fund budget. To go by my reckoning, just about 1.8%." He asks, "Will this merger reverse that decline? How much will it cost to merge these two departments?" He doesn't believe that the fiscal note is accurate, I think. He says, "It won't be cheap." It cost \$180,000 to merger the small Atlantic Salmon Commission with the Department of Marine Resources a few years ago. He said, "I hope you will insist on an honest and accurate fiscal note and probe the details of the fiscal note to make sure that all costs are accounted for." Here are a couple of many examples; the merger includes combining two divisions into the Bureau of Forests and Plant Health. Each division currently operates a separate laboratory. Will the two labs be combined? Where, at what cost? If you don't combine functions like this, and locations, how are efficiencies and collaborations going to be achieved? The merger will consolidate two divisions of the Bureau of Law Enforcement and Protection. How much new training of law enforcement personnel in the two divisions will be required? What will that cost? Will the officers need new equipment to communicate with each other? How about communication? Are the computers at the two departments able to talk? We are finding out about another department that this is kind of important to. Are the two websites compatible? What changes will be needed there? What will all of this cost? Of course this merger plan which someone sent to me anonymously some months ago might be different now, but I hope you will insist on seeing the current merger plan. Of course a lot of the details we don't have at this point. I want to just continue and let you know some of the concerns that he goes on

to bring to light. The management of Parks and Public Lands is completely different from the management of Farms and Forests. Different mission. Different constituency. Different programs. The growing importance of parks, public lands, and easement lands to the state's outdoor recreation economy justified department status. If, for some reason, we can't abide a stand-alone agency for our parks and lands, there is a better place to move it. There are eight states with Fish and Wildlife and Parks Departments. I'm familiar with Montana's. It will work very well. Maine's Bureau of Parks and Lands and Department of Inland Fisheries and Wildlife both have boating access, snowmobiling, ATV, landowner relations, outdoor recreations, and habitat management programs. Both manage land owned by the public. You could easily make the case that the Maine Wildlife Park belongs in the Bureau of Parks and Lands or that boating access programs belong at D.I.F. and W. It is a fact that small mission focused agencies work better than large departments bound in bureaucracy and strangled by conflicts between competing interests, which is essentially reinforcing what our former Senate colleague, Senator Gooley, says. Maine needs lean, self-funded natural resources agencies that anticipates change, recognizing economic opportunities and consistently repositioning themselves to serve the needs of Maine's economy and people. He goes on to say that many of us who have been around a while are justified in worrying that this is just another way to diminish the natural resource agencies and reduce their funding, especially when the proposal includes no new funding nor any funding identified to cover the cost of the merger. He says that he hopes we will answer these questions.

There is other testimony, and it's interesting. For example, Dale Cole, who is a farmer, came forward for himself and said, "Thank you for the opportunity to testify." He says his name is Dale Cole. "My testimony today, unfortunately, is in opposition to the proposed merger. It concerns me greatly that I have been unable to get three questions answered. Had I been able to gain the knowledge to these three questions, my testimony may have been different today. The three questions are: why can't you achieve the same efficiencies under the current separate department structure? In what separate ways will the merger effect agriculture, both representation and implication? In future Administrations and Legislative Bodies, with different agendas, could this become a vehicle to weaken agriculture?"

I just want to say that I think, for myself, not seeing any savings, real good savings, and seeing how well these departments are working right now, I do not understand why we need, when they are operating on such a miniscule amount of money, to take two departments that many people have come forward and spoke about, especially complimentary about the Department of Agriculture, and combine them. It goes back to the same old thing. When we're doing something right, we fix it and we fix it and we fix it until it's not working well at all. In this case we're doing it right. Why do we want to break it? That's why I'm in opposition to this change. I sort of was hoping that, in this session in particular, we wouldn't be changing things that are working well. One of things that businesses, and dairy farms are businesses and our farmers are a huge business, talked to us about that is the most disconcerting for them is the constant changing that the Legislature makes. We constantly change the laws and they cannot feel confident in consistency. I am urging opposition to this bill.

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **SHERMAN** of Aroostook **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-876)**, in concurrence. (Roll Call Ordered)

Divided Report

Eight members of the Committee on **JUDICIARY** on Bill "An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning a Public Records Exception for Proposed Legislation, Reports and Working Papers of the Governor" H.P. 1331 L.D. 1805

Reported in Report "**A**" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-882)**.

Signed:

Senator:
HASTINGS of Oxford

Representatives:
NASS of Acton .
BEAULIEU of Auburn
FOSSEL of Alna
MOULTON of York
PRIEST of Brunswick
SARTY of Denmark
WATERHOUSE of Bridgton

Four members of the same Committee on the same subject reported in Report "**B**" that the same **Ought Not to Pass**.

Signed:

Senator:
WOODBURY of Cumberland

Representatives:
MALONEY of Augusta
MONAGHAN-DERRIG of Cape Elizabeth
ROCHELO of Biddeford

One member of the same Committee on the same subject reported in Report "**C**" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-883)**.

Signed:

Senator:
DILL of Cumberland

Comes from the House with Report "**B**", **OUGHT NOT TO PASS READ and ACCEPTED**.

Reports **READ**.

On motion by Senator **HASTINGS** of Oxford, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF ANY REPORT**.

Senate

Ought to Pass As Amended

Senator FARNHAM for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Liquor Laws of the State"

S.P. 667 L.D. 1889

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-532)**.

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

READ ONCE.

Committee Amendment "A" (S-532) **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 **STATE AND LOCAL GOVERNMENT** on 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-527)**.

Signed:

Senator:
THOMAS of Somerset

Representatives:
COTTA of China
BOLDUC of Auburn
CASAVANT of Biddeford
HARVELL of Farmington
KAENRATH of South Portland
MOULTON of York
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 "B" (S-528)**.

Signed:

Representative:
BOLAND of Sanford

Reports **READ**.

Senator **THOMAS** of Somerset moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-527)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-527)** Report.

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

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House As Amended

Bill "An Act To Encourage Enrollment in High School Electrical Education Programs"

H.P. 1353 L.D. 1833
(H "A" H-871 to C "B" H-837)

READ A SECOND TIME.

