

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Senate Legislative Record
One Hundred and Twenty-Fifth Legislature
State of Maine

Daily Edition

Second Regular Session
January 4, 2012 to May 31, 2012

Pages 1594 - 2357

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

ORDERS OF THE DAY

In Senate Chamber
Wednesday
April 11, 2012

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later (4/10/12)
Assigned matter:

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

JOINT ORDER - Expression of Legislative Sentiment
Recognizing Frank Johnson, of Augusta
HLS 1117

Prayer by Senator Elizabeth M. Schneider of Penobscot County.

Tabled - April 10, 2012, by Senator **KATZ** of Kennebec

Pending - **PASSAGE**, in concurrence

SENATOR SCHNEIDER: Thank you. It's always an honor and a privilege to be standing here to say the prayer with all of you. First I just want to take a moment because at this time of year, in particular, I'm always thinking about all the people who are around us, busily working to make the work that we do here easier for all of us. When I came in this morning, in the Chamber, there is John with a big smile, greeting us, and Heather is always going above and beyond the call of duty, rushing around with birthday cards and things like that for me and going the extra mile. I especially want to thank, for example, Barbara Thayer. God bless her in particular because she transcribes all of the hot air from this room. She thinks we don't notice, but we do notice and I am so very grateful to her and every single person in this Chamber staff and to Rose in the Senate President's Office and to Marsha in the Democratic Office. All the people working in Appropriations and the Appropriations Committee members who always have to work so much harder than the rest of us. There are just amazing people in OPLA and in the Revisor's Office. I am so grateful to all of them. This is really for them.

(In House, April 10, 2012, **READ** and **PASSED**.)

(In Senate, April 10, 2012, **READ**.)

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

God, thank You for the blessings You have bestowed upon us. Let us be aware of, celebrate, and give thanks for the wonderful people around us who work very hard to make our state a better place to live. We are eternally grateful to them and to You. We give thanks for the love in our hearts, the magnificence of this world You provide to us, the peace in our souls, and for the lives we have lived in service. Help us to share Your generosity and love with those we meet. Amen.

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, you heard many, or a couple, of wonderful stories yesterday about Frank Johnson and what a distinguished State employee and public servant he's been for many, many years. I can tell you that of all the people that came before the Appropriations Committee in the last two years the one who seemed to have the most credibility of anyone was Frank Johnson. If any issue came up about health insurance, whether related to State employees or not, it was always, "What does Frank Johnson think about that?" I rise for a slightly different purpose this morning, Mr. President. I want to take all of you back to the year 1966. All of you have driven across the Memorial Bridge, the large bridge in Augusta. You may not know this but that used to be a toll bridge. It was built with revenue bonds and you used to have to pay 2.5¢, and I think it went up to a dime before they closed it. In 1966 those bonds were finally paid off and Representative Russell Brown from Augusta sponsored a bill here in this Legislature to remove the tolls from the bridge and it passed. It was kind of a big day in Augusta, the last day of those tolls. There was a ceremony at midnight. Kennebec Journal photographers were there. Everybody knew it was closing, they just didn't know exactly when. There was a picture that appeared in the paper the next day of the last car driving through the toll bridge and paying the toll. They laughed and said it was over, the photographer had gone home, and it was now at midnight. About 12:15 two people, Mr. President, broke into the toll booth and started taking tolls again. Again, everybody knew it was going to happen sometime, but nobody knew exactly when. As I understand the story, these two people were there for about an hour before the Augusta Police Department was alerted and came and took them away. Now, as anyone on the Criminal Justice Committee knows, if you take money that doesn't really belong to you that is theft. There were never actually any charges brought here, but it was an interesting story. I can't remember who the second person was, Mr. President, but I do remember well who the first person was. It was Frank Johnson. Who knew then that the same creative thinking, Mr. President, would be put to a much better use for all

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

Reading of the Journal of Tuesday, April 10, 2012.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

of the citizens of the state of Maine for some decades. It is a sad day for all of us that Frank is retiring. Thank you, Mr. President.

At the request of same Senator, Joint Order **READ**.

PASSED, in concurrence.

THE PRESIDENT: The Chair is very pleased to recognize in the rear of the chamber Frank Johnson of Augusta, accompanied by his wife, Jeannie. They are the guests of the Senator from Kennebec, Senator Katz. Will they please stand and accept the greetings and congratulations and thanks of the Maine Senate.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Promote Transparency in Government"
S.P. 624 L.D. 1806
(C "A" S-523)

In Senate, April 5, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-523)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-523) AS AMENDED BY HOUSE AMENDMENT "A" (H-935)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **FARNHAM** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)
H.P. 1383 L.D. 1868

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-928)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-928)**.

Report **READ**.

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

The Committee on **TAXATION** on 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-929)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-929) AS AMENDED BY HOUSE AMENDMENT "A" (H-933)** thereto.

Report **READ**.

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

ENACTORS

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

Emergency Measure

An Act To Revise the Target Prices for the Dairy Stabilization Program

H.P. 1409 L.D. 1905
(S "A" S-535)

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

Acts

An Act Relating to Navigators under Health Benefit Exchanges
H.P. 1098 L.D. 1497
(H "B" H-925 to C "A" H-840)

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 Enhance Career and Technical Education
S.P. 650 L.D. 1865
(H "A" H-896 to C "A" S-518;
S "A" S-530)

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 (3/27/12) Assigned matter:

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Strengthen the Unemployment Insurance Laws and Reduce Unemployment Fraud"

S.P. 589 L.D. 1725

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-483)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-484)** (6 members)

Tabled - March 27, 2012, by Senator **MARTIN** of Kennebec

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-483)** Report

(In Senate, March 27, 2012, Reports **READ**.)

