

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session
beginning December 5, 2012

beginning at Page 1

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

In Senate Chamber
Tuesday
April 30, 2013

Senate called to order by President Justin L. Alford of
Cumberland County.

Prayer by Reverend Arlan Larson, Searsport First Congregational
Church in Belfast.

REVEREND LARSON: May this be, O Lord, a good day for the Senate of the State of Maine, in session to consider laws and policies and public services for our people. May it be a good day for the people of Maine who have put their trust in these men and women to represent their interests and work for their common good. Bless every person who dedicates themselves to public service, especially these legislators, but also public servants of every kind. We gave us, Lord, our state and nation and towns and counties so we might have efficient and productive governance based on the rule of law, the right of the people to be heard, and the natural rights by which every person is to be respected and treated as equal. In these few quiet moments turn our hearts to those things that are most worthy, most honorable, most needful. You've given us human children care of Your creation and You have granted to some the privilege of governing at this time. May we always be mindful of the poor, the weak, and those who depend especially greatly on the good judgment of those they have elected. May we never forget the ideals our country was founded upon or those of faith, which points ahead to Your will being fully done on earth as it is now only in heaven. Grant that these men and women, Lord, will have vision to bring heaven and earth a little closer today and produce abundant blessings for those who have sent them to this place. In Your holy name we pray. Amen.

Pledge of Allegiance led by Senator Linda M. Valentino of York
County.

Reading of the Journal of Thursday, April 25, 2013.

Doctor of the day, Representative Jane Pringle, MD of Windham.

Off Record Remarks

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Clarify the Laws Governing Noise from Wind
Turbines"

H.P. 1023 L.D. 1434

Comes from the House, **REFERRED** to the Committee on
ENERGY, UTILITIES AND TECHNOLOGY and ordered printed.

On motion by Senator **CLEVELAND** of Androscoggin,
REFERRED to the Committee on **ENERGY, UTILITIES AND
TECHNOLOGY** and ordered printed, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 546

**RESOLUTION OF THE CALAIS CITY COUNCIL & CALAIS
SCHOOL COMMITTEE IN SUPPORT OF FULLY FUNDING
MAINE'S PUBLIC SCHOOLS**

Whereas, public education is integral to the democratic viability and economic future of Maine by directly and indirectly contributing to the intellectual and physical development of the children and young adults of our great state; and

Whereas, recognizing the essential need of a strong public school system the voters of Maine in 2004 overwhelmingly approved a referendum requiring the State of Maine to fully fund 55% of the cost of public education; and

Whereas, since 2008, the state has short-changed its share of funding for public education by over \$500 million in flagrant violation of the letter and spirit of the 2004 referendum; and

Whereas, as the state has abandoned its commitment to fund our public schools property owners throughout the state have often been asked to shoulder more of the responsibility for funding our schools, often through increases in local property taxes; and

Whereas, the Governor has proposed in his budget moving the funding for our schools backwards by reducing GPA to local school districts by \$12.56 million from 2012-13 levels and shifting an additional \$14 million in retirement costs from the state to the local school districts for each of the next two years; and

Whereas, if the Governor's proposed budget is adopted in its current form, our school district will be forced to take drastic actions to balance their budgets by laying off educators, reducing personnel, cutting programs and services, and asking local middle class families to pay even more in property taxes to make up for the shortfall from the state;

Now Therefore, be it resolved that:

The Calais City Council & Calais School Committee calls on the legislators of both parties to fully fund our public schools as expressed by the will of the citizens of Maine in the 2004 referendum by providing the required 55% of the cost of public education in Maine; and

The Calais City Council & Calais School Committee calls upon the legislators of both parties to reject the Governor's proposal to shift pension payments onto local cities and towns; and

Therefore be it finally resolved, that the Calais City Council & Calais School Committee calls upon the Maine Legislature to raise additional state revenue in an equitable fashion in order to avoid regressive tax shifts to municipalities.

Signed

S/Marianne Moore
Mayor

S/James Macdonald
School Committee Chair

READ and REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS.**

Sent down for concurrence.

The Following Communication: S.P. 547

**TOWNS OF MAPLETON,
CASTLE HILL AND CHAPMAN
P.O. BOX 500, 103 PULCIFUR ROAD
MAPLETON, MAINE 04757**

RESOLVE, to express objections from the Joint Board of Selectmen for Mapleton, Castle Hill and Chapman regarding the Governor's proposed biennial budget.

WHEREAS, the State Administration has submitted a proposed budget for the coming biennium that will dramatically shift the burden of funding state government to municipalities and property tax payers by eliminating or significantly altering several property tax relief programs; and

WHEREAS, the Governor's purpose for the proposed budget is to encourage local governments to save money by consolidating services and finding alternatives to funding municipal government; and

WHEREAS, the proposal to suspend municipal revenue sharing, redirect commercial vehicle excise tax and modify the homestead and business equipment tax reimbursement programs would result in an annual loss of approximately \$173,000 in revenues and represents an additional \$1.20 on the tax rate for the towns; and

WHEREAS, the homestead exemption property tax benefit loss will impact the individual property tax payer the equivalent of an additional \$1.30 on the tax rate; and

WHEREAS, the Towns of Mapleton, Castle Hill and Chapman have saved money through consolidation of services, reducing the tax burden on property owners by nearly 50% compared to similar Maine towns, and have led the State in finding alternatives by consolidating their municipal government through their 1992 Interlocal Agreement, operating joint administrative, highway, fire and law enforcement services;

NOW, THEREFORE, BE IT RESOLVED BY THE MAPLETON, CASTLE HILL AND CHAPMAN JOINT BOARD OF SELECTMEN that the Towns hereby declare their opposition to the Governor's proposed biennial budget and its detrimental shift of state government costs onto municipalities and property tax payers in the interest of forcing local governments to save money by consolidating services and finding alternatives to funding municipal government; and

BE IT FINALLY RESOLVED that the Joint Board of Selectmen calls upon the State Legislature to implement fair and equitable budget solutions that do not burden, but rather reward property taxpayers whose municipal government found alternatives that save money through consolidation of services.