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

ENACTORS

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

Acts

An Act Relating to Rating on the Basis of Group Size in the Small Group Health Insurance Market

S.P. 569 L.D. 1670
(C "A" S-522)

An Act To Correct Inconsistencies and Ambiguities in the Maine Guaranteed Access Reinsurance Association Act

H.P. 1254 L.D. 1702
(C "A" H-847)

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

Ordered sent down forthwith.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (3/30/12) Assigned matter:

Bill "An Act To Change Document Filing Fees for County Registries of Deeds" (EMERGENCY)
H.P. 1137 L.D. 1550
(C "A" H-711)

Tabled - March 30, 2012, by Senator **ALFOND** of Cumberland

Pending - motion by same Senator to **RECEDE** and **CONCUR** (Roll Call Ordered)

(In Senate, March 28, 2012, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.)

(In House, March 29, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-711) AS AMENDED BY HOUSE AMENDMENT "A" (H-806)** thereto, in **NON-CONCURRENCE**.)

(In Senate, March 30, 2012, Senator **THOMAS** of Somerset moved to **INSIST**.)

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, this is a tax increase, pure and simple. We've not been told the whole story. We're going to increase taxes because real estate sales are down. When real estates sales come back there will be no one here volunteering to give this money back. Supposedly this is all going to go for property tax relief. How many times have we heard that? Time after time we raise one tax so we can lower another. It never happens. I think we have to say no when it comes time to raise taxes. We can find a way to fund county government without raising fees on filing your deed with the registry's office. Thank you.

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

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, today you get to see two good friends disagree. I'm going to show you how to disagree and be agreeable on why

we disagree. I would like you not to look at this as a tax increase, but as a user's fee. It is for your county commissioners and if you buy a home and you want to protect that deed, and the State says you must, you don't pay any tax increase unless you buy a home or sell a home. It's the deed you are paying to have filed and take care of what is probably going to be your largest expense, unless you have two or three kids that are going to go to college, in your lifetime. It protects you. It's a user's fee. Yes, if the county does not make their budget, guess what? Every single person in the county, through your local municipality, pays an additional tax. It's an important piece. It was maybe six or eight years ago that we voted to up the fee to get a marriage license. That's choice. That's a user's fee. You want to get married, you have to pay for it. We were charging \$2, I believe we upped it to \$10. The cost of just keeping the people working and paying them, the cost of the machines, and the cost of the electricity. Things are going up, people. If you use something you should pay for it. This is a user's fee. It is something that my good Senate Chair and I disagree over, what is a user's fee. Regardless of how it comes out, I will still have great respect for the Senate Chair. He's still wrong, but I'll have great respect for him. It is important. If your county commissioners have not seen you I'm sure if you vote not to do this you will be hearing from them. Unfortunately, it will be after and it will be too late. You will see, we failed enactment the first time. All the history of this bill is printed in your calendar to read about. I would ask you not to look at this as a tax increase, but as a user's fee for if you are fortunate enough to be able to sell your home or fortunate enough to be able to buy one in this economy. Thank you.

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

Senator **HASTINGS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'd like to say that both the preceding speakers have been correct, and they have in a way. The Senator from York says that this is a user's fee. Yes, a recording fee is a user's fee to the extent that it funds the operation of the Registry of Deeds. We're not in a situation where the Registry of Deeds has come in and told the Legislature that they are losing money in their operations with this user's fee. That's not the case. If this was just funding a shortfall in the operation of the Registry of Deeds I would be with the Senator from York 100%. The Senator from Somerset is correct when he says that this fee does more than fund the operation of the Registry of Deeds and is used to fund the operations of county government, the surplus. Then I think it is a tax, just like a property tax is. Let's be honest about it. To the extent that we are using this fee to fund the operation of other parts of county government, which are normally funded by taxes, then that part of this fee is a tax. I would urge you to oppose the pending motion. Thank you.

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

Senator **BARTLETT:** Thank you Mr. President. This has been an entertaining lesson on a tax versus a fee. I always thought the semantics was that if you liked something then it was a fee, but if you didn't like it it was a tax. Now I find out it can be both at the same time. It's very entertaining and I think I'm not sure that the voters would slice the baloney quite as thin as we're trying to do to get around this. The bottom line is that there are some

Registry of Deeds that are losing money. This simply allows them to cover those costs rather than shift the burden to property tax payers. I think most people don't get this. They don't want their property taxes to go up. They'd much rather have user's fees pay for these expenses. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Alfond to Recede and Concur. 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 (#455)

YEAS: Senators: ALFOND, BARTLETT, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, GOODALL, HILL, HOBBS, JOHNSON, KATZ, MASON, PATRICK, RECTOR, SAVIELLO, SCHNEIDER, SULLIVAN, WOODBURY

NAYS: Senators: COLLINS, COURTNEY, HASTINGS, LANGLEY, MARTIN, MCCORMICK, PLOWMAN, ROSEN, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

EXCUSED: Senators: BRANNIGAN, JACKSON

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **ALFOND** of Cumberland to **RECEDE** and **CONCUR**, **PREVAILED**.

The Chair laid before the Senate the following Tabled and Later (4/4/12) Assigned matter:

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Enhance Career and Technical Education"

S.P. 650 L.D. 1865

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-518)** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-519)** (1 member)

Tabled - April 4, 2012, by Senator **LANGLEY** of Hancock

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-518)** Report

(In Senate, April 4, 2012, Reports **READ**.)

On motion by Senator **LANGLEY** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-518)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-518) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME.**

On motion by Senator **LANGLEY** of Hancock, Senate Amendment "A" (S-530) **READ**.

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

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, this amendment was really to address the issue that would have made this come out as a unanimous Ought to Pass. Working with the good Senator from Cumberland on a compromise that would, in essence. Let me back it up a little bit. The sticking point on the bill was the amount of days, in a district that has a career and technical education center or region, that they could be out of compliance with the calendar. What that means is that the area sending schools that send to a career and tech ed region or center get together and minimize the number of days that students are misaligned. We saw in our research from all around the state that in some areas they were out of alignment as much as 31 days. Being a career and tech ed teacher, what that meant was you struggled each week to have a full class of students. That was based on just the schedules, not also accounting for students being ill or other reasons. What this bill, the original bill, did was it moved it from 9 days to 5 days of which you could be out of alignment. Realizing that, in the best effort, those 5 days may not be met, this amendment says, in essence, that if you can't come to that agreement and you can't come to that calendar that you make provisions to get the students there, because that is my biggest issue, that the students be in their seats when you need to have them there. If the calendar issue doesn't work out, say you get the 6 days or you get the 7 and that is the best you can do in your district, the adults in the room get together and says they will find a way to get those kids there. We've done a little bit of that in my district when I was teaching with a local high school that said they recognized that those students need to be there and they ran a van on those days that just didn't match up properly so they could not miss out on their education. That's the jest of this amendment. Thank you.