Senate at Ease.

Senate called to order by the 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 Arostook, Senator Jackson.

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm against the pending motion because, quite frankly, I am a frequent user of unemployment. The occupation that I am working in, at this time of year, we are on unemployment a lot because you can't cut wood this time of year. Quite frankly, if we leave this place on Thursday or Friday, on Monday I'll file for unemployment. The law that we're talking about today, many of the things in there I think that we all support and I certainly can support. One of the places where we differed was the vacation pay, which that is not a problem for me. I've never got vacation pay ever. A lot of people do and it's a real problem. I think that if we do the Majority Report we will be only one of eleven states that has some exemption that, quite honestly, hurts unemployed workers. I just don't believe that we should do that in terms of vacation pay. Vacation pay is something that you earn. Many times it's vacation pay that you

earned years ago and you've bankrolled for a number of different reasons. To just turn around and get unemployed and then have to use all that vacation pay before you actually can get unemployment seems somewhat unfair. Many times it's the best workers who are the ones who have the vacation pay stored up because when the employer says, "I really can't lose you, I need you right now," they are the ones who keep putting their vacation off and over time it keeps accumulating. Those are the people that, like I said, are many times your best workers. Why you would want to add an additional burden onto them, when they did everything they could probably to help your company out, seems unfair. At the same time, in some of these businesses, if you didn't take your vacation pay and the guy right along side you, working at the same job, did, he gets to start on unemployment right off when you don't. I don't think that's fair for a number of different reasons. The part also in this bill that I differed on, and you don't hear much about but I think is equally important, is going from 12 weeks to 10 before you have to start looking for a different occupation and widen your search. I can certainly get behind widening the search. Take the occupation I'm in, we're going to have at least 10 weeks of mud season, if not more. To say after 10 weeks you have to start going 100 to 150 miles to find work in a totally different occupation is something that I don't believe. I think people, when they get unemployed, are looking for work. They want to get back to work. Three hundred and fifty dollars is, I think, the maximum amount you can draw. For most of us, that's not enough. It's just something that helps you get through, but many times you fall behind on your bills anyways. Most people are trying to get back to work as soon as possible, but many times it takes more than 12 weeks to find a new occupation, certainly more than 10. If you are a professional, you see it all the time, people advertise for a paralegal or something that you have to have a degree in and they have a month that they want you to send applications in. Then it is another month before they are considered. You are called in for an interview. Maybe come back for another interview. That can take a long time. To say that after 10 weeks someone that is trained to do a particular job, what I would consider in the professional area, you have to turn around and look for quite possibly a totally different job is something that I don't support. I think that it can take a couple of months. It can take three months. It can take longer sometimes, especially in this economy, to find a new job. I think that if people can find something to get by they might actually take that. They are always going to want to work in the occupation that they are in or that they've been trained to. I just don't support lowering that amount. I think everything else in the bill, while it was brought to us under that concept that I've become so frequent to this session, is about fraud. There was too much fraud and we had to do something about it. When it all boiled down to it, the big thing about it was the vacation pay, because with the fraud piece we found out right off that Maine was like the fifth lowest state in the nation with less than 1% fraud. I'm sure we want to make sure we get less than that, it was .54%. We'd like to get down to 0% fraud, but I think we were doing a pretty good job in that regard. I think that goes to speak to the quality of the Maine workforce. People are on unemployment when they truly were unemployed and had to be. I think that for the most part most people want to get off unemployment as soon as they can because a lot of people looking at it call it welfare, which I don't believe it is. There is a stigma to being on unemployment. They want to get off as soon as possible because it just doesn't help you pay most of your bills. It's just something that kind of

limps you by until you do find something. I think that most people want to get off as soon as possible. Again, our unemployment trust fund is one of the best in the nation. I think we're the envy of most states. I didn't really see there being this huge problem with it, but it seemed to me that we were talking about fraud in the guise of getting back that vacation pay, which was controversial in the 124th and it seems to be the heart of what this bill has come down to this session. I'm against it. I think that the vacation pay was a minimal cost to the system. I certainly think it was something people deserved and taking it away now just seems to be, again, another knock on workers, which I'm not in favor of. I ask you to vote against the pending motion.

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

The President took a seat on the floor.

The Senate called to order by President Pro Tem **ROGER J. KATZ** of Kennebec County.

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

Senator **RECTOR:** Thank you Mr. President. Men and women of the Senate, I want to address a variety of points that the good Senator from Aroostook, Senator Jackson, mentioned. I want to tell you a little bit about what this bill does. I'm not able to speak to one other piece. That is something that is maybe forthcoming after this report is accepted that I think addresses some of the concerns that members have expressed as well. Just to remind you, unemployment insurance is a very important benefit in the state of Maine, paid for by employers for the benefit of employees. The good Senator from Aroostook and I agree that we are fortunate to have a very low fraud rate. We also agree that having a 0% fraud rate would be a wonderful and worthy goal as well. We also agree that we are fortunate to have one of the most solvent and well run unemployment insurance programs in the nation, something that should be a matter of pride for every single member of this Body and every single person in the state of Maine. Let me just tell you a little bit about what this bill does. It identifies the consequences that currently exist, actually, in the way unemployment fraud is prosecuted just to make it perfectly clear to people that it's a crime if they collect unemployment insurance benefits through misrepresentation and then how that crime is prosecuted. It goes on also to be certain that everyone who files for unemployment registers appropriately and participates in the reemployment and eligibility assessment sessions that are designed to specifically tailor a work search program for each individual, based on their talents and the jobs that are available in the area in which they live. This is important because it meets a federal requirement and our abiding by the federal requirements is key to our ability to continue to have federal unemployment insurance added to the benefit plan that we have. It is critically important to the tune of literally hundreds of millions of dollars here in Maine. It goes on to say that you need to abide by that program and show up when you are told to.