Read and Adopted by a Vote of the Mapleton, Castle Hill and Chapman Joint Board of Selectmen in meeting assembled:
April 8, 2013

Municipal Officers

Town of Mapleton	Town of Castle Hill	Town of Chapman
S/Barry Buck	S/Herman Condon	S/Isaac Braley
S/Grant Clark	S/Maylen Kenney	S/Patricia Sutherland
S/David Dunlavey	S/Gerald McGlenn	
S/Scott Smith	S/Rowell McHatten	
	S/Robert Vigue	

READ and REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS.**

Sent down for concurrence.

The Following Communication: S.P. 549

Resolution No 90-2013

**TOWN OF FALMOUTH
RESOLUTION IN OPPOSITION TO LD 300**

WHEREAS, the property taxpayers of Falmouth are obligated to fund education for their K-12 students under the laws of the State of Maine; and

WHEREAS, more than 70 percent of Falmouth property taxes are spent to support education in the Falmouth School District; and

WHEREAS, the largest line item expense after salaries in the school district's budget is for the cost of health care insurance for teachers, administrators and support staff; and

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#55)

YEAS: Senators: None

NAYS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, GERZOFISKY, GOODALL, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

EXCUSED: Senator: FLOOD

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Ryan Armstrong** of Hampden for appointment to the Maine Maritime Academy, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 278

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY

April 25, 2013

The Honorable Justin L. Alfond
President of the Senate of Maine
126th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Energy, Utilities and Technology has had under consideration the nomination of David J. Barber of Cape Elizabeth, for appointment to the Efficiency Maine Trust Board.

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

YEAS Senators 3 Cleveland of Androscoggin, Jackson of Aroostook, Youngblood of Penobscot
Representatives 10 Hobbins of Saco, Beavers of South Berwick, Dunphy of Embden, Gideon of Freeport, Harvell of Farmington, Libby of Waterboro, Newendyke of Litchfield, Russell of Portland, Rykerson of Kittery, Tipping-Spitz of Orono
NAYS 0
ABSENT 0

Thirteen members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of David J. Barber of Cape Elizabeth, for appointment to the Efficiency Maine Trust Board be confirmed.

Signed,

S/John J. Cleveland
Senate Chair

S/Barry J. Hobbins
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#56)

YEAS: Senators: None

NAYS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, GERZOFISKY, GOODALL, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

EXCUSED: Senator: FLOOD

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **David J. Barber** of Cape Elizabeth for appointment to the Efficiency Maine Trust Board was **CONFIRMED**.

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

The Following Communication: S.C. 274

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

April 24, 2013

Honorable Justin L. Alford
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alford,

This is to inform you that I am today nominating Donald F. Dudley of Patten for appointment to the Inland Fisheries & Wildlife Advisory Council.

Pursuant to Title 12, MRSA §10151, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Inland Fisheries & Wildlife.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 275

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

April 24, 2013

Honorable Justin L. Alford
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alford,

This is to inform you that I am today nominating Gunnar J. Gundersen of Walpole for appointment to the Inland Fisheries & Wildlife Advisory Council.

Pursuant to Title 12, MRSA §10151, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Inland Fisheries & Wildlife.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 276

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

April 24, 2013

Honorable Justin L. Alford
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alford,

This is to inform you that I am today nominating Richard A. Fortier of Caribou for appointment to the Inland Fisheries & Wildlife Advisory Council.

Pursuant to Title 12, MRSA §10151, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Inland Fisheries & Wildlife.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act To Establish the High-efficiency Biomass Pellet Boiler Rebate Program and the Home Heating Conversion Fund"
S.P. 542 L.D. 1468

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative HOBBS of Saco and Senators: BOYLE of Cumberland, SAVIELLO of Franklin, Representatives: CROCKETT of Bethel, DILL of Old Town, FREDETTE of Newport, HARVELL of Farmington, McCABE of Skowhegan, WILLETTE of Mapleton.

On motion by Senator **CLEVELAND** of Androscoggin, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Promote and Enhance State Policy To Preserve and Support Existing Methods of Disposal of Municipal Solid Waste"

S.P. 545 L.D. 1483

Presented by Senator CAIN of Penobscot.
Cosponsored by Representative STANLEY of Medway and Senator: GRATWICK of Penobscot, Representatives: CAMPBELL of Orrington, Speaker EVES of North Berwick.

On motion by Senator **BOYLE** of Cumberland, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Ensure Ethical Standards for Court Reporters"
S.P. 543 L.D. 1469

Presented by Senator GOODALL of Sagadahoc.
Cosponsored by Representative BERRY of Bowdoinham and Senators: KATZ of Kennebec, VALENTINO of York, Representatives: BEAULIEU of Auburn, DION of Portland, FREY of Bangor, GRAHAM of North Yarmouth, MORIARTY of Cumberland, PRIEST of Brunswick.

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

Sent down for concurrence.

Bill "An Act To Amend the Motor Vehicle Franchise Laws"
S.P. 544 L.D. 1482

Presented by Senator CAIN of Penobscot.
Cosponsored by Representative FREDETTE of Newport and Senators: President ALFOND of Cumberland, KATZ of Kennebec, THIBODEAU of Waldo, Representatives: BERRY of Bowdoinham, HERBIG of Belfast, McCABE of Skowhegan, WILLETTE of Mapleton.

On motion by Senator **PATRICK** of Oxford, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent down for concurrence.