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

Senator **SHERMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'll be brief. This is an interesting dilemma. I think this bill, the 5 day piece, affects Southern Maine. It affects Northern Maine, it has to do with the potato harvest. I think Senator Alfond and I had some conversations about the difficulty around the Portland area. We have a harvest break in about two-thirds of Aroostook County. Since I'm talking, I'd like to say the numbers. It's about a \$300 million industry. In order to harvest, the break is about 3 weeks. We've done it in 2 before, depends on the rains. This would make it very difficult for the 400 or 500 individuals that work on the harvest and help with the

harvest. To replace 400 or 500 individuals, those folk that are in the upper side of education because you can't have the little kids. Some of the little kids are still picking potatoes, but not too many. Most are picking rocks off the harvest bins and that sort of thing. For the record, we've had some conversations outside and the commissioner understands our dilemma. I understand also, for the record, that he may write some rules and processes that we can take a look at for the various school districts in that area. Our biggest problem probably is an outlier school. I won't name it, but it's in the Central Aroostook area where they are busing kids to other school districts; Presque Isle, Easton, and those places. It's a dilemma. I hope with what the commissioner is going to put out as memo of some sort that we can live with this. I'm not going to particularly vote for this, frankly, because there might be a possibility of other thought processes at the other end of the hall. Thank you very much.

On motion by Senator **LANGLEY** of Hancock, Senate Amendment "A" (S-530) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-518) AND SENATE AMENDMENT "A" (S-530).

Ordered sent down forthwith for concurrence.

Off Record Remarks

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.

RECESSED until 2:00 in the afternoon.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

Resolve, Authorizing the Executive Department To Facilitate the Closure of the Maine Energy Recovery Company Facility in Biddeford by Negotiating the Transfer of the Juniper Ridge Landfill and Requiring Other Actions To Improve Recycling
S.P. 683 L.D. 1911

Tabled - April 9, 2012, by Senator **SAVIELLO** of Franklin

Pending - **REFERENCE**

(Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested and ordered printed.)

Senate at Ease.

Senate called to order by the President.

On motion by Senator **SAVIELLO** of Franklin, Bill and accompanying papers **INDEFINITELY POSTPONED**.

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-527)** (8 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (S-528)** (1 member)

Tabled - April 9, 2012, by Senator **THOMAS** of Somerset

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-527)** Report

(In Senate, April 9, 2012, Reports **READ**.)

On motion by Senator **THOMAS** of Somerset, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-527)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-527) **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.

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

Bill "An Act To Encourage Enrollment in High School Electrical Education Programs"

H.P. 1353 L.D. 1833
(H "A" H-871 to C "B" H-837)

Tabled - April 9, 2012, by Senator **ALFOND** of Cumberland

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In House, April 5, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-837) AS AMENDED BY HOUSE AMENDMENT "A" (H-871)** thereto.)

(In Senate, April 5, 2012, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-837)** Report **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "B" (H-837) **READ**. House Amendment "A" (H-871) to Committee Amendment "B" (H-837) **READ** and **ADOPTED**, in concurrence. Committee Amendment "B" (H-837) as Amended by House Amendment "A" (H-871) thereto, **ADOPTED**, in concurrence.)

(In Senate, April 9, 2012, **READ A SECOND TIME**.)

Senate at Ease.

Senate called to order by the President.

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

The Chair laid before the Senate the following Tabled and Later (4/5/12) Assigned matter:

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations"

H.P. 1078 L.D. 1469

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-887)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-888)** (5 members)

Tabled - April 5, 2012, by Senator **FARNHAM** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 4, 2012, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-887)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-887)**.)

(In Senate, April 5, 2012, Reports **READ**.)

Senator **FARNHAM** of Penobscot moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-888)** Report, in **NON-CONCURRENCE**.

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

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

Senator **FARNHAM:** Thank you Mr. President. The Minority and Majority Reports both will permit video gaming for money conducted by non-profits. The difference is in the machine. Video poker machines, as you all probably know, have been owned and operated by non-profits in this state for many years. It's the use of these machines that has been regulated. Just a little history. I needed this myself, so I just want to share a quick rundown through the history as a try at it. In 1973 the law that governs games of chance was enacted which prohibited the use of a slot machine to conduct games of chance for money. In 1979 the law was amended to include these other video gaming machines and, again, had them prohibited for being used to conduct games of chance for money. In 1981 an opinion was brought forward and it said machines could be licensed if they were operated within the scope of a license. They would be licensed if the machine does not award the winning player with cash, premiums, or merchandise. Then two years later, in 1983, a law was passed that allowed for the electronic video machines to be licensed by the State Police. It allowed for people to pay for the privilege to just play this type of machine but, again, could not receive cash or anything of value in return for the play. These laws prohibiting the use of machines, slot machines and electronic video machines, for gambling pretty much remained in place until 2003, when the racino referendum passed. Again, that only addressed the slot machines, which left all these other machines still out in the state in various organizations, various non-profits, and they were being used in varying degrees. Unofficial terms for the machines might be "the white machine" with an electronic video machine registered by the State Police and was used for entertainment purposes only, as the law pertained. A "gray machine" might be an electronic video machine registered by the State Police, but used to pay out prizes. Those machines were in violation of the law. I've heard of the "black machine", an electronic video machine not registered and being used illegally. The Minority Report will allow for non-profits who have been licensed to conduct games of chance for two years and who have a facility they own or have leased for two years to actually use, legally, the machines to electronically dispense and display sealed type games. The element of chance is determined by a pre-printed ticket roll within the machine. The distinction between these machines and slot machines is that the element of chance is determined by a pre-printed ticket. The

machine itself does not determine the element of chance. The modern version of this machine may appear like a slot machine, with elaborate electronic displays and ticket readers that display the result of a ticket having been read on the screen. The machines are not subject to on-line monitoring because of the fact that the game is determined by the installed tickets. Proceeds of play would be the same as those of regular sealed tickets, so that would allow the utmost flexibility to the non-profits. I'll just finish my remarks by saying that there are five veterans on the Veterans and Legal Affairs Committee, there are three veterans on the Minority Report, there is one veteran on the Majority Report, and there is one veteran on neither report. Thank you.

