

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
May 7, 2013

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

Prayer by Pastor Travis Armstrong, Hope Baptist Church in
Manchester.

PASTOR ARMSTRONG: Will you bow with me in prayer. Father
God, we recognize today that You are in control of all things. We
ask for Your blessing on this group of men and women as they
discuss decisions for our state. We pray for unity as they decide
potentially dividing issues. We pray for their choices and
decisions to be moral and in line with what You would have them
to be. We pray that You would bless them as they meet and we
pray that You would bless our state. May we follow You. In
Jesus' name, Amen.

Pledge of Allegiance led by Senator James A. Boyle of
Cumberland County.

Reading of the Journal of Thursday, May 2, 2013.

Doctor of the day, Eric Tweedie, MD of Bangor.

Off Record Remarks

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Protect Local Input in Economic Development and
Redevelopment Efforts"

H.P. 1057 L.D. 1476

Comes from the House, **REFERRED** to the Committee on
**LABOR, COMMERCE, RESEARCH AND ECONOMIC
DEVELOPMENT** and ordered printed.

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

COMMUNICATIONS

The Following Communication: S.P. 571

STATE OF MAINE
126TH LEGISLATURE

May 2, 2013

Senator Colleen Lachowicz
Senate Chair, Joint Standing Committee on State and Local
Government
Representative Anne Graham
House Chair, Joint Standing Committee on State and Local
Government
126th Legislature
Augusta, Maine 04333

Dear Senator Lachowicz and Representative Graham:

Please be advised that Secretary of State Matthew Dunlap has
today nominated David R. Cheever of Augusta for reappointment
as the State Archivist.

Pursuant to Title 5 M.R.S.A § 93, this reappointment will require
review by the Joint Standing Committee on State and Local
Government and confirmation by the Senate.

Sincerely,

S/Justin L. Alford
President of the Senate

S/Mark W. Eves
Speaker of the House

READ and REFERRED to the Committee on **STATE AND
LOCAL GOVERNMENT**.

Sent down for concurrence.

The Following Communication: H.P. 1069

TOWN OF MONTVILLE

The following resolution was adopted at the Montville Annual
Town Meeting on March 30, 2013:

WHEREAS, the Governor's unprecedented biennial budget
proposal places towns in an untenable and uncertain fiscal
position during their budget planning; and

WHEREAS, the proposed cuts in various programs will shift costs
to towns, whose only major means of raising revenue is property
taxes; now, therefore, be it

RESOLVED: that we, the people of the Town of Montville assembled at our annual town meeting on March 30, 2013, call upon the Legislature of the State of Maine to reject these proposals, identify less harmful cost savings, and raise revenue in an equitable fashion to avoid this tax shift onto the property owners of Montville and other Maine cities and towns.

Attested:

S/Abbie Hills
Montville Town clerk
April 29, 2013

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

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

The Following Communication: S.C. 288

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

May 1, 2013

The Honorable Justin L. Alford
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 Timothy R. Schneider of Portland, for appointment as the Public Advocate.

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	2	Cleveland of Androscoggin, 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 1 Sen. Jackson of Aroostook

Twelve 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 Timothy R. Schneider of Portland, for appointment as the Public Advocate 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 (#66)

YEAS: Senators: COLLINS, SHERMAN

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

ABSENT: Senator: CAIN

2 Senators having voted in the affirmative and 32 Senators having voted in the negative, with 1 Senator being absent, and 2 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 **Timothy R. Schneider** of Portland for appointment as the Public Advocate was **CONFIRMED**.

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

The Following Communication: S.C. 289

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

May 1, 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 Mark A. Vannoy of Waldoboro, for reappointment to the Public Utilities Commission.

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	2	Cleveland of Androscoggin, Youngblood of Penobscot
	Representatives	9	Hobbins of Saco, Beavers of South Berwick, Dunphy of Embden, Gideon of Freeport, Harvell of Farmington, Libby of Waterboro, Newendyke of Litchfield, Rykerson of Kittery, Tipping-Spitz of Orono
NAYS		0	
ABSENT		2	Sen. Jackson of Aroostook, Rep. Russell of Portland

Eleven 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 Mark A. Vannoy of Waldoboro, for reappointment to the Public Utilities Commission 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 (#67)

YEAS: Senators: None

NAYS: Senators: BOYLE, BURNS, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFSKY, 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

ABSENT: Senator: CAIN

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, 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 **Mark A. Vannoy** of Waldoboro for reappointment to the Public Utilities Commission was **CONFIRMED**.