Resolve, To Establish a Demonstration Project To Promote Economic Development in the Forest Products Industry
S.P. 541 L.D. 1467

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative THERIAULT of Madawaska and Senators: President ALFOND of Cumberland, MAZUREK of Knox, SHERMAN of Aroostook, THIBODEAU of Waldo, Representatives: PARRY of Arundel, SAUCIER of Presque Isle. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

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

Off Record Remarks

ORDERS

Joint Order

Expressions of Legislative Sentiment recognizing:

The 200th Anniversary of the establishment of Colby College, of Waterville, the 12th-oldest independent liberal arts college in the United States. On February 27, 1813, the Commonwealth of Massachusetts adopted a petition to establish the Maine Literary and Theological Institution, the 33rd chartered college in the country. After Maine separated from Massachusetts in 1820, the first Maine Legislature affirmed the Massachusetts charter. In 1821, it was renamed Waterville College and on January 27, 1867, the college was renamed Colby University in appreciation of Gardner Colby, who made a generous donation to the school. In 1871, Colby University was the first college in New England to accept female students. Colby University became Colby College in 1889. We extend our congratulations to the faculty, staff, students and alumni of this distinguished educational institution as they celebrate the bicentennial of Colby College;
SLS 264

Sponsored by Senator LACHOWICZ of Kennebec.
Cosponsored by Representatives: BECK of Waterville, LONGSTAFF of Waterville.

READ.

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

Senator **LACHOWICZ**: Thank you Mr. President. Men and women of the Senate, Colby College has celebrated its 200th anniversary. It is located in Waterville, Maine. It is a vital part of our community. Generations of our citizens have been educated there and have fanned out all around the world. The men and women of Colby College, faculty, staff, and students play vital roles in Central Maine, but particularly in the city of Waterville where they help local social service organizations and where they help do an annual clean-up every year, which is what they did recently. I'd like to take this opportunity for all of us to recognize what a wonderful part Colby College has played in the state of Maine. Thank you, Mr. President.

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

Senator **LANGLEY**: Thank you Mr. President. Men and women of the Senate, as a proud parent you don't resist any chance to brag about your kids. My daughter is a Colby grad and tomorrow she receives her PhD in London in bioinformatics. She was a math and physics major. It was a great fit for her. A great school. I can't say enough good things about it. Thank you.

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

Senator **KATZ**: Thank you Mr. President. I, too, rise in support of this. I, too, am the father of a proud Colby graduate. I believe I'm correct in saying that Colby leads the country in one really interesting statistic; more people meet their husband or wife at Colby, percentage wise, than any other school in the country. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber William D. Adams, President of Colby College, and Sally Baker, Vice President of Colby College. They are here in the rear of the chamber. Would they please rise and accept the warm greetings of the Maine State Senate.

Joint Resolutions

On motion by Senator **WOODBURY** of Cumberland (Cosponsored by Representative **EVANGELOS** of Friendship and Senators: President **ALFOND** of Cumberland, **BOYLE** of Cumberland, **BURNS** of Washington, **CAIN** of Penobscot, **CLEVELAND** of Androscoggin, **COLLINS** of York, **CRAVEN** of Androscoggin, **DUTREMBLE** of York, **GERZOFISKY** of Cumberland, **GOODALL** of Sagadahoc, **GRATWICK** of Penobscot, **HASKELL** of Cumberland, **HILL** of York, **JACKSON** of Aroostook, **JOHNSON** of Lincoln, **KATZ** of Kennebec, **LACHOWICZ** of Kennebec, **LANGLEY** of Hancock, **MAZUREK** of Knox, **MILLETT** of Cumberland, **PATRICK** of Oxford, **SAVIELLO** of Franklin, **TUTTLE** of York, **VALENTINO** of York, **YOUNGBLOOD** of Penobscot, Representatives: **BEAVERS** of South Berwick, **BECK** of Waterville, **CHIPMAN** of Portland, Speaker **EVES** of North Berwick, **FARNSWORTH** of Portland,

GATTINE of Westbrook, **GILBERT** of Jay, **HAYES** of Buckfield, **HICKMAN** of Winthrop, **HUBBELL** of Bar Harbor, **JONES** of Freedom, **KESCHL** of Belgrade, **KORNFIELD** of Bangor, **KRUGER** of Thomaston, **KUSIAK** of Fairfield, **LIBBY** of Lewiston, **MOONEN** of Portland, **RUSSELL** of Portland, **SCHNECK** of Bangor, **TIPPING-SPITZ** of Orono, **TREAT** of Hallowell) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.), the following Joint Resolution:
S.P. 548

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO PASS A CONSTITUTIONAL AMENDMENT TO REVERSE THE RULING OF THE UNITED STATES SUPREME COURT IN CITIZENS UNITED V. FEDERAL ELECTION COMMISSION

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

WHEREAS, United States Supreme Court rulings, beginning with *Buckley v. Valeo* and continuing through *Citizens United v. Federal Election Commission* and others, disproportionately elevate the role of wealthy special interests in elections and diminish the voices and influence of ordinary Americans; and

WHEREAS, Maine citizens wish to develop effective tools for self-governance, including strong laws governing elections and campaign finance; and

WHEREAS, the current legal landscape severely constrains the range of options available to citizens, frustrating efforts to reduce the influence of moneyed interest in elections and in government; now, therefore, be it

RESOLVED: That We, your Memorialists, hereby declare our support for an amendment to the United States Constitution regarding campaign finance that would reaffirm the power of citizens through their government to regulate the raising and spending of money in elections; and be it further

RESOLVED: That We, your Memorialists, call upon each Member of the Maine Congressional Delegation to actively support and promote in Congress an amendment to the United States Constitution on campaign finance; and be it further

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

READ.