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

Senator **PATRICK:** Thank you Mr. President. Just a point of order. I think it says the Ought to Pass "A" Report. I think that is the Majority Report. I just want to make sure I'm debating the right report.

THE PRESIDENT: It says Minority Ought to Pass A, meaning as amended, Committee Report B.

Senator **PATRICK:** Thank you Mr. President. They've got that corrected. Ladies and gentlemen of the Senate, the Minority Report, basically I'll read the summary of what it says. The amendment replaces the bill and is the Minority Report of the committee. The amendment permits veterans organizations licensed to conduct games of chance to operate electronic and mechanical ticket dispensers. These machines dispense Lucky 7 or similar sealed tickets and may include a function that electronically reads a dispensed ticket to determine if it is a winning ticket. The amendment specifies the element of chance is not determined by the machine, but by the ticket itself. This bill has come before the Veterans and Legal Affairs Committee for many, many years. The one question that was asked of veteran's organizations straight forward was, "Do you want these machines that are in Report B, which are basically sealed ticket machines?" The veterans, themselves, are right here and I'm sure they would say, as I did, unequivocally they said no, not at all. They did not want these machines. They basically have them now. They have the pull kind that you have. The only difference between what they have right now is it looks like a slot machine with spinning wheels and you have an electronic reader that reads a sealed ticket. The veterans were asked straight forward, "Do you want these machines?" The non-profits were asked, "Do you want these machines?" They said no. They said that these are like a glorified slot machines. When the electronic ticket is read the bombs go off bursting in the air. You get all kinds of lights and sirens just like a real slot machine, but it is a sealed ticket. I have dealt with this issue since the last 1970's, as I've been the member of several non-profits off and on throughout my whole adult life. What the veteran's organizations and non-profits are looking for is a manner where they can basically get a raise in the revenue that they generate to keep their organizations afloat. Not putting these machines in but putting in the other type of machines would do that. In fact, what they actually asked for was the ability to have 250 slot machines with the state for non-profits, and especially for veterans because that is what our primary focus was. They actually asked that we could, basically, have a one year hiatus law when you set the thing up. We'd start off, not

with the full compliment of 250 machines, with 100 machines. They would be able to see if whether or not there were enough non-profit organizations that would fit under the scope of being able to use these machines. They also said, as I did, that they understand that the scope of non-profits is so huge that it would encompass thousands of them and they wanted to make sure that we narrowly focus this bill. What we did, we were able to boil it down to C-8, C-10, and C-19, which are the non-profit veteran's organizations. The C-8 and C-10 are actually domestic fraternal order or associations exempt from taxation organizations. What they are asking for is a way that, unlike in the past where there was actually no oversight of the machines, there would be full oversight of the machines that they would finally get if we passed some sort of a bill. Hopefully it's the type that they would like. They would like to see the bill in a posture where it would be almost identical to the casinos, where there would be central site monitoring, where every dime of the machine would go in and be registered at the same place as the casinos go so everyone knows where every dime goes in and every dime goes out. All the percentages would be paid out and the entities that would get their share, the State would get their share, and the municipalities would get their share. They wouldn't have to set it up. It would be just like everything else. You'd have a municipal vote. They wanted to have something that they have been denied for many, many years because our committee was unable to get this bill or any bill into the posture where it had full oversight. They wanted a bill that would allow them to have a pay out of at least 80%, which is a little lower than the casinos but that way it may generate a little bit more money for them. They also realized that in the State of Maine law right now we have 3,000 slot machines statewide. Each casino has 1,500 but Pen National only has 1,000 in use. With the size of the business with the table games, I don't believe, unless things go way better than they are right now, that they will ever use the other 500. I would actually be brazen to say I don't ever think Oxford will use their other 500. We originally wanted to have the bill where we could take the number of slot machines underneath, but that raised the hackles of some so we didn't do it that way. What we did was bump up the total from 3,000 to 3,250. A non-profit wouldn't be a mini casino; it would be a non-profit that would have up to five slot machines. Throughout the committee we actually listened and learned about just how many organizations we were talking about. We were actually trying to get it to a position where it's not going to go forward. You'd have to have an organization that had games of chance, a license, for the last two years and you'd have to have a building or lease that you'd had for two years. There would be nothing going forward, but it's taking care of the entities that we have now; our VFWs, our American Legions, our AMVETs, and such. They wanted to make sure that not just anyone could come and play them, so it would have the same rules that govern games of chance. If you are in a non-profit you can only have members and/or guests play. The machines have to be in a specific location within the building. The percentage that would be given out would be 10% of the net slot machine income and must be deposited into the Gaming Control Board Administrative Expense Other Special Revenues Account, which is a non-lapsing, dedicated account; 8% of the net slot machine income would be deposited to the General Fund; 2% of the net slot machine would be credited to the Gambling Addiction Prevention and Treatment Fund; and 10% of the slot machine fund would be forwarded directly to the municipality. This is a pretty tight, iron clad bill that has been worked on for the last at

least 12 years that I know of, probably earlier than that. The last thing is that we wanted to have those that would have the final say as to whether or not this is a good thing for their organizations or not, so we asked them. It's kind of one of the most important things. If you're going to try to help out veterans, are you going to help them out the way you want to help them out or do you want to help them out they way they are asking to be helped out? Unequivocally, they said they would like to go with the option that I brought forward. They believed in the issue 100% in that this is a narrowly focused bill that would have a limited effect on the amount of machines in the state of Maine. You will probably hear that Maine just voted down a huge expansion of gaming. What I would say is that we've voted down the ability to have three major casinos in the state of Maine. Nothing within the referendums touched base with anything to do with non-profits. Ladies and gentlemen of the Senate, if you want to do something for the veterans you would do as the bill came from the House on April 4th, Ought to Pass as Amended by Committee Amendment "A". I would ask you to vote against this bill and vote for the way the veteran's organizations are asking for your support. Vote this down and move on to Amendment "A". Thank you.