There are opportunities for excused absences based on transportation needs, family needs, and that sort of thing. Those are all in place as well in this bill. It tightens the requirements to obtain future unemployment benefits if you lose your job due to misconduct. I think that we would all agree that misconduct should be worthy of dismissal and this makes it a little more difficult to collect unemployment. It increases the earning requirements for misconduct disqualification to eight times the weekly benefit amount from the current four times, I believe. It moves us sort of in the middle of the pack. Currently, Maine is one of only six states to only require four weeks or less in earnings. Twenty states require the eight to ten weeks in earnings, which is what we're moving to at eight weeks. It does broaden the definition of suitable work search. I think that is one of the issues that the good Senator from Aroostook and I disagree on. One of the most important factors in getting reemployed is the swiftness with which you are able to be reemployed. Identifying what your skills are and getting you out looking for work, getting you back in the workforce, augurs very well for your future. The longer you are unemployed the harder it is to find a job. We know that from experience. The longer it takes and the sooner we can get you looking further afield, should you not be able to find something closer to home or looking not just in distance but in earning and in duties, that's a very important way to help get you into the workforce again as swiftly as possible. It increases the earnings requirements for denial of benefits after refusal of suitable work. Currently you have to earn eight times the weekly benefit amount. That maximum, by the way, is \$366 a week. It moves it to ten times that benefit amount, or \$3,660 if you are at the maximum. It includes a "three strikes and you're out" clause. If you fraudulently collect, I want to say that again, if you fraudulently collect unemployment benefits once you can be reinstated, twice you can be reinstated, after the third offense it is remanded to the Commissioner. It is at the Commissioner's discretion as to whether or not you can continue to collect benefits that you were not entitled to in the past. Finally, the one sticking point is the vacation pay issue. It's an issue where I think the perspectives between the good Senator from Aroostook and myself differ. I absolutely agree with him, that vacation pay is an earned benefit. It's an earned benefit that needs to be paid to individuals. In this case, like most other states, we are proposing that we move into the place where that earned benefit is paid before you are eligible to collect your unemployment. The reason we're doing that is multi-fold. One is that you are entitled to it and should be receiving it. It actually gives you sort of a head start on the unemployment work search because what it does is continues your pay while you are done with your job. It allows you to be out there searching for work and not just living on that more limited benefit, as the good Senator from Aroostook described, that \$366 maximum or something less than that. It gives you a head start on that job search. It also extends your benefits because your benefit period doesn't begin until your vacation pay is entirely used up. That way you are able to have an additional time to be looking for work, which we believe is a helpful actual benefit and not a burden, as was described. As I said, in the vacation pay area particularly, there is some other suggestions that will be considered should we be successful in accepting this Majority Ought to Pass as Amended Report. I would encourage your vote in the affirmative. Thank you.

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

Senator **BARTLETT**: Thank you Mr. President. The prior speaker mentioned a number of things in this bill which are good changes to the bill and we can all agree on. There are only two differences between the Majority and Minority Report here. The question is now whether we accept all of those other changes that we agree upon because either report does that. The question is what justifies these two additional changes that Minority in the committee objected to? The first one, as was mentioned, deals with earned vacation pay. In my view, it either is a fringe benefit for your employment or it is not. We don't tell someone who has a 401K that your benefits are going to be reduced while you spend down, take the money out of your 401K and spend that down. Why not? Because that is seen as a fringe benefit that you are entitled to, that you earned while you were working, and we're not going to touch it. Why in the world should vacation pay be any different? Look at two people in the same situation, getting laid-off. One person who used all their vacation time. One person who didn't. They are in the exact same situation except one is going to be delayed in getting their unemployment benefits because they didn't take vacation time. Now you add to that the layer that the employer, the only person in the position of knowing exactly when a lay-off is going to be coming or is in the best position to know, can start discouraging people from taking their vacation time in the months leading up to a lay-off. If you know you are running out of work, you know you may have to shut down operations, you can simply start denying requests for vacation time because you know it's going to help you on the other end. That's what is happening. It's about allowing the law to do what the vast majority of states do and say we're not going to allow that kind of dollar for dollar offset on your vacation pay and simply recognize it as a benefit you earned as part of your time there. It should not be an offset for unemployment. If we're going to treat it that way, then let's start looking at all the other fringe benefits and make sure we're having the same reduction for those. For some reason we don't treat them the same. For some reason we don't accept that a 401K is a fringe benefit, just vacation pay. The second big difference is dealing with the amount of time you have to look within your trained field. I think it is very shortsighted to start cutting down this time period because we don't just want to get people back to work. We want to get people back to work in stable employment that they are going to like, and they are going to be able to stay in so they don't end up on unemployment again. Having somebody who may have been making \$20 an hour and pushing them into a job that pays \$7.50 an hour, or maybe they and their family are now eligible for other benefits that the state and federal government provide, is not helping workers. It's not helping to accomplish the intended goal. Twelve weeks is not a long time to look for work, particularly in this economy. You are talking about two key changes here that we are making at the worst possible time. The way I look at this is pretty simple. Unemployment is part of the core fundamental safety net that we put in place to help people in times of economic distress. We're standing here today, as we're just starting to come out of a very deep recession, the deepest recession since the Great Depression, and we're already trying to unravel that safety net. We're cutting holes in it at the worst possible moment. I don't understand the justification for it. We can reject this report and uphold all the other good benefits of this bill. Let's address fraud. Let's get people trained. Let's find ways to get people back to work that are productive. Let's get rid of these unnecessary penalties on good, hardworking Maine people. We