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

Senator **WOODBURY**: Thank you Mr. President. Senate colleagues, this Resolution calls for a Constitutional Amendment to overturn the Supreme Court's *Citizens United* decision and to allow the public, through their government, to more aggressively

regulate campaign finances and campaign spending. The Citizens United decision has been enormously destructive to electoral politics specifically, but even more broadly to the effective practice of democracy in America, by allowing essentially unlimited spending on elections by corporations, interest groups, and the very wealthy. Citizens United has, by comparison, marginalized the voice and influence of regular voters. We've seen the impact in recent elections in Maine as out-of-state money has flooded into the state and its total spending, supporting, and opposing candidates has grown exponential. We've seen campaigns in Maine inundated with distortionary advertising, robotic phone calls, push polls, attack ads, and substance less mass mailings so that the genuine views, character, experience, record, and vision of candidates are overshadowed and obscured. This is not reasoned debate of the issues. This is not respectful differences of opinion. This is not informed and thoughtful advocacy. It's not good democracy. It's something much closer to buying influence over government. That's why we've seen so many thoughtful national leaders from across the political spectrum lamenting the Citizens United decision, some of whom are quoted in the handouts that are on your desks. That's why there is a growing movement, nationally, calling for a Constitutional Amendment to overturn the Citizens United decision. Many municipalities have passed Resolutions calling for this action, including 27 in Maine so far. Twelve states have passed Resolutions. If we pass this Resolution today Maine can become the thirteenth. I'm excited and proud to be introducing this Resolution for Maine and to be joining in this historic movement around the country. Thank you, Mr. President.

On motion by Senator **WOODBURY** 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 Gratwick.

Senator **GRATWICK:** Thank you Mr. President. I rise to support this particular request for an amendment to the United States Constitution for Citizens United. One of my favorite quotes is from Winston Churchill who said that Democracy is really the worst form of all governments except for all the others. I think that the Citizens United decision really displays where we've got the worst kind of government. I think it does not serve us well. I think this process whereby we can change our government ourselves peacefully and appropriately and incrementally really illustrates the very best. I support this wholeheartedly. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Woodbury to Adopt the Joint Resolution. 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 (#57)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFISKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MAZUREK, MILLETT, PATRICK, SAVIELLO, TUTTLE, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, COLLINS, CUSHING, HAMPER, MASON, PLUMMER, SHERMAN, THIBODEAU, THOMAS

EXCUSED: Senator: FLOOD

25 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being excused, on motion by Senator **WOODBURY** of Cumberland, the Joint Resolution was **ADOPTED**.

Sent down for concurrence.

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

On motion by Senator **GOODALL** of Sagadahoc, under unanimous consent on behalf of President **ALFOND** of Cumberland (Cosponsored by Senators: BOYLE of Cumberland, CAIN of Penobscot, CLEVELAND of Androscoggin, CRAVEN of Androscoggin, DUTREMBLE of York, GERZOFISKY of Cumberland, GOODALL of Sagadahoc, GRATWICK of Penobscot, HASKELL of Cumberland, HILL of York, JACKSON of Aroostook, JOHNSON of Lincoln, LACHOWICZ of Kennebec, MAZUREK of Knox, MILLETT of Cumberland, PATRICK of Oxford, TUTTLE of York, VALENTINO of York, WOODBURY of Cumberland, Representatives: AYOTTE of Caswell, BEAR of the Houlton Band of Maliseet Indians, BEAUDOIN of Biddeford, BEAVERS of South Berwick, BECK of Waterville, BERRY of Bowdoinham, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BROOKS of Winterport, CAMPBELL of Newfield, CAREY of Lewiston, CASAVANT of Biddeford, CASSIDY of Lubec, CHAPMAN of Brooksville, CHENETTE of Saco, CHIPMAN of Portland, COOPER of Yarmouth, CRAY of Palmyra, CROCKETT of Bethel, DAUGHTRY of Brunswick, DAVIS of Sangerville, DeCHANT of Bath, DEVIN of Newcastle, DICKERSON of Rockland, DILL of Old Town, DION of Portland, DORNEY of Norridgewock, DUNPHY of Embden, EVANGELOS of Friendship, Speaker EVES of North Berwick, FARNSWORTH of Portland, FOWLE of Vassalboro, FREY of Bangor, GATTINE of Westbrook, GIDEON of Freeport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GRANT of Gardiner, HAMANN of South Portland, HARLOW of Portland, HARVELL of Farmington, HAYES of Buckfield, HERBIG of Belfast, HICKMAN of Winthrop, HOBBS of Saco, HUBBELL of Bar Harbor, JONES of Freedom, JORGENSEN of Portland, KAENRATH of South Portland, KENT

of Woolwich, KESCHL of Belgrade, KINNEY of Limington, KNIGHT of Livermore Falls, KORNFIELD of Bangor, KRUGER of Thomaston, KUMIEGA of Deer Isle, KUSIAK of Fairfield, LAJOIE of Lewiston, LIBBY of Lewiston, LONGSTAFF of Waterville, LUCHINI of Ellsworth, MacDONALD of Old Orchard Beach, MacDONALD of Boothbay, MALABY of Hancock, MARKS of Pittston, MASON of Topsham, MASTRACCIO of Sanford, McCABE of Skowhegan, McELWEE of Caribou, McGOWAN of York, McLEAN of Gorham, MITCHELL of the Penobscot Nation, MONAGHAN-DERRIG of Cape Elizabeth, MOONEN of Portland, MORIARTY of Cumberland, MORRISON of South Portland, NADEAU of Fort Kent, NADEAU of Winslow, NELSON of Falmouth, NOON of Sanford, NUTTING of Oakland, PEAVEY HASKELL of Milford, PEOPLES of Westbrook, PETERSON of Rumford, PLANTE of Berwick, POULIOT of Augusta, POWERS of Naples, PRIEST of Brunswick, PRINGLE of Windham, RANKIN of Hiram, ROCHELO of Biddeford, ROTUNDO of Lewiston, RUSSELL of Portland, RYKERSON of Kittery, SANBORN of Gorham, SAUCIER of Presque Isle, SAXTON of Harpswell, SCHNECK of Bangor, SHAW of Standish, SHORT of Pittsfield, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STUCKEY of Portland, THERIAULT of Madawaska, TIPPING-SPITZ of Orono, TREAT of Hallowell, TYLER of Windham, VEROW of Brewer, VILLA of Harrison, VOLK of Scarborough, WALLACE of Dexter, WELSH of Rockport, WERTS of Auburn, WILLETTE of Mapleton, WOOD of Sabattus), the following Joint Resolution:

S.P. 550

**JOINT RESOLUTION
TO SUPPORT COMPREHENSIVE IMMIGRATION REFORM**

WHEREAS, Maine's identity is defined by its promise of equality, esteem for diversity and commitment to innovation; and