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

Senator **PLOWMAN:** Thank you Mr. President. Men and women of the Senate, I stand to urge you to vote for the Minority Ought to Pass as Amended Report. Some years ago the Veterans and Legal Affairs Committee acknowledged that veterans and non-profit organizations were indeed being impacted by the new Bangor Racino in Bangor. A bill was put forward to allow Texas Hold-um to be held. It was a pretty generous plan. You could have Texas Hold-um tournaments quite often in every town. We've had table games going on with the charitable organizations and the veterans who are eligible. We heard public testimony at the time of the hearing that some of the veteran's organizations were not taking advantage of Texas Hold-um because they could not come up with the \$100 fee in order to run a tournament. These machines cost, a slot machine, about \$15,000. In order to qualify under the other report you'd have to put \$5,000, refundable, in an account to show that you are seriously interested in that license, which is not free. I'm trying to figure it out. If you can't come up with \$100 to play Texas Hold-um, how do you come up with \$15,000 for a machine and a license? Since we have table games going on in some towns, and now we want to start small slot parlors, which it would be most of the time, there would be a small casino some nights of the month when you also have Texas Hold-um available. If you are looking at passing what was requested, you will actually have small casinos here and there throughout the state of Maine. We did hear over and over that the people did not vote for an expansion of gaming. When preparing the Minority Report, we looked at a way to do this without expanding gaming. We looked at what we did for the Passamaquoddy a few years ago. The legislation in front of you, in the Minority Report, is to allow what is now only allowed to the tribes. It is to allow the veterans the ability to use the same machines that are being used by the Passamaquoddy on the reservation. The difference is, and must be, that the determining factor for the win is within the machine. As long as the determining factor is within the machine it does not constitute an increase in gambling for the state of Maine. It is what we already have on the books. It is an effective way of raising money. If you

stood both machines side-by-side, you would not be able to tell the difference from looking at it or how it logs in what you've won or your ability to keep playing until you run out of money. The only difference is that with one machine the odds are determined and fed through a central monitoring system. The other machine, the odds are already predetermined because you buy a box, just like you do now with rip-off tickets, and the reader will read the tickets as they are spun out and will tell you across the screen if you have won or not. It will continue to charge the credits that you've won. If you've won \$15 then you can use that \$15 to keep buying more tickets or you can cash out. The machines are less expensive. They don't require monitoring. They don't require the State to enter into a contract. The monitoring contract would be through whoever we have for the RFP. It costs the State money to do that. That's why a certain percentage goes into the Gambling Control Fund. These would be stand-alone machines. You would continue to operate the same way you do. I think what the people in the audience thought was that you would put a quarter in or a dollar in and turn a little handle like you do when you are buying Tide at the laundromat. This is not what it is. The machines look alike. We saw a demonstration of them. It's an offer and it does something that the other report doesn't do. It doesn't expand gambling. It doesn't create a new product in a new place. It doesn't create small casinos throughout the state of Maine. It does add a level of play that people have come to expect when you are looking for some time on the town. The other thing that I heard just a little bit earlier, and it bothers me more than any other part of this. A veteran or a member with two guests will be the people who play. If you have 100 members and they each bring a couple of guests, let's hope that they are bringing somebody new every week because the same three people every week or every night of the week will be the same people putting their money in the three to five machines, or one to five machines, and pretty soon that kind of market falls off. That's a lot of cannibalization of a very small market. I don't think it's something that you can count on to last a long time. Once you've got one of these machines it's not that easy to move it along. 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, first I want to say that, as many of you are aware, I've been very supportive of veterans and their organizations and often times I've heard, as I've gone around my Senate District, how, especially since Bangor has expanded, they are having a really hard time on their events supporting their organizations as they used to. It's just really difficult. To me, this is about a competitive sort of situation. When I look at who am I going to support here, I always think that we owe it to our veterans to stand up on their behalf. Their organizations do unbelievable work in our communities. I want to thank Donald Simoneau for his tireless efforts on behalf of our veterans and I have spoken with him on this and he is not in favor of the pending motion. I'm urging you right now to join me and oppose the pending motion so we can go on to the other report and support our veterans. I really tip my hat to him and to all our veteran's organizations because the community work that they do for children, for elderly, and for our people in need is amazing. They give so much back to our communities. They really need our

support. I hope you will vote against the pending motion. Thank you very much.

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 wonder if many of us here actually know what C-19, C-8, and C-10 do and how they derive their income. After all, they are pretty similar. How do they get their money to survive, to pay their bills, to give to their charitable organizations? They do bingo. They do sealed tickets. Some of the sealed tickets you can pull out of a machine. You just can't spin them on a wheel yet, electronically. They do raffles. They do casino nights, full fledged casino nights. Can you imagine that? They could probably have 15 games. The caveat is you can only bet \$1 at a time. I'll tell you one thing right now, ladies and gentlemen, the casino nights have dwindled because the amount of players, the amount of volunteers it takes to run a casino night, is similar to that of Texas Hold-um. Texas Hold-um is a great event for non-profits. The trouble is that an awful lot of them don't have the 10 or 15 volunteers that it takes to hold an event. The ones that do have that enjoy the benefits. They are good and people enjoy them. I remember when we first passed them they said the proliferation across the state of Maine was going to be ungodly. Do we have a bunch of them every week, all over the state of Maine? Yes, we do. I don't know the exact figures, probably five or ten throughout the whole state of Maine. They also have cribbage tournaments. Those sound deadly to me. They have pool tournaments. They have suppers. That's how they raise their money, ladies and gentlemen. I'm sure they don't do car washes any more because most of them are now in their 70's and 80's. We take a look at gaming in the state of Maine.