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

The Following Communication: S.C. 290

**STATE OF MAINE
126TH LEGISLATURE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

May 2, 2013

Honorable Darek M. Grant
Secretary of the Senate
3 State House Station
Augusta, ME 04333-0003

Dear Secretary Grant:

Pursuant to my authority under Title 3, Chapter 10 § 227 of the Maine Revised Statutes, I have appointed Representative Mark Dion of Portland to the Maine-Canadian Legislative Advisory Commission.

If you have any questions regarding this appointment, please do not hesitate to contact me.

Sincerely,

S/Mark W. Eves
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 291

**STATE OF MAINE
126TH LEGISLATURE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

May 3, 2013

Honorable Darek M. Grant
Secretary of the Senate
3 State House Station
Augusta, ME 04333-0003

Dear Secretary Grant:

Pursuant to my authority under Title 5, Chapter 621, §24001 of the Maine Revised Statutes, I have appointed Mary-Anne LaMarre of Oakland to serve as a parental member of the Maine Children's Growth Council.

If you have any questions regarding this appointment, please do not hesitate to contact me.

Sincerely,

S/Mark W. Eves
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 292

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

May 1, 2013

Honorable Justin L. Alford, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 188 An Act To Criminalize Possession of a Suspended or Revoked Concealed Handgun Permit

L.D. 771 An Act To Amend the Laws Governing Reciprocity for Concealed Handguns Permits

L.D. 1053 An Act Regarding a Retired Law Enforcement Officer Carrying a Concealed Handgun without a Permit

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Stanley J. Gerzofsky
Senate Chair

S/Rep. Mark N. Dion
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 293

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

May 2, 2013

Honorable Justin L. Alford, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 335 An Act To Review Firearm Laws in the State

L.D. 997 An Act To Establish Restrictions on Ammunition Feeding Devices

L.D. 1182 An Act Regarding the Disposition of Firearms in State Custody

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/ Sen. Stanley J. Gerzofsky
Senate Chair

S/Rep. Mark N. Dion
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 294

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 1, 2013

Honorable Justin L. Alford, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 18 An Act To Fund Public Education for Kindergarten to Grade 12 at 55%
- L.D. 299 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the State Share of Education Funding To Be at Least Fifty-five Percent of the Total Cost and One Hundred Percent of the Cost of Special Education
- L.D. 529 Resolve, Directing the Department of Education To Develop Safety Standards for School Access (EMERGENCY)
- L.D. 623 An Act To Promote the Attainment of Higher Education Degrees
- L.D. 742 An Act To Amend the Regional School Unit Budget Validation Process
- L.D. 750 An Act To Make the Completion of an Internship a Requirement for High School Graduation
- L.D. 792 An Act To Ensure That Essential Programs and Services Targeted Funding Follows the Secondary Student

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/ Sen. Rebecca J. Millett
Senate Chair

S/Rep. W. Bruce MacDonald
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 295

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 1, 2013

Honorable Justin L. Alford, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 823 An Act To Require Institutions of Higher Learning To Comply with the Federal Americans with Disabilities Act
- L.D. 862 An Act To Assist York County Community College
- L.D. 959 An Act To Require That Seed Money Generated at an Individual College of the Maine Community College System Be Returned to That College for the Purpose of Enhancement
- L.D. 994 An Act To Change the State's Share of Education Costs Including Teacher Retirement Costs (EMERGENCY)
- L.D. 1322 An Act To Amend the Laws Governing the Withdrawal of a Municipality from a Regional School Unit (EMERGENCY)

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/ Sen. Rebecca J. Millett
Senate Chair

S/Rep. W. Bruce MacDonald
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 296

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 2, 2013

Honorable Justin L. Alfond, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 723 An Act To Ensure the Proper Treatment of Bullying Situations in Schools
- L.D. 1055 An Act To Create a Maine Financial Education Portal
- L.D. 1083 Resolve, Directing the Department of Education To Develop a Process To Provide Alternative Pathways To Learning for Certain High School Students