WHEREAS, Maine and the United States have prospered because of the contributions of hardworking and aspiring citizens; and

WHEREAS, we support the value of human dignity of all Maine residents, regardless of immigration status, and recognize the importance of immigrants' many contributions to the social and economic fabric of Maine; and

WHEREAS, becoming a citizen in the United States means taking a solemn oath to uphold the United States Constitution; and

WHEREAS, citizenship is an important symbol of full membership and participation in society that should be encouraged, not barred; and

WHEREAS, keeping families together not only is the right thing to do, but also is good for the economy because families provide a base of support that increases worker productivity and spurs entrepreneurship; and

WHEREAS, immigration enforcement will be much more efficient and effective once the number of undocumented immigrants is reduced due to immigration reform; and

WHEREAS, the nation's current immigration system is dysfunctional, harms the economy and does not reflect our values as a state and nation; and

WHEREAS, overseeing immigration is a federal responsibility, and a comprehensive approach to reforming the immigration system would strengthen the economy and free aspiring citizens to make an even greater contribution to their communities; and

WHEREAS, the Federal Government's inability to enact immigration reform has created severe economic, cultural and political strains in Maine and in communities across the United States; and

WHEREAS, immigration reform must occur in a comprehensive, thoughtful manner that builds the strength and unity of working people and guarantees the same rights, obligations and basic fairness for all workers, no matter where they come from; and

WHEREAS, comprehensive immigration reform must include a realistic pathway to citizenship for all hardworking and taxpaying aspiring citizens who live in the United States if they meet reasonable requirements; and

WHEREAS, comprehensive immigration reform must provide a mechanism for those citizens who have grown up in this country to become citizens and be able to fully contribute to our joint future; and

WHEREAS, comprehensive immigration reform must update the immigration system so that the future flow of immigrant workers more realistically matches our nation's labor needs and is structured to protect the wages and working conditions of citizen and immigrant workers; and

WHEREAS, any new worker visa program must provide for strict compliance with United States labor standards and wage and hour standards, portability of visas so that workers can change jobs and the ability for workers to petition for permanent residency; and

WHEREAS, comprehensive immigration reform must limit the wait times and rules that keep families separated from their loved ones; and

WHEREAS, comprehensive immigration reform enforcement provisions must restore respect for law by promoting strict adherence to our nation's values, including due process, civil and human rights, accountability and proportionality; and

WHEREAS, internal and border law enforcement should focus on preventing criminals, drug cartels and other negative and harmful elements from entering the United States or engaging in criminal activities; and

WHEREAS, Maine supports a comprehensive immigration reform bill that keeps families together, upholds national values, promotes economic growth and provides a long-term solution to the immigration system; and

WHEREAS, elected officials must create an immigration process that strengthens our nation's economy and lets aspiring citizens continue their contributions to their communities; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, support comprehensive immigration reform that addresses earned legalization with a path to citizenship, updated future immigration of families and workers and improved immigration enforcement and border security that is consistent with national values.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, often we, as a Legislature, have the opportunity to make our voices heard when it comes to important issues around the country and things that are taking place in Washington D.C. This is one of them; immigration reform. We have seen many great images of Democrats and Republicans standing together recently trying to address this very crucial and important issue, an issue that we must solve in this country, a country that has had great success but has been built upon strong individuals that have come here from other countries. It is one that many companies in this country are built with highly skilled workers. It's one about fairness and equality. This issue touches every corner of our state. It touches every corner of our country. It's one that we should all support. Mr. President, on this very important issue, I request when the vote is taken it is taken through a roll call. Thank you, Mr. President.

On motion by Senator **GOODALL** of Sagadahoc, 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 (#58)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, LANGLEY, MAZUREK, MILLETT, PATRICK, SAVIELLO, TUTTLE, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, COLLINS, CUSHING, HAMPER, KATZ, MASON, PLUMMER, SHERMAN, THIBODEAU, THOMAS, WHITEMORE, YOUNGBLOOD

EXCUSED: Senator: FLOOD

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, on motion by President **ALFOND** of Cumberland, the Joint Resolution was **ADOPTED**.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of the MaineCare Benefits Manual, Chapter III, Section 21: Home and Community Benefits for Adults with Intellectual Disabilities or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)
H.P. 5 L.D. 3

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Amend the Short Form Deeds Act"

H.P. 296 L.D. 424

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Amend the Law Concerning Protection from Abuse Orders To Include Pets"
H.P. 479 L.D. 687

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Ensure the Periodic Review and Revision of Statutory Provisions"
H.P. 536 L.D. 785

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Validate Certain Real Estate Transactions Entered into by a Corporation while Its Charter Was Suspended"
H.P. 600 L.D. 849

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Resolve, To Study the Issue of Inheritance of Digital Assets
H.P. 601 L.D. 850

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Direct the Department of Health and Human Services To Assist Individuals with Intellectual Disabilities with Home Support
H.P. 262 L.D. 387

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-95)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-95)**.

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

READ ONCE.

Committee Amendment "A" (H-95) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Protect Public Health at Public Institutions of Higher Education"
H.P. 318 L.D. 468

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-77)**.

Signed:

Senators:
CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:
FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
MALABY of Hancock
McELWEE of Caribou
STUCKEY of Portland

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

Signed:

Senator:
HAMPER of Oxford

Representatives:
SANDERSON of Chelsea
SIROCKI of Scarborough

(Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-77)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-77) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Hunting for Deer with a Crossbow during the Expanded Archery Season"
H.P. 81 L.D. 99

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

Signed:

Senators:
DUTREMBLE of York
HASKELL of Cumberland

Representatives:
SHAW of Standish
BRIGGS of Mexico
ESPLING of New Gloucester
EVANGELOS of Friendship
KUSIAK of Fairfield
MARKS of Pittston

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-67)**.