can do it. We can go out of here together having accomplished something that we can all be proud of, and that helps to make one of the strongest unemployment systems in the country a little stronger, or we can go down the road of dividing over issues that are purely penalties to workers. I don't get it. I don't get why we want to do that at this time. Why do we somehow think that because someone gets unemployed that we want to go after them? We don't want them to get what they are entitled to. It's also important to remember as we look at unemployment, that the reason there tends to be over the years a lot of bi-partisan support for the unemployment system, is the recognition that it helps not just the worker, but helps the economy as well. When you are reducing the benefits that are paid to an unemployed worker you are hurting the corner stores, the gas stations, the grocery stores, and everybody. Someone goes into foreclosure, that's bringing down house values in entire neighborhoods. It is not good for all of us. This Majority Report has provisions that are removing benefits from workers, which is taking money out of our economy at the worst possible time. Let's stand up for Maine workers. Let's get to the core issue, reject this report, and then go on and, I think, celebrate the strengthening of the system with the Minority Report. Thank you, Mr. President.

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

Senator **PATRICK**: Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, to my first disclaimer I will say yes, yesterday I did not speak whatsoever, but that was only a one day hiatus. I'm actually speaking in opposition to this bill. One of the things that really intrigues me is the six weeks vacation. In our caucus somebody said, "Who actually gets six weeks vacation?" I raised my hand. Why do I get six weeks vacation? I've got 32 years on the job in the paper mill. There are a lot of employees at Bath Iron Works that have 25 or 30 years. These are senior employees, nearing the end of their career. This bill goes after senior employees most of all. Just like in 1992, the gutting of the Workers' Comp system went after senior employees. How do I know that? Because there was a phrase that was called "highly compensated employees", which are the ones that have got the most job seniority at a plant or factory or wherever they may be. They make the most money. They've been there the longest time. They have the most benefits. We're going after especially our senior employees in the state of Maine in the twilight of their careers and here we go. I recently had an opportunity to deal with the unemployment system because my son was laid-off. The one thing I will agree with is that fraud is fraud, and we have got to straighten out fraud. In dealing with my son and going through the unemployment process, I could not believe the hassle and the hoops you have to jump through to get a benefit which is your unemployment insurance. When a person becomes unemployed they may have their house, they may have their trailer, or they may have their car on the line to get reduced benefits. I've seen stress and anxiety in so many people that were laid-off. I've been blessed. I've only been laid-off seven weeks in my whole life. That's why I'm a rich man. Some of my colleagues, especially in the wood industry who have been laid-off six months a year for their whole entire career, have not done well. They understand what unemployment is all about. I notice in this bill it goes after worker fraud. I've known throughout my whole working career many companies hire laid-off workers so they don't have to pay

Workers' Comp, so they don't have to pay unemployment insurance, or they don't have to pay healthcare. They can give slave wages, legally, because they are not paying any benefits towards the unemployment or Workers' Comp system. Where is the justification? Why don't we look at everything in respect to fraud? Less than 1%, I think it was .54%, fraud. That is fantastic from the standpoint of the percentage of fraud, and I would say I hope we can get lower, but just like in most industries, your goal is always 1%. Will you get to 1%? Probably not, but that's always going to be your goal. Do you always throw the baby out with the bath water? I don't know. I just don't understand, Mr. President, why we currently go after the most valuable resource we have in every company, its employees, especially in a time of need. I actually can look to the future, with 32 years in the paper industry, that someday I'm going to be unemployed. I hope and pray it never happens, but the possibility, with the way things are going, is there is a good chance that I could be. If I have a house payment, car payment, and everything else like that, like everybody else does, the stress and anxiety in my life and knowing that it's going from 12 weeks to 10 weeks, as a professional maintenance mechanic, world class, and that if I can't find a job in a reasonable area that I may have to take a job as a gas pumper down in Kittery just to satisfy the need to fulfill my obligation. The time I was unemployed I ended up going 77 miles from Rumford to South Portland, to work down in General Electric. One hundred and fifty miles a day I had to travel. I was willing to do that because it was within my trade. I don't know, ladies and gentlemen, why we continue to go after our employees the way we do. We need these people. We need skilled labor. I don't think any company really wants to lay off, but if we're making things harder and harder on employees to get their minimum benefits, \$366. With a tank of gas and a little bit of groceries, I don't know what you have left. I don't think anyone, at least I've never met anyone that wanted to be laid-off with six weeks vacation. Bob Goodwin at work always takes his six weeks vacation January 1st. I think Uncle Sam has a little background with that because sometimes you need the money for other things. People like myself take their six weeks of vacation over the course of the year. As a matter of fact, I earned that vacation in 2011 to have my vacations in 2012. My company makes me put my vacations in prior to December 15th of the previous year for the following year so I can look into the future and figure out when I want to plan my vacations. Bob and I both get laid-off. He's golden. He's going to get his unemployment right off the bat. If I have six weeks vacation, and they should decide to exempt four weeks, I still would be against that. If they exempted five weeks, I would still be against that. Ladies and gentlemen, I would ask you to vote Ought Not to Pass on this and any other amendment that comes forward. Thank you very much for your time.