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/ Sen. Rebecca J. Millett
Senate Chair

S/Rep. W. Bruce MacDonald
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 297

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

May 1, 2013

Honorable Justin L. Alfond, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 536 An Act To Improve the Efficiency of Use of MaineCare Funds
- L.D. 1214 An Act To Require a Mandatory Assessment by a Physician prior to Psychotropic or Electroconvulsive Therapy

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Margaret M. Craven
Senate Chair

S/Rep. Richard R. Farnsworth
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 298

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

May 1, 2013

Honorable Justin L. Alfond, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 601 An Act To Require That Certain Changes in Conservation Law Not Be Made by Rule
- L.D. 1005 An Act To Assist Hunters Transporting Animals for Registration

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. David E. Dutremble
Senate Chair

S/Rep. Michael A. Shaw
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 299

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

May 2, 2013

Honorable Justin L. Alfond, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Insurance and Financial Services has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 546 An Act To Improve Transparency and Oversight of the Maine Guaranteed Access Reinsurance Association and To Make Changes Necessary To Comply with Federal Law
- L.D. 971 An Act Regarding Exemptions under the Maine Insurance Code
- L.D. 1067 An Act To Allow Certain Small Retail Businesses To Pass Credit and Debit Card Transaction Fees on to Consumers

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Geoffrey M. Gratwick
Senate Chair

S/Rep. Sharon Anglin Treat
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 300

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON JUDICIARY**

May 2, 2013

Honorable Justin L. Alfond, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 522 An Act To Amend the Guardian Ad Litem Laws
- L.D. 551 An Act To Establish Certification Standards for Guardians Ad Litem
- L.D. 1081 An Act To Establish Legislative Standing in Judicial Proceedings

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Linda M. Valentino
Senate Chair

S/Rep. Charles R. Priest
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 301

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON LABOR, COMMERCE, RESEARCH AND
ECONOMIC DEVELOPMENT**

May 1, 2013

Honorable Justin L. Alfond, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor, Commerce, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1341 An Act Directing the Department of Economic and Community Development To Establish a Program To Promote Economic Growth and Development

L.D. 1351 An Act To Attract Military Families to Maine

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John L. Patrick
Senate Chair

S/Rep. Erin D. Herbig
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 302

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

May 1, 2013

Honorable Justin L. Alfond, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 810 Resolve, To Amend the Lobster Trap Tag System Rules for Certain Zones

L.D. 1097 An Act To Allow the Sale of Incidentally Caught Lobsters

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Christopher K. Johnson
Senate Chair

S/Rep. Walter A. Kumiega
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 303

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON TAXATION**

May 2, 2013

Honorable Justin L. Alfond, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 316 An Act To Provide Property Tax Relief for Noncombat Veterans

L.D. 1207 An Act To Expand the Property Tax Exemption for Veterans Who Are 100% Disabled

L.D. 1226 An Act To Improve Maine Veterans' Property Tax Exemptions

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Anne M. Haskell
Senate Chair

S/Rep. Adam A. Goode
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 304

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

May 1, 2013

Honorable Justin L. Alfond, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Veterans and Legal Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 606 An Act To Amend the Law Concerning Landlord and Tenant Relationships
- L.D. 1086 An Act To Revise the Laws Governing Candidate Nominations by Petition

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John L. Tuttle
Senate Chair

S/Rep. Louis J. Luchini
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 305

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

May 2, 2013

Honorable Justin L. Alfond, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Veterans and Legal Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 860 An Act To Require That the Governor, Senators and Members of the House of Representatives Be Elected by the Ranked-choice Voting Method
- L.D. 1219 An Act To Establish a Run-off Process for the Election of the Governor, United States Senator or United States Representative
- L.D. 1358 An Act To Amend the Election Laws To Require a Run-off Election for Governor

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John L. Tuttle
Senate Chair

S/Rep. Louis J. Luchini
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

SENATE PAPERS

Bill "An Act To Reform the Maine Public Employees Retirement System" (EMERGENCY)

S.P. 572 L.D. 1514

Presented by Senator WOODBURY of Cumberland.

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

Sent down for concurrence.