Signed:

Senator:
BURNS of Washington

Representatives:
CRAFTS of Lisbon
DAVIS of Sangerville
SHORT of Pittsfield
WOOD of Sabattus

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Make Gold and Silver Coins and Bars Legal Tender"
H.P. 124 L.D. 149

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

Signed:

Senators:
PATRICK of Oxford
CLEVELAND of Androscoggin
CUSHING of Penobscot

Representatives:
HERBIG of Belfast
CAMPBELL of Newfield
GILBERT of Jay
HAMANN of South Portland
MASON of Topsham
MASTRACCIO of Sanford

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

Signed:

Representatives:
DUPREY of Hampden
LOCKMAN of Amherst
VOLK of Scarborough
WINCHENBACH of Waldoboro

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Help the Unemployed Find Work"

H.P. 728 L.D. 1033

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

Signed:

Senators:

PATRICK of Oxford
CLEVELAND of Androscoggin

Representatives:

HERBIG of Belfast
CAMPBELL of Newfield
GILBERT of Jay
HAMANN of South Portland
MASON of Topsham
MASTRACCIO of Sanford
WINCHENBACH of Waldoboro

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

Signed:

Senator:

CUSHING of Penobscot

Representatives:

DUPREY of Hampden
LOCKMAN of Amherst
VOLK of Scarborough

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

Reports **READ**.

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

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

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today to speak in regards to the pending question before us. I feel it is unfortunate that we did not reach a conclusion that would once again allow individuals in our state another pathway to support themselves through a different form of employment than they may ultimately seek, but at least an opportunity for them to once again start to generate household

income from active employment and put themselves in a position to really present their best features and skills in a workplace environment. I think many of us know that Maine has a tremendous number of small business people, many of which, because of the enormous burdens that we place on our business community, have found that a pathway to find good quality people is to use temporary employment agencies. In the event that this Body seeks not to accept the pending question, I would ask you to consider the opportunity to support this bill from the Minority position and give these working people a chance to get back into the workforce. I thank you for your time and consideration.

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, Maine's unemployment insurance law already imposes similar requirements that workers must meet in order to receive unemployment benefits that they have earned. They must register for work, search for work, and accept any offer of suitable employment made to them. If they do not, they will be disqualified from receiving benefits. L.D. 1033 proposes an additional eligibility requirement that workers must meet in order to receive unemployment benefits. It would require them to register for work with a temporary staffing agency in order to be eligible for the benefits in any week after they have registered for 13 weeks of benefits. As I just mentioned, unemployed workers are already required to register for work with their local Career Centers. The purpose of our statewide network of Career Centers is to assist people in finding work, taking into account their skills, abilities, and employment history and other qualifications. Yet under L.D. 1033 these workers would lose their unemployment benefits if they did not also register for work with the nearest temporary staffing agency. In addition, L.D. 1033 does not include a good cause provision, allowing for a waiver of this new requirement in areas where there are no temporary staffing agencies. We believe that the intended protection would be difficult to enforce with any reasonable degree of equity. For example, simply because a person may live in reasonable proximity to a temporary employment agency that does not mean that particular agency has a job that meets the worker's skills, ability, and qualifications. We have serious concerns that the new eligibility conditions imposed in L.D. 1033 would exacerbate the already unacceptable benefit delays faced by thousands of unemployment claimants here in Maine. Administration of the requirement proposed in L.D. 1033 would generate increased numbers of non-monetary determinations that would be required each week. The department estimates that approximately 800 to 1,000 claimants would be affected by this new requirement weekly. If there is any question as to whether or not the requirement has been met the case would be scheduled for fact finding, would be added to the queue with the many hundreds of other cases waiting for a decision. I think there are enough hurdles for a person to go through in order to receive unemployment benefits. Recently this spring I actually went to the Maine State Chamber of Commerce's Leadership Conference and ask the question to them. They were asking us questions. It was really a neat thing. I wanted to turn it around to them. I asked each and every business person, "Answer me one simple question. What is your greatest asset in your company?" That is one of the cases where you should know the answer. That was;

our employees. The unemployment system is such that nobody wants to get unemployed. We have a system that works great, although some say there is an awful lot of fraud and everything under the sun. Our system works good. The unemployment system is there for the need for someone who loses their job. The expectations are already there. There are certain levels that one must have to rise to in order to get it. If he doesn't he gets disqualified. It's just unbelievably hard for me to understand how we are going to continually go after our greatest assets, our workers, in their time of need. I really don't believe we have to have any other hurdles and I want to make sure that Maine's issue with unemployment and the ability for them to handle their cases and get them turned over in a decent amount of time gets better. All this is going to do is make it harder, ladies and gentlemen. I would ask you to support the Ought Not to Pass motion. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President. Ladies and gentlemen of the Senate, my good colleague, Senator Patrick from Oxford, has explained very clearly what the current rules and requirements are, which makes it clear that unemployed individuals must seek and take appropriate and suitable work. During the hearing we received comments from a number of various individuals, including the temporary staffing agencies who would be required under this bill to take these individuals in and sign them up with their agencies. I wanted to share with you one of the testimonies we received from a staffing agency, Maine Staffing. This is their testimony. "However, it would be both an administrative burden and costly if all unemployed workers were required after 13 weeks to register for employment with staffing companies. The process of interviewing and screening alone would impose significant costs." Staffing companies also would incur additional costs in tracking these workers, contacting them and contacting the Maine Department of Labor. It is estimated that this would affect approximately 800 to 1,000 unemployed individuals a week, which is a significant number and a significant burden that would be put on these staffing agencies. Though this may be a well-intended bill, I share with you that even the agencies that have been asked, the private agencies that would have to take on this burden, see it as unworkable and costly and ineffective. For that reason as well, we should vote Ought Not to Pass.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Patrick to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#59)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFSKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, LANGLEY, MAZUREK, MILLETT, PATRICK, SAVIELLO, TUTTLE, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, COLLINS, CUSHING, HAMPER, KATZ, MASON, PLUMMER, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, YOUNGBLOOD

EXCUSED: Senator: FLOOD

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **PATRICK** of Oxford to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Strengthen Collaboration in the Transfer of Responsibilities for State and State Aid Highways" H.P. 70 L.D. 67

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

Signed:

Senators:
MAZUREK of Knox
COLLINS of York

Representatives:
THERIAULT of Madawaska
GILLWAY of Searsport
McLEAN of Gorham
NUTTING of Oakland
PARRY of Arundel
POWERS of Naples
TURNER of Burlington
VEROW of Brewer
WERTS of Auburn

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-63)**.