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

Senator **SHERMAN:** Thank you Mr. President. Ladies and gentlemen, I ask for a point of clarity. We have two sets of papers, dueling papers as we call them, as we always seem to get them. It seems to me that I'd like to understand what they are saying. With all due respect, I'd like to read these on the green sheet. Changes the law for vacation pay, put Maine as a small minority. One of only 11 states in the country. Deny unemployment week for week based on having earned vacation

pay on the books. Then on the white sheet, which I assume is good and just here, reinstates vacation pay to a type of enumeration which offer unemployment offset. This one says 30 states offset unemployment benefits with vacation pay to avoid. I really want to know what those asterisks around there. Double dipping? Can someone reconcile those two statements?

THE PRESIDENT PRO TEM: The Senator from Aroostook, Senator Sherman 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 the number, the information that we have from the Unemployment Security folks at the Maine Department of Labor, is 30 weeks is the vacation pay number. The number of states that offset using vacation pay is 30 states. Just to be clear, there is no reduction in benefits proposed in the bill that is before us. No reduction in benefits, although reductions in benefits has been spoken of. Thank you, Mr. President.

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

Senator **BARTLETT:** Thank you Mr. President. I think the key distinction is the dollar week for week, the unemployment week for week. I think different states do it differently. I think only 11 states had a 100% week for week reduction, which is what we are talking about here. Secondly, I think it is a reduction. I think when one person can start taking their unemployment from day one and one person can't that is a reduction in benefits during that period. There is no question. You are harming someone for the fact that they have banked their vacation pay. I think, as the Senator from Oxford pointed out, often times that vacation pay is rolled over so it's not even like it's something perspective. It's something you have earned sometimes up to a year or two ago that has been rolled over into the future. Some employers will let you cash it out. Some let you roll it over. Some give you the option. If you made the mistake, not knowing that a lay-off was coming, and didn't cash out those benefits on December 31st and take case in lieu of rolling them over, you are in big trouble. If an employer set a policy saying, "Well now that I see that I can get an unemployment offset, I'm not going to let you cash them out any more. I'm going to make you roll them over." This is a big difference, I think, in how benefits get structured as a result of this change. It's not simply a minor shuffling that effects only unemployment. It's going to effect terms of employment for workers and, quite frankly, penalizes people who bank their vacation pay. I don't think we would suggest penalizing people for putting money into their retirement account. Yet we are going to do that by saying, essentially, putting money aside using vacation pay. The employees, ultimately, should be able to decide if they want to use vacation or do they want to bank some of it, quite frankly, so they've got a cushion there if they need it. Why shouldn't they be able to say, "Instead of taking vacation in January, because I don't know how things are going to go this year, I want to save it until later in the year in case there is a lay-off, so I have a little cushion." They should be able to make that choice. What this proposal is doing is saying to be careful about that choice because we're going to penalize you for it and you're not going to get your unemployment benefits. Thank you, Mr. President.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I think Senator Bartlett stated it. We'd be one of only 11 states that do it week for week. That information came from the U.S. Department of Labor, not the Maine Department of Labor, which the Maine Department of Labor has to get everything in order with. Something that was said earlier is that we're doing this because we want to be in compliance with U.S. D.O.L. That's part of why I rise a second time. We heard from the beginning the Governor talked about going after unemployment fraud. The Commissioner was going after unemployment fraud. This was the whole reason for this bill, unemployment fraud. Come to find out there is less than 1% of unemployment fraud according to the U.S. D.O.L., making us the fifth lowest state in the nation. It seems to be, quite frankly, in the guise of going after vacation pay as the reason why the bill was introduced. That's what we're left with. The things that we agreed to, quite honestly, were things that I think most of us thought was already in the statute. Just clarifying. When you talk about three strikes you're out, we're making it perfectly clear. We're making it perfectly clear to less than 1% of the people that are defrauding the system. When you talk about the system, before the recession we were the best system in the nation. At the tail end of this recession we're one of the top three. Despite any of these changes that we're making, we were at one time the best system. Now at least we're in the top three. Without any of these changes. I don't think we had any fraud to any great extent or any real problems with the system. Forgive me for making the mistake of saying \$350 as opposed to \$366, because I never have been able to get the \$366. It is still not a heck of a lot of money for anyone that has a family and is trying to make it in this economy, with gas prices and all that. There seems to be some confusion or two ideas here butting together. On one hand we want to say that we've got to get people out to work as quickly as possible, or get them working as quickly as possible. On the other hand we're saying that it would give them additional time to be on unemployment if we don't give them unemployment during their vacation time. They would be able to save those 26 weeks and stretch it out further. I thought the idea was to get them to work as soon as possible. I just don't think that people should have to use up their vacation pay, because many times they've been told they can't take their vacation because they are needed or somebody else has got seniority and they have to get it before you. The time just keeps getting rolled over. I don't think that's fair to lay them off and say now you have to use your vacation pay before you get unemployment. That time was earned years ago. Unemployment only goes back five quarters, excuse me it's six quarters, it takes the first five. Anything after the first year is really vacation time that you've earned. I don't even understand why you would jump into that when people bankroll that. Again, with the 12 weeks, I think that people need that time many times to find the job, find something in the area, and find something in their skill set. If you are forced to accept a job that's lower pay and in a different area, you're going to have to do that job. You're not going to be able to go out and look for the job that you're qualified for while you're doing somebody else's job. That isn't even fair to the employer. I don't think that that's right. Like I said, we already had the best system in the nation at 12 weeks. Let's leave it at 12. The original bill wanted to go all the way to 6

weeks. Thankfully the Majority Report at least got it back up to 10. We didn't have an issue to begin with. Twelve weeks is probably not even enough time at that for some people, but despite that we still had the best system in the nation and there is no fraud. This is just seems to be a grab against workers and I don't support it.