We have had gaming for over 200 years. It's called harness racing. They've been betting on the ponies as long as there have probably been ponies. We talk about exceptions, ladies and gentlemen. We've made some huge exceptions in the gaming laws here in the state of Maine. One of the first ones was that the racino was supposed to be attached to a racetrack. Right attached to a racetrack so you could go and play slot machines and come out and bet on the ponies. We made a huge exception to that rule and allowed Hollywood Slots to move from the racetrack to 2,000 feet across the street. In some respects I feel bad that we made that first exception, but it was actually a good business exception for the business in Bangor. Another huge exception is when we allowed a racino to turn into a casino. The only difference between casino and racino is you have table games with slot machines. We allowed that to have a county-wide vote. We have done some huge changes to the laws. Exceptions. I think from the standpoint of if you're going to have a business in the state of Maine you make those exceptions. What they talked about, one of the important things about having the machines back legally in their clubs, is a lot of their members will go to Oxford and have gone to Hollywood Slots, which there is no problem with that. If they stay in their own organizations once in a while the non-profits will have enough money to do what they want. If you factor in the amount of non-profits that could potentially have the machines, if we over two or three years allow 250 machines, there are hundreds of employees at these non-profits and the amount of charity work that these non-profits do would be in the hundreds of thousands of dollars. Non-profits,

from years ago they had no oversight, to an organization of now we're saying all kinds of oversight, the same oversight, basically, as our for-profit casinos. We're doing it for veterans and some fraternal clubs if they fit the profile. Yes, they have to have a \$5,000 refundable deposit because we want to make sure to at least have that money up front to see they are realistic. They also have to have \$2,000 in a fund that makes sure that they can cover if there is a jackpot. The organizations said they were willing to do that. They are willing to do that, those that can afford it. If they can afford it, and they get on their feet, I'm sure they will help other organizations, veteran's organizations, if they can. Everything that I have spoke about that the veteran's organizations wanted is everything they are willing to accept except the Minority Report. That's the only thing they don't want to accept. With that, ladies and gentlemen, I would say this vote will be if you want to help the veteran's organizations and give them what they want, vote this down and move onto the Majority Report. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Farnham to Accept the Minority Ought to Pass as Amended by Committee Amendment "B" (H-888) Report, in Non-Concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#456)

YEAS: Senators: COURTNEY, FARNHAM, HASTINGS, LANGLEY, MARTIN, MASON, PLOWMAN, RECTOR, SHERMAN, SNOWE-MELLO, THIBODEAU, WHITTEMORE

NAYS: Senators: ALFOND, BARTLETT, COLLINS, CRAVEN, DIAMOND, DILL, GERZOFKY, GOODALL, HILL, HOBBS, JOHNSON, KATZ, MCCORMICK, PATRICK, ROSEN, SAVIELLO, SCHNEIDER, SULLIVAN, THOMAS, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

EXCUSED: Senators: BRANNIGAN, JACKSON

12 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **FARNHAM** of Penobscot to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-888)** Report, in **NON-CONCURRENCE, FAILED**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#457)

YEAS: Senators: BARTLETT, COLLINS, CRAVEN, DIAMOND, DILL, GERZOFKY, GOODALL, HILL, HOBBS, JOHNSON, KATZ, MARTIN, MCCORMICK, PATRICK, SAVIELLO, SCHNEIDER, SULLIVAN, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, COURTNEY, FARNHAM, HASTINGS, LANGLEY, MASON, PLOWMAN, RECTOR, ROSEN, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE

EXCUSED: Senators: BRANNIGAN, JACKSON

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being excused, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-887)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-887) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-887)**, in concurrence.

Ordered sent forthwith to the Engrossing Division.

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 "B" (H-920)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-920)**.

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

READ ONCE.

Committee Amendment "B" (H-920) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Establish a Competitive Bid Process for Future Casinos and Slot Machine Facilities"

H.P. 1400 L.D. 1897

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-919)**.

Comes from the House with the Report **READ** and the Bill and all accompanying papers **COMMITTED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

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

On motion by Senator **FARNHAM** of Penobscot, Bill and all accompanying papers **COMMITTED** to the Committee on **VETERANS AND LEGAL AFFAIRS**, in concurrence.

ENACTORS

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

Emergency Resolve

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

H.P. 1410 L.D. 1906

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

Ordered sent down forthwith.

Acts

An Act To Simplify the Certificate of Need Process and Lessen the Regulatory Burden on Providers

S.P. 681 L.D. 1909

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

Ordered sent down forthwith.

An Act To Protect Victims of Domestic Violence

H.P. 1381 L.D. 1867
(C "A" H-907)

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

Senator **BARTLETT:** Thank you Mr. President. I just wanted to put a few remarks on the record prior to Enactment of this bill. I think this is an important step forward. It is one small aspect of domestic violence prevention, trying to deal with bail condition and the like to minimize the chances of re-abuse, at least in the very short term. One of the concerns I have is that this really is just one small part of the puzzle. When someone is being subjected to domestic violence one of the most challenging parts is figuring out a way out of that situation. How do you get out? Often times the person has been secluded from friends and family, may not be working, and have very limited resources to protect themselves. One of the concerns I've had is that these folks often rely on MaineCare and TANF, in particular, in order to extricate themselves from the situation. Obviously, with the budget cuts we've seen, these programs have been cut, having a huge impact on victims of domestic violence. I just want to highlight that because I know we will be continuing with budget negotiations and other measures. We'll celebrate the commitment to domestic violence that this bill represents, but also call attention to other measures that have been passed by this Legislature that work in the opposite direction. I hope that as we move forward we can commit, together, to rectify that situation to make sure that we are putting all the tools necessary in place to make sure the victims have a way out of that violence. 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, I do commend the Governor for putting domestic violence on the front burner and I absolutely agree with him. I would love to just tell people to stop that, but unfortunately that doesn't work. We have had a 30% increase in domestic violence since 2008. I think that has a lot to do with the economy, with the stress that people are experiencing, and just general lack of attention to the situation. I think that we have to do a lot better making it easier for domestic violence providers to serve the people that are being hurt and that are being abused. One of the problems that is going on currently is the opportunity for providers to contract with the department. The department has changed the system to offer RFPs, but the providers haven't received those yet. I just want people to know that lip service doesn't always do it. We have to make the road easier. We have to offer opportunities for people to get out of the abusive situations. It doesn't cost any more to make work easier for providers than it does to set up barriers for them. I just wanted to say, on the record, that we are not doing nearly enough to make sure that we reduce the incidents of domestic violence in our communities. Thank you, Mr. President.