Signed:

Senator:
VALENTINO of York

Representative:
PEOPLES of Westbrook

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

Reports **READ**.

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

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

Senator **TUTTLE:** Thank you Mr. President. Men and women of the Senate, while I will not be opposing this motion, I am a co-sponsor of the bill and one of the towns in my district has been very affected by this. As many of you know, a number of roads that had been in the past the responsibility of the State are being deferred to many municipalities. I have one community in Waterboro that we've had a road turned back over to us with promises that the State would repair and they did to the point where it wasn't done well enough. We tried to communicate with the department on numerous occasions. The problem with agencies sometimes, the older ones like the Department of Transportation, is that sometimes they can be not very responsive. In this case they haven't been. I've taken it upon myself to request a meeting with the Commissioner of Transportation and municipal officials in my district. Hopefully that resolution will solve this problem. I think as we go forward, and turn more roads back over to our municipalities, we have to make sure it is done in the appropriate and right manner. Mr. President, thank you.

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Promote Small Businesses by Enhancing the Use of On-premises Signs"

H.P. 333 L.D. 483

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

Signed:

Senators:

MAZUREK of Knox
COLLINS of York
VALENTINO of York

Representatives:

THERIAULT of Madawaska
GILLWAY of Searsport
McLEAN of Gorham
PARRY of Arundel
PEOPLES of Westbrook
POWERS of Naples
VEROW of Brewer
WERTS of Auburn

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-65)**.

Signed:

Representatives:

NUTTING of Oakland
TURNER of Burlington

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

Reports **READ**.

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

Senate

Ought to Pass

Senator **VALENTINO** for the Committee on **JUDICIARY** on Bill "An Act To Improve Death Investigations"

S.P. 309 L.D. 884

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **PATRICK** for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Ensure the Proportional Offset against Retirement Benefits of Workers' Compensation Awards"

S.P. 327 L.D. 949

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

Report **READ**.

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

Ought to Pass As Amended

Senator **CLEVELAND** for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Resolve, To Establish a Working Group To Study Issues Relating to Broadband Infrastructure Deployment

S.P. 301 L.D. 876

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-41).**

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

READ ONCE.

Committee Amendment "A" (S-41) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator PATRICK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Include Raising Equines in the Definition of Agriculture for the Purpose of the Maine Workers' Compensation Act of 1992"
S.P. 245 L.D. 696

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-42).**

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

READ ONCE.

Committee Amendment "A" (S-42) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator MAZUREK for the Committee on **TRANSPORTATION** on Bill "An Act To Amend Provisions of the Law Pertaining to Motor Vehicles"
S.P. 320 L.D. 943

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-40).**

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

READ ONCE.

Committee Amendment "A" (S-40) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator MAZUREK for the Committee on **TRANSPORTATION** on Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2014"
S.P. 328 L.D. 983

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-39).**

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

READ ONCE.

Committee Amendment "A" (S-39) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

House

Bill "An Act To Place Land in Centerville in Trust for the Passamaquoddy Tribe"

H.P. 56 L.D. 64

Bill "An Act To Add Using an All-terrain Vehicle to the List of Activities Included in the Definition of 'Guide' in the Inland Fisheries and Wildlife Laws"

H.P. 117 L.D. 142

Bill "An Act To Add Members of the Aroostook Band of Micmacs to the Maine Indian Tribal-State Commission and Add Corresponding Members for the State"

H.P. 269 L.D. 394

Bill "An Act To Amend the Definition of 'Special Mobile Equipment' in the Motor Vehicle Laws"

H.P. 386 L.D. 567

Bill "An Act To Amend the Laws Governing Reapportionment To Conform to the Constitution of Maine"

H.P. 393 L.D. 574

Bill "An Act To Amend the Laws Governing Motorcycle and Moped Permits"

H.P. 410 L.D. 591

Bill "An Act To Remove the Provision That a Motorcycle Operator May Prove a Motorcycle Muffler Does Not Exceed Specific Noise Standards"

H.P. 642 L.D. 918

READ A SECOND TIME and **PASSED TO BE ENGROSSED**, in concurrence.

House As Amended

Resolve, Directing the Department of Health and Human Services To Provide Coverage under the MaineCare Program for Home Life Skills Services for Adults with Intellectual Disabilities or Autistic Disorder

H.P. 12 L.D. 8
(C "A" H-68)

LEGISLATIVE RECORD - SENATE, TUESDAY, APRIL 30, 2013

Bill "An Act To Amend the Law Concerning the Membership of the Maine Economic Growth Council"

H.P. 30 L.D. 35
(C "A" H-72)

Bill "An Act To Protect Maine Business Names"

H.P. 41 L.D. 46
(C "A" H-60)

Bill "An Act To Expand Transitional Assistance for Families"

H.P. 61 L.D. 78
(C "A" H-69)

Resolve, To Create the Task Force on the Prevention of Sexual Abuse of Children (EMERGENCY)

H.P. 77 L.D. 95
(C "A" H-79)

Bill "An Act To Connect Benefits Provided under the Circuitbreaker Program with the Payment of Property Taxes" (EMERGENCY)

H.P. 111 L.D. 136
(C "A" H-82)

Bill "An Act To Ensure Adequate Child Protective Services throughout the State"

H.P. 120 L.D. 145
(C "A" H-70)

Bill "An Act To Amend the Laws Governing Drugs and Vaccines Administered by Pharmacists"

H.P. 123 L.D. 148
(C "A" H-83)

Bill "An Act To Amend the Laws Pertaining to Archaeological Sites"