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

Senator **DILL:** Thank you Mr. President. I rise just very briefly to state on the record that this bill is coming at a terrible time when one in five Maine children are living in poverty and experiencing food insecurity, when there is over 12% of Maine families living below the poverty line, when we have high unemployment and low wages, coming out of the worst economic recession in decades. Why would we be unraveling this social safety net? There is no good reason. This is a bad idea and I urge you to reject this motion. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Martin to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (S-483) Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#463)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, LANGLEY, MARTIN, MASON, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - ROGER J. KATZ

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFISKY, GOODALL, HOBBS, JACKSON, JOHNSON, MCCORMICK, PATRICK, SCHNEIDER, SHERMAN, SULLIVAN

ABSENT: Senator: HILL

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **MARTIN** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-483)** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-483) **READ** and **ADOPTED**.

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

On motion by Senator **MARTIN** of Kennebec, Senate Amendment "C" (S-545) **READ**.

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

Senator **MARTIN:** Thank you Mr. President. As there has been testimony before, I think we do have one of the strongest unemployment systems in the country. We're very fortunate for that. I would like to remind everybody that this vacation piece was always that way. It was always part of that structure that helped shore up this system. That was changed recently. Having said that, I do own a small company myself that has seasonal layoffs almost every year. I do see in employee equity a piece that doesn't set well with me and that's why I've offered this amendment. What my amendment does is three things. It eliminates the reference to "entitled to receive." In the past this reference has been erroneously interpreted by some employers to mean that the person must cash out all their vacation when they are laid-off. In terms of people who might build up 10 or 20 weeks, they would have to cash it out even if they were only laid-off for four weeks. This clarifies that. If they are going to be on a short term lay-off, say you are going to be laid-off for four weeks, you are only going to have to use three weeks of that vacation as your unemployment off set. Given that, because we have the one week waiting period that we all know that everybody has to do federally, on top of that we're going to forgive the first four weeks of vacation pay. Upon separation from a job, any vacation pay received in the amount exceeding the equivalent of four weeks. If you had five weeks on the books, you get laid-off, four of those weeks will not count against you. You will have a waiting week and then you'll have a one week that your unemployment will be off set. This reduces the potential for delay in starting up the receipt of benefits. The third change clarifies special notification circumstances. Before, when you were laid-off, your company may have allowed you to cash out your vacation. Let's say two weeks ago your truck broke down and you had to go and cash your vacation pay to fix your truck. Then you get laid-off. They had a roll back where they could go back, employers got to inform the unemployment insurance commission that you had that pay out and they could use that money to off set. We're eliminating that. Basically, if you have vacation pay on the books the day you get laid-off that will count against you minus four weeks. Those are the three key revisions of this amendment. I think that brings some employee equity to those people that do use their vacation pay on time and get to the end and get to draw one week after unemployment. Thank you.

On motion by Senator **MARTIN** of Kennebec, Senate Amendment "C" (S-545) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-483) AND SENATE AMENDMENT "C" (S-545).

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/9/12) Assigned matter:

HOUSE REPORTS -from 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

Report "**A**" - Ought to Pass as Amended by Committee Amendment "**A**" (H-882) (8 members)

Report "**B**" - Ought Not to Pass (4 members)

Report "**C**" - Ought to Pass as Amended by Committee Amendment "**B**" (H-883) (1 member)

Tabled - April 9, 2012, by Senator **HASTINGS** of Oxford

Pending - **ACCEPTANCE OF ANY REPORT**

(In House, April 5, 2012, Report "**B**", **OUGHT NOT TO PASS READ** and **ACCEPTED**.)

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

Senator **HASTINGS** of Oxford moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#464)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFISKY, GOODALL, HASTINGS, HOBBS, JACKSON, JOHNSON, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - ROGER W. KATZ

NAYS: Senators: None

ABSENT: Senator: HILL

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being absent, the motion by Senator **HASTINGS** of Oxford to **INDEFINITELY POSTPONE** the Bill and accompanying papers, **PREVAILED**.

Senate at Ease.

Senate called to order by President Pro Tem
ROGER J. KATZ of Kennebec County.

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

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 3:30 in the afternoon.

After Recess

Senate called to order by President Pro Tem
ROGER J. KATZ of Kennebec County.

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

The President Pro Tem took a seat on the floor.

The Senate called to order by President Pro Tem **DOUGLAS A. THOMAS** of Somerset County.

Off Record Remarks

ORDERS OF THE DAY

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

Emergency Measure

An Act To Revise the Target Prices for the Dairy Stabilization Program

H.P. 1409 L.D. 1905
(S "A" S-535)

Tabled - April 11, 2012, by Senator **COURTNEY** of York

Pending - **ENACTMENT**, in concurrence

(In Senate, April 9, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-535).**)

(In House, April 10, 2012, **PASSED TO BE ENACTED.**)

On motion by Senator **SHERMAN** of Aroostook, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-535).**

On further motion by same Senator, Senate Amendment "B" (S-546) **READ.**

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

Senator **SHERMAN:** Thank you Mr. President. This is an amendment we thought we sent down. It went down across the hall and it wasn't there. We're adding on an amendment we thought we put on. In the rush, the paper apparently didn't get to where it should have been. Thank you.