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

Senator **DIAMOND**: Thank you Mr. President. Ladies and gentlemen of the Senate, very briefly. I think another part of this is expanding the awareness and education level of what domestic violence is. Often times the image we have is one spouse acting violently against another when the most forgotten, often times, are the kids who are being sexually assaulted or in other ways being assaulted. I would like to have us all remember that domestic violence is just not something that happens between two adults. Often times there is a child involved who is the target of that assault. If we can remember that domestic violence includes kids being the victims then I think we are getting a better picture, a more realistic picture of the entire problem. Thank you, Mr. President.

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

Ordered sent down forthwith.

Resolve

Resolve, Directing Review of Strategies To Improve Communication between Patients and Physicians
H.P. 1394 L.D. 1886
(C "A" H-905)

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

Ordered sent down forthwith.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Restructure the Department of Health and Human Services"

S.P. 664 L.D. 1887

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-533)**.

Signed:

Senators:

McCORMICK of Kennebec
FARNHAM of Penobscot

Representatives:

STRANG BURGESS of Cumberland
FOSSEL of Alna
MALABY of Hancock
O'CONNOR of Berwick
PETERSON of Rumford
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
SANBORN of Gorham
STUCKEY of Portland

Reports **READ**.

Senator **McCORMICK** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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 Bill "An Act To Reform Land Use Planning in the Unorganized Territory"

H.P. 1325 L.D. 1798

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-918)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-918) AS AMENDED BY HOUSE AMENDMENT "A" (H-926)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-918) **READ.**

House Amendment "A" (H-926) to Committee Amendment "A" (H-918) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-918) as Amended by House Amendment "A" (H-926) thereto, **ADOPTED**, in concurrence.

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

ENACTORS

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

Act

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

S.P. 252 L.D. 849
(S "C" S-443; S "E" S-506
to C "C" S-427)

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Revise the Target Prices for the Dairy Stabilization Program" (EMERGENCY)

H.P. 1409 L.D. 1905

Majority - **Ought to Pass**, pursuant to Public Law 2009, chapter 467, section 16 (9 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-866)**, pursuant to Public Law 2009, chapter 467, section 16 (3 members)

Tabled - April 9, 2012, by Senator **SHERMAN** of Aroostook

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

(In House, April 5, 2012, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-911).**)

(In Senate, April 9, 2012, Reports **READ.**)

Senate at Ease.

Senate called to order by the President.

On motion by Senator **SHERMAN** of Aroostook, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence

Under suspension of the Rules, **READ TWICE.**

On motion by Senator **SHERMAN** of Aroostook, Senate Amendment "A" (S-535) **READ.**

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

Senator **SHERMAN:** Thank you Mr. President. This amendment really puts a date for when this is going to start. It was inadvertently left off down in the other Body. This will take effect July 1, 2012. I think it strips the emergency clause also. That was also left off from the bill. 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, I'm not rising to object to the motion, I just felt it was important to give a little bit of background. Even though this is a divided report, the one thing I want to really drive home is that every single one of us supports this program. That is critically important to understand as we move forward. The bill, the Dairy Tier Program, is incredibly complicated. It has a long history. What we all should understand is the difference between dairy farmers and other farmers is that the dairy prices are controlled at the federal level. If you have a problem with us helping out dairy farmers, you need to talk to our federal delegation about what they are going to do to help resolve this issue because the prices that they set are simply not enough for farmers in our state to make ends meet. We came up with this innovative program, it is the envy of dairy farmers all over this country, to help keep some of our heritage alive. If we didn't have this program, we might not have any dairy farmers in the state of Maine. A lot of the time people are comparing this to other farmers and you just can't do that because, no pun intended, it's mixing apples and oranges. The Minority Report was saying that the Majority Report wasn't putting enough money into this program to sustain our dairy farmers. To me, there has been a lot of discussion over the years about the big farmers versus the medium sized farmers and the small farmers. There is a lot of

tension some times between the different farmers. The fact of the matter is that Maine doesn't really have any big farms. We don't have any big dairy farms that have like 19,000 cows. We don't have them here in this state. We do have bigger farms and some medium sized farms and smaller farms. To me, what's important is that every single farmer is helped with this program. I believe the Majority Report as amended now is better than what it was in the committee, when it came out of the committee. However in the past, because what happens is if this bill goes to Appropriations and they choose not to cap this program, which is what I'm hopeful they won't do, I hope that they won't cap it, but in the past, if they cap it, and that has been the historical experience, what can happen is this program can run out of money in the first couple of months, three months of the year, of the fiscal year. This is very problematic to the medium and small farmers. I had had originally some language to send a message to the Appropriations Committee that if they do end up putting a cap on this that they need to make sure that this program lasts, that it's fair, and that it lasts the full 12 months so it does not end up running out of money in the first two or three months. What ends up happening then, and this has happened in the past where they did this one year, where they did not cap it, is that the bigger farms in Maine, and this is a very big fear of the rest of the farms in Maine, in the first couple, two or three, months the program runs out of money and then there is nothing to sustain the medium and small farmers going forward. That is a huge problem. I want to just state for the record that I am ever hopeful that we will not cap this program, but I am also a realist. It is unlikely that the Appropriations Committee is going to write a blank check for this program. If we approve the bill and it goes down to Appropriations, and they don't cap it, that is the best case scenario for our farmers. If they cap it to a specific amount and we don't add language that says the director of the program must figure out a way to reduce the payments and make this last for the full year, we will be hurting many farms in this state to the tune of some over 260 farms, roughly. That's why I felt it was really important because originally I was thinking I might offer an amendment and I just decided that that probably wasn't in the best interest in moving this bill forward. I thought maybe of objecting to this and trying to get more money for farmers, but I think the best way is for us to come together, to send a message that we, as a committee, are not in opposition of supporting this program. Maine dairy farmers are part of the fabric of this state and we all need to stand together to help them. They are small businesses. I believe it's my responsibility, as a member of the Agriculture, Conservation and Forestry Committee, to be a voice for those dairy farmers who simply will not make it if we do not step up to the plate and fund this program appropriately. Perhaps I'm speaking to most of the Appropriations Committee in the Senate to let you know how critical this is to all of us in this state and how much our committee, as a whole, supports this program. We are depending on you, as are the dairy farmers, to ensure that their heritage, and our heritage, continues in this state. We cannot afford to lose any more dairy farms. We've lost many over the course of the year. We are trying to stop that from occurring by funding this program. Please work very diligently and hard on behalf of the dairy industry and make sure that we fund this program. Thank you very much.