Resolve, To Direct the Department of Economic and Community Development To Adopt Certain Eligibility Requirements Regarding Community Development Block Grants

S.P. 560 L.D. 1499

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative THERIAULT of Madawaska and Senator: PATRICK of Oxford, Representatives: DILL of Old Town, FITZPATRICK of Houlton, GILBERT of Jay, NADEAU of Fort Kent, NOON of Sanford, SAUCIER of Presque Isle, SCHNECK of Bangor.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

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

Resolve, Directing the Department of Corrections, Department of Education, Department of Health and Human Services and Department of Labor To Support the Statewide Coordinated Services District System

S.P. 569 L.D. 1513

Presented by Senator HASKELL of Cumberland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act Regarding Insured Value Factor Payments for Public Tuition Students Attending a Private School"

S.P. 563 L.D. 1505

Presented by Senator VALENTINO of York.
Cosponsored by Senators: President ALFOND of Cumberland, CAIN of Penobscot, Representative: CHENETTE of Saco.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act To Include Useful Thermal Energy as a Renewable Energy Source"

S.P. 565 L.D. 1507

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative CROCKETT of Bethel.

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 Increase Funding for Start-ups"

S.P. 568 L.D. 1512

Presented by President ALFOND of Cumberland.

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

Sent down for concurrence.

Bill "An Act Regarding Coordinated Access to Public Records of State Agencies"

S.P. 566 L.D. 1511

Presented by Senator CAIN of Penobscot.

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

Sent down for concurrence.

Bill "An Act To Require Disclosures by 3rd-party Vendors Contracted To Perform Fund-raising"

S.P. 564 L.D. 1506

Presented by Senator CAIN of Penobscot.
Cosponsored by Representative GOODE of Bangor and Senator: CUSHING of Penobscot.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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, Directing the Adjutant General of the State To Ensure the Maine Code of Military Justice Addresses Sexual Trauma in the Military

S.P. 562 L.D. 1504

Presented by Senator VALENTINO of York.
Cosponsored by Representative RUSSELL of Portland and Senators: President ALFOND of Cumberland, BOYLE of Cumberland, CAIN of Penobscot, CLEVELAND of Androscoggin, CRAVEN of Androscoggin, DUTREMBLE of York, FLOOD of Kennebec, GERZOFSKY of Cumberland, GRATWICK of Penobscot, HILL of York, JACKSON of Aroostook, JOHNSON of Lincoln, LACHOWICZ of Kennebec, MAZUREK of Knox, MILLETT of Cumberland, PATRICK of Oxford, TUTTLE of York, Representatives: BEAULIEU of Auburn, BEAVERS of South Berwick, CHENETTE of Saco, CHIPMAN of Portland, Speaker EVES of North Berwick, HAYES of Buckfield, LONGSTAFF of Waterville, McCABE of Skowhegan, MONAGHAN-DERRIG of Cape Elizabeth.

On motion by Senator TUTTLE of York, REFERRED to the Committee on VETERANS AND LEGAL AFFAIRS and ordered printed.

Sent down for concurrence.

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

Off Record Remarks

ORDERS

Joint Resolutions

On motion by Senator JACKSON of Aroostook (Cosponsored by Representative LONG of Sherman and Senators: BOYLE of Cumberland, SAVIELLO of Franklin, THOMAS of Somerset, Representatives: CRAFTS of Lisbon, DAVIS of Sangerville, DUNPHY of Embden, GIFFORD of Lincoln, McCABE of Skowhegan) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.), the following Joint Resolution:

S.P. 567

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO NOT REQUIRE THE USE OF E15 GASOLINE

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 President of the United States and the United States Congress, as follows:

WHEREAS, federal laws and regulations, including the Clean Air Act, the Energy Policy Act of 2005 and the national renewable fuel standard program, have contributed to changes in fuel standards, such as the removal of methyl tertiary butyl ether, or MTBE, as an oxygenate in fuel, leading to the use of ethanol as a replacement for MTBE; and

WHEREAS, only reformulated gasoline is now available for purchase at public fuel pumps and typically contains a 10% corn ethanol blend, known as E10, and in June 2012 the United States Environmental Protection Agency approved the sale of E15, a mixture of 15% ethanol and 85% gasoline; and