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

Senator **SCHNEIDER:** Thank you Mr. President. Just to explain to colleagues, there was a price increase that had been agreed to and I believe that this amendment includes that piece of it which we all agreed to. Somehow, between the Body, this piece was left out of the packets. There was an administrative glitch. That's all. I just wanted to let my colleagues know that this is fine. Thank you very much, Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you Mr. President. I'd just like to pose a question regarding this amendment in terms of the capacity, if we could have just a little information to better understand whether the Stabilization Fund has the capacity to fund the additional requirement or if there is a need for additional outside resources and if there is a plan and a source to provide those. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The Senator from Hancock, Senator Rosen poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Sherman.

Senator **SHERMAN:** Thank you Mr. President. In regards to the question from the good Senator from Hancock. I think we mentioned this the other day. The Chief Executive was very aware of what was taking place here. I won't say we'll get the money, but that was the intent I believe.

On motion by Senator **SHERMAN** of Aroostook, Senate Amendment "B" (S-546) **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "A" (S-535) AND "B" (S-546), in NON-CONCURRENCE.

Sent down for concurrence.

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

REPORTS OF COMMITTEE

House

Committee of Conference

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

Had the same under consideration and asked leave to report:

That the House **Recede** from **Passage to be Engrossed as Amended by Committee Amendment "A" (H-727) as Amended by House Amendment "A" (H-755) thereto. Recede from Adoption of Committee Amendment "A" (H-727) as Amended by House Amendment "A" (H-755) thereto and Indefinitely Postpone same. Read and Adopt** Committee Of Conference Amendment "B" (H-937) and **Pass The Bill To Be Engrossed As Amended by Committee of Conference Amendment "B" (H-937)** in Non-Concurrence and send down for concurrence.

That the Senate **Recede** and **Concur** with the House.

On the Part of the Senate:

Senator COURTNEY of York
Senator SAVIELLO of Franklin
Senator JACKSON of Aroostook

On the Part of the House:

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

Comes from the House, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "B" (H-937)**, in **NON-CONCURRENCE**.

On motion by Senator **SAVIELLO** of Franklin, the Senate **RECEDED** and **CONCURRED**.

Senate at Ease.

Senate called to order by President Pro Tem **DOUGLAS A. THOMAS** of Somerset County.

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

The President Pro Tem took a seat on the floor.

The Senate called to order by President Pro Tem **NANCY B. SULLIVAN** of York County.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2012 and June 30, 2013" (EMERGENCY)
H.P. 1412 L.D. 1907

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-931)**.

Signed:

Senators:
COLLINS of York
DIAMOND of Cumberland

Representatives:
CEBRA of Naples
GILLWAY of Searsport
HOGAN of Old Orchard Beach
MAZUREK of Rockland
PARRY of Arundel
PEOPLES of Westbrook
RIOUX of Winterport
ROSEN of Bucksport
THERIAULT of Madawaska
WILLETTE of Mapleton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-932)**.

Signed:

Senator:

THOMAS of Somerset

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-931)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-931)**.

Reports **READ**.

On motion by Senator **COLLINS** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-931)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-931) **READ** and **ADOPTED**, in concurrence.

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

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

Senator **THOMAS:** Thank you Madame President. Ladies and gentlemen of the Senate, this is an 11 - 1 report and you are going to be seeing some more of those. Let me explain the "1", that happens to be me. I don't like this budget and it's just a small part of it that I don't like. In this budget there is a crime lab. In there is a forensic chemist that has been being paid by the Fire Marshall. The Fire Marshall, for all kinds of reasons, has decided not to pay him in this budget. We're just going to take it out of the Highway Fund and \$36,000, or 49% of it, comes from the Highway Fund. That's \$36,000 we can't spend on roads and bridges. The Highway Fund becomes a piggy bank one more time. If you look at the OPEGA report that was issued a couple of years ago, we should only be paying 17% of all of public safety. We're paying 49%, which means we pay 49% of the sex offender registry as well. That comes out of the Gas Tax money, just so you know. This crime lab, 3% of it is highway related. Only 3%. Yet we are going to take 49% of this position that's been being paid out of the Fire Marshall's fund and, with no notice and willy-nilly, we just reach in and we take some more out of the Highway Fund piggy bank. At some point in time, ladies and gentlemen, we need to put a stop to that. At some point in time we need to start following the Constitution that says the Highway Fund is supposed to be separate from the General Fund. We're not supposed to take money out of the Highway Fund to spend on General Fund purposes. We take millions and millions every year and then when people in our districts want to know why the roads aren't in any better shape this is one of the reasons. We have to fight this constantly. You have to watch every time you turn around, if you're sitting on the Transportation Committee, to protect the Highway Fund. We shouldn't have to do that. The State Police decided they wanted to rent a new barracks, so we're going to spend \$200,000 a year for rent to replace the Orono barracks, which I think is outrageous. Why we would spend that kind of money for rent just boggles my mind. Forty-nine percent of that comes out of the Highway Fund. It's no

problem because it's the Highway Fund. We don't need to patch those potholes. We'll just keep driving through them and fixing our front ends. Not a problem. Folks, I voted against that budget because what we're doing with the budget is wrong. It's time we fixed it. It's time we left the Highway Fund and the Gas Tax alone and the receipts that go to the Highway Fund ought to go to fix our roads. We shouldn't be paying for a crime lab, to investigate murders and all these other things. We shouldn't be paying for the sex offender registry. It ought to go to fix our roads and it needs to go to fix our roads.