On motion by Senator **SHERMAN** of Aroostook, Senate Amendment "A" (S-535) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-535), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

Bill "An Act To Encourage Enrollment in High School Electrical Education Programs"

H.P. 1353 L.D. 1833
(H "A" H-871 to C "B" H-837)

Tabled - April 9, 2012, by Senator **ALFOND** of Cumberland

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In House, April 5, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-837) AS AMENDED BY HOUSE AMENDMENT "A" (H-871)** thereto.)

(In Senate, April 5, 2012, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-837)** Report **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "B" (H-837) **READ**. House Amendment "A" (H-871) to Committee Amendment "B" (H-837) **READ** and **ADOPTED**, in concurrence. Committee Amendment "B" (H-837) as Amended by House Amendment "A" (H-871) thereto, **ADOPTED**, in concurrence.)

(In Senate, April 9, 2012, **READ A SECOND TIME**.)

On motion by Senator **ALFOND** of Cumberland, Senate Amendment "A" (S-536) **READ**.

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

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, in the passage of L.D. 1833 we already waived the licensing fee for high school students and then, in the other Body, community college students were put into it. This amendment, all it does is waives the fee for electrician apprentices for their helper license or their apprentice license. Why I believe this is germane to this Body and why I think it's important is that apprentices are also trying to become part of the field and that fee is still a fee to them too. If we're going to waive the fee for high school students and community college students, I think it's only correct that we also waive it for those who are apprentices. There seems to be a little bit of inaccurate information out there about community college students and the concept that if you are a community college students you would not, or could not, be working also and getting paid for your work in addition to going to school. We know that's inaccurate. There are students that are doing that, similar to apprentices. The idea that if you are apprenticing and taking classwork, just because you are getting paid, that you shouldn't get your fee waived, I think, is not a consistent argument because there are community college students that are also working within the field. I hope that

this Body can remain consistent and not pick winners and losers, but help all of these students and apprentices when they are paying this fee, or, as we learned earlier, a tax, or whatever we want to call it. It's a fee and I want to make sure that we reduce and eliminate that fee for all of those students and apprentices. Let's just talk about how many people we're talking about. There are around 80 apprentices here in the state of Maine. There are about 100 students in our community colleges. It's unknown to me how many high school students would actually enroll or take advantage of this reduced fee. I think it's important that we remain consistent in this Body and help out all of those that are training and wanting to become part of this field. The final piece of this is can we afford this? The answer is yes, we can. The Department of Professional and Financial Regulations has said they can absorb the cost of waiving fees for high school students and community college students. They have also put a fiscal note, I believe, on this and they could absorb that too. I don't see any reason for this Body to stop this amendment today. I hope that the Body will support this and send a strong statement to this profession. Thank you, Mr. President.

Senator **RECTOR** of Knox moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-536).

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

Senator **RECTOR:** Thank you Mr. President. Men and women of the Senate, we intentionally and mindfully, as a committee, waived the fee for licenses for students specifically because we were trying to encourage students to make a decision to try and enter the field of being an electrician. I would suggest that the reason this exemption didn't come forward, or didn't rise to garner our support earlier, is because for those that in the apprentice program they work during the day as electricians, earning money as suggested, which we admire. At night they study as apprentice electricians. They have already made the decision to enter the field. For that reason, I would argue that since they are earning in the field and working in the field it's different than attracting those students who are experimenting with the idea of possibly moving into the electrical field as a profession for themselves. I would urge your support of Indefinite Postponement. I thank you, Mr. President.

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

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

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, again, I'm going to just restate something that I know, this Body doesn't want to march down and just pick winners and losers. Yes, apprentices have chosen to go into the field. Yes, they are working by day. Yes, they are students by night. Yes, that fee still exists. The idea that we would somehow waive fees for high school students and community college students and not those who are in the field does not seem consistent with, I believe, this Body. I'm hoping that people will defeat this motion, put on something that sends a strong message to those in the field that we respect, honor, and

want them to be a part of this field and we want to provide the same consistent policy across the board. Thank you, Mr. President.

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

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

THE PRESIDENT: The Senator may pose her question.

Senator **PLOWMAN:** Thank you Mr. President. How much does it cost to be an apprentice?

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

Senator **RECTOR:** Thank you Mr. President. I believe, I could stand corrected, the license fee is \$96.

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

Senator **PLOWMAN:** Thank you Mr. President. May I pose my question again? How much does it cost, versus being a student or a college student, an apprentice as part of their training?

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

Senator **BARTLETT:** Thank you Mr. President. I don't specifically know, but typically you would face reduced earnings until you got that certificate. It's more of an opportunity than actually paying a fee. Typically you are under reduced earnings while you are working up to getting certifications.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Knox, Senator Rector to Indefinitely Postpone Senate Amendment "A" (S-536). 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 (#458)

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

NAYS: Senators: ALFOND, BARTLETT, CRAVEN,
DIAMOND, DILL, GERZOFKY, GOODALL, HILL,
HOBBINS, JOHNSON, PATRICK, SCHNEIDER,
SULLIVAN

EXCUSED: Senators: BRANNIGAN, JACKSON

20 Senators having voted in the affirmative and 13 Senators
having voted in the negative, with 2 Senators being excused, the
motion by Senator **RECTOR** of Knox to **INDEFINITELY
POSTPONE** Senate Amendment "A" (S-536), **PREVAILED**.

PASSED TO BE ENGROSSED AS AMENDED, in 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:

Resolve

Resolve, Directing the Committee on Veterans and Legal Affairs
To Develop Legislation Establishing a Presidential Primary
S.P. 659 L.D. 1882
(C "A" S-517)

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

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

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

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:

SENATE REPORTS - from the Committee on **HEALTH AND
HUMAN SERVICES** on Bill "An Act To Restructure the
Department of Health and Human Services"
S.P. 664 L.D. 1887

Majority - **Ought to Pass as Amended by Committee
Amendment "A" (S-533)** (9 members)

Minority - **Ought Not To Pass** (4 members)

Tabled - April 9, 2012, by Senator **ALFOND** of Cumberland

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

(In Senate, April 9, 2012, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (S-533) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE
DAY**.

Senator **ROSEN** of Hancock 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
Tuesday, April 10, 2012, at 10:00 in the morning.