WHEREAS, using the fuel blend has been promoted as a method of reducing greenhouse gas emissions and our Nation's dependence on foreign oil but these claims are disputed by several automakers and others, such as AAA, which also claims E15 will damage fuel lines and void vehicle warranties; and WHEREAS, in addition, AAA claims that automotive engineering experts believe that sustained use of E15, both in newer and older vehicles, could cause accelerated engine wear and failure, fuel system damage and false "check engine" lights for vehicles not approved by manufacturers to use E15; and

WHEREAS, E15 also has 5% less energy than gasoline and about 2% less than E10 and therefore could ultimately cost consumers more as a result of reduced fuel economy; and

WHEREAS, the production of corn ethanol is wasteful of fossil fuel resources and does not increase energy security and with this production, which uses 10% of all arable land in the United States, we see increased degradation of vital land and water resources; and

WHEREAS, corn ethanol's impact on food prices is huge and corn is now trading at an all-time high and this affects food manufacturing and other industries such as animal feed businesses; and

WHEREAS, the burning of corn ethanol increases the emissions of gases and hazardous air pollutants that are probable carcinogens and are the causes of numerous health issues such as asthma, chronic bronchitis and other respiratory problems; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States and members of the United States Congress realize the major problems of corn ethanol as a fuel additive and the numerous negative effects it has on not only Maine citizens but all Americans and we urge and request that the President of the United States and the United States Congress consider reversing the decision of the United States Environmental Protection Agency to move forward with the use of E15; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the Inspector General of the United States Department of Energy, to the United States Environmental Protection Agency, to the President of the United States Senate, to the Speaker of the

United States House of Representatives and to each Member of the Maine Congressional Delegation.

READ.

On motion by Senator **KATZ** of Kennebec, 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 (#68)

YEAS: Senators: BOYLE, BURNS, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFKY, 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

NAYS: Senators: None

ABSENT: Senator: CAIN

34 Senators having voted in the affirmative and No Senator having voted in the negative, with 1 Senator being absent, on motion by Senator **JACKSON** of Aroostook, the Joint Resolution was **ADOPTED**.

Sent down for concurrence.

On motion by Senator **MILLETT** of Cumberland (Cosponsored by Senators: President ALFOND of Cumberland, BOYLE of Cumberland, BURNS of Washington, CAIN of Penobscot, CLEVELAND of Androscoggin, COLLINS of York, CRAVEN of Androscoggin, CUSHING of Penobscot, DUTREMBLE of York, FLOOD of Kennebec, GERZOFKY of Cumberland, GOODALL of Sagadahoc, GRATWICK of Penobscot, HAMPER of Oxford, HASKELL of Cumberland, HILL of York, JACKSON of Aroostook, JOHNSON of Lincoln, KATZ of Kennebec, LACHOWICZ of Kennebec, LANGLEY of Hancock, MASON of Androscoggin, MAZUREK of Knox, PATRICK of Oxford, PLUMMER of Cumberland, SAVIELLO of Franklin, SHERMAN of Aroostook, THIBODEAU of Waldo, THOMAS of Somerset, TUTTLE of York, VALENTINO of York, WHITTEMORE of Somerset, WOODBURY of Cumberland, YOUNGBLOOD of Penobscot, Representatives: AYOTTE of Caswell, BEAR of the Houlton Band of Maliseet Indians, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BEAVERS of South Berwick, BECK of Waterville, BENNETT of Kennebunk, BERRY of Bowdoinham, BLACK of Wilton, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BROOKS of Winterport, CAMPBELL of Newfield, CAMPBELL of Orrington, CAREY of Lewiston, CASAVANT of Biddeford, CASSIDY of Lubec, CHAPMAN of Brooksville, CHASE of Wells, CHENETTE

of Saco, CHIPMAN of Portland, CLARK of Easton, COOPER of Yarmouth, COTTA of China, CRAFTS of Lisbon, 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, DOAK of Columbia Falls, DORNEY of Norridgewock, DUNPHY of Embden, DUPREY of Hampden, ESPLING of New Gloucester, EVANGELOS of Friendship, Speaker EVES of North Berwick, FARNSWORTH of Portland, FITZPATRICK of Houlton, FOWLE of Vassalboro, FREDETTE of Newport, 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, GUERIN of Glenburn, 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, JACKSON of Oxford, JOHNSON of Eddington, JOHNSON of Greenville