H.P. 135 L.D. 160
(C "A" H-62)

Bill "An Act To Permit Nurse Practitioners To Perform the Functions of School Physicians"

H.P. 158 L.D. 197
(C "A" H-75)

Bill "An Act To Support the Permanent Commission on the Status of Women" (EMERGENCY)

H.P. 192 L.D. 231
(C "A" H-80)

Bill "An Act To Provide Tax Fairness to Small Businesses in the State"

H.P. 228 L.D. 319
(C "A" H-81)

Bill "An Act To Amend the Controlled Substances Prescription Monitoring Program Participation Requirements" (EMERGENCY)

H.P. 263 L.D. 388
(C "A" H-71)

Bill "An Act To Amend the Health Care Practitioner Licensing, Disciplinary and Reporting Laws Regarding Alcohol and Drug Abuse"

H.P. 286 L.D. 411
(C "A" H-84)

Bill "An Act To Increase the Membership of the Land for Maine's Future Board"

H.P. 343 L.D. 524
(C "A" H-59)

Bill "An Act To Amend the Laws Governing the Maine State Library"

H.P. 351 L.D. 532
(C "A" H-73)

Bill "An Act To Amend the Laws Governing Complimentary Hunting, Trapping and Fishing Licenses for Disabled Veterans"

H.P. 360 L.D. 541
(C "A" H-74)

Bill "An Act To Modernize the Statutes Governing Physician Assistants"

H.P. 375 L.D. 556
(C "A" H-85)

Bill "An Act To Raise the Speed Limit on Interstate 295"

H.P. 446 L.D. 654
(C "A" H-64)

Bill "An Act To Make Agriculture Studies a Part of the Maine Curriculum"

H.P. 460 L.D. 668
(C "A" H-88)

Bill "An Act To Clarify Compensation for the Panel of Mediators"

H.P. 481 L.D. 689
(C "A" H-93)

Bill "An Act To Clarify the Agricultural Exemption to the Workers' Compensation Laws"

H.P. 512 L.D. 761
(C "A" H-92)

Bill "An Act To Establish a Program To Invite Legislators To Visit Public School Classrooms"

H.P. 573 L.D. 822
(C "A" H-87)

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:

Emergency Measure

An Act To Amend the Limited Liability Company Laws
S.P. 193 L.D. 503
(C "A" S-22)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act To Equalize the Fire Investigation and Prevention Tax Paid by Insurers

H.P. 205 L.D. 296
(H "A" H-32)

An Act To Remove an Unnecessary Provision in the Maine Insurance Code

H.P. 445 L.D. 653

An Act To Provide Free Fishing Licenses to Certain Children in the Custody of the Department of Health and Human Services
H.P. 489 L.D. 717

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

An Act Regarding the Authority of a School Board To Elect a School Superintendent

H.P. 10 L.D. 6
(C "A" H-31)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#60)

YEAS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, CRAVEN, CUSHING, GERZOFKY, GOODALL, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SAVIELLO, SHERMAN, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: COLLINS, DUTREMBLE, JACKSON, THIBODEAU, THOMAS, TUTTLE

EXCUSED: Senator: FLOOD

28 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Resolve

Resolve, To Direct the Commissioner of Inland Fisheries and Wildlife To Allow Veterans with Lower Limb Loss To Obtain "Any-deer" Hunting Permits

H.P. 55 L.D. 63
(C "A" H-37)

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

The following matter 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 Assigned (4/25/13) matter:

Bill "An Act To Require the State To Divest Itself of Assets Invested in the Fossil Fuel Industry"

H.P. 1046 L.D. 1461

Tabled - April 25, 2013, by Senator **HILL** of York

Pending - **REFERENCE**

(In House, April 25, 2013, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.)

On motion by Senator **HILL** of York, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Create a Public Option Pension System"
H.P. 1054 L.D. 1473

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

On motion by Senator **HILL** of York, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Develop Juvenile Assessment Centers"
H.P. 1051 L.D. 1470

Comes from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

On motion by Senator **GERZOFSKY** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in concurrence.

Bill "An Act To Ensure the Success of Maine Students"
(EMERGENCY)
H.P. 1062 L.D. 1481

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

On motion by Senator **MILLETT** of Cumberland, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Provide for Economic Development with Offshore Wind Power"
H.P. 1053 L.D. 1472

Comes from the House, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

On motion by Senator **CLEVELAND** of Androscoggin, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed, in concurrence.

Bill "An Act Authorizing the Board of Environmental Protection To Modify a License for a Wind Energy Development"
H.P. 1052 L.D. 1471

Comes from the House, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Amend the Laws Pertaining to the Hunting of Bear"
H.P. 1055 L.D. 1474

Comes from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

On motion by Senator **DUTREMBLE** of York, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

Bill "An Act Relating to Insurance Company Formation and Dissolution"
H.P. 1066 L.D. 1485

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

On motion by Senator **GRATWICK** of Penobscot, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

Bill "An Act To Improve Citizen Access to Legal Representation"
H.P. 1056 L.D. 1475

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

On motion by Senator **VALENTINO** of York, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Impose a Temporary One Percent Sales Tax for Education and Revenue Sharing"

H.P. 1058 L.D. 1477

Bill "An Act To Avoid Potential Loss of Revenue by Municipalities and the Unorganized Territory from Donated Property"

H.P. 1059 L.D. 1478

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

On motion by Senator **HASKELL** of Cumberland, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

Bill "An Act Making Unified 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, 2014 and June 30, 2015" (EMERGENCY)

H.P. 1061 L.D. 1480

Bill "An Act To Amend the Laws Governing Weight Tolerance for Certain Vehicles"

H.P. 1065 L.D. 1484

Come from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

On motion by Senator **MAZUREK** of Knox, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

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

Senator **KATZ** of Kennebec was granted unanimous consent to address the Senate off the Record.

Senator **GOODALL** of Sagadahoc 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 **GOODALL** of Sagadahoc, **ADJOURNED** to Wednesday, May 1, 2013, at 10:00 in the morning.