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

THE PRESIDENT PRO TEM: The pending question before the Senate is Passage to be Engrossed as Amended. 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 (#465)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, GOODALL, HASTINGS, HOBBS, JACKSON, JOHNSON, KATZ, LANGLEY, MASON, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SNOWE-MELLO, THIBODEAU, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - NANCY B. SULLIVAN

NAYS: Senators: SHERMAN, THOMAS

ABSENT: Senators: HILL, MARTIN

31 Senators having voted in the affirmative and 2 Senators having voted in the negative, with 2 Senators being absent, was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

ENACTORS

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

Emergency Measure

An Act To Establish the Department of Agriculture, Conservation and Forestry

H.P. 1350 L.D. 1830
(H "C" H-910 to C "A" H-876)

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

Acts

An Act To Increase Gaming Opportunities for Charitable Fraternal and Veterans' Organizations

H.P. 1078 L.D. 1469
(C "A" H-887)

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

An Act To Restructure the Department of Health and Human Services

S.P. 664 L.D. 1887
(C "A" S-533)

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

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 and To Provide for the Transfer of Certain Land

S.P. 678 L.D. 1904
(C "A" S-527)

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

Senate at Ease.

Senate called to order by President Pro Tem
NANCY B. SULLIVAN of York County.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (4/10/12) Assigned matter:

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Laws Pertaining to the Maine Economic Improvement Fund"

H.P. 1393 L.D. 1885

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-893)** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-894)** (4 members)

Tabled - April 10, 2012, by Senator **COURTNEY** of York

Pending - motion by Senator **RECTOR** of Knox to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-893)** Report, in **NON-CONCURRENCE** (Roll Call Ordered)

(In House, April 9, 2012, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-894)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-894) AND HOUSE AMENDMENT "B" (H-923).**)

(In Senate, April 10, 2012, Reports **READ.**)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#466)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFSKY, GOODALL, HASTINGS, HOBBS, JACKSON, JOHNSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - NANCY B. SULLIVAN

NAYS: Senators: None

ABSENT: Senator: HILL

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being absent, the motion by Senator **RECTOR** of Knox to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-893)** Report, in **NON-CONCURRENCE**, **PREVAILED.**

READ ONCE.

Committee Amendment "A" (H-893) **READ.**

On motion by Senator **RAYE** of Washington, Senate Amendment "A" (S-548) to Committee Amendment "A" (H-893) **READ.**

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

Senator **RAYE:** Thank you Madame President. This amendment adds to the bill a task force comprised of six members that will take a look at the issues surrounding the MEIF and its distribution and report back to the next Legislature no later than January 8th of next year. The six members will consist of the Chancellor of the University of Maine System, the President of Maine Maritime Academy, representatives of the two large U Maine campuses, and representatives of two of the small U Maine campuses. I believe it is a balanced approach to further understanding the concerns that have been raised around the current distribution of

the MEIF and I hope that the Senate will join with me in giving it unanimous support.

On motion by Senator **RAYE** of Washington, Senate Amendment "A" (S-548) to Committee Amendment "A" (H-893) **ADOPTED**.

Committee Amendment "A" (H-893) as Amended by Senate Amendment "A" (S-548) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-893) AS AMENDED BY SENATE AMENDMENT "A" (S-548) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by President Pro Tem
NANCY B. SULLIVAN of York County.

On motion by Senator **COLLINS** of York, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

Resolve

Resolve, To Create a License Plate To Recognize the 2014 World Acadian Congress

H.P. 1220 L.D. 1611
(S "A" S-437 to C "A" H-742)

Tabled - April 11, 2012, by Senator **COLLINS** of York

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 14, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-742) AS AMENDED BY SENATE AMENDMENT "A" (S-437)** thereto.)

(In House, March 19, 2012, **FINALLY PASSED**.)

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

On motion by Senator **COLLINS** of York, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

Act

An Act To Create Excise Tax Equity and Consistency for Buses
H.P. 1251 L.D. 1699
(C "A" H-724)

Tabled - April 11, 2012, by Senator **COLLINS** of York

Pending - **ENACTMENT**, in concurrence

(In Senate, March 6, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724)**.)

(In House, March 8, 2012, **PASSED TO BE ENACTED**.)

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

On motion by Senator **COLLINS** of York, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

Act

An Act To Amend the Tax Laws

H.P. 1290 L.D. 1749
(C "A" H-792)

Tabled - April 11, 2012, by Senator **COLLINS** of York

Pending - **ENACTMENT**, in concurrence

(In Senate, March 20, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-792)**.)

(In House, March 21, 2012, **PASSED TO BE ENACTED**.)

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

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

ENACTORS

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

Acts

An Act To Promote Transparency in Government

S.P. 624 L.D. 1806
(H "A" H-935 to C "A" S-523)

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

Ordered sent down forthwith.

An Act To Strengthen the State's Ability To Investigate and Prosecute Misuse of Public Benefits

S.P. 665 L.D. 1888
(C "A" S-542)

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

An Act To Restore Equity in Revenue Sharing

S.P. 635 L.D. 1835
(C "A" S-501)

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

Senate at Ease.

Senate called to order by President Pro Tem **NANCY B. SULLIVAN** of York County.

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Washington, Senator **RAYE** to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from York, Senator **SULLIVAN** to her seat on the floor.

Senate called to order by the President.

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

Emergency Measure

An Act To Establish the Department of Agriculture, Conservation and Forestry

H.P. 1350 L.D. 1830
(H "C" H-910 to C "A" H-876)

Tabled - April 11, 2012, by Senator **COURTNEY** of York

Pending - **ENACTMENT**, in concurrence

(In Senate, April 10, 2012, **TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-876) AS AMENDED BY HOUSE AMENDMENT "C" (H-910)** thereto, in concurrence.)

(In House, April 11, 2012, **PASSED TO BE ENACTED.**)

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

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

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

On motion by Senator **COURTNEY** of York, **ADJOURNED** to Thursday, April 12, 2012, at 10:00 in the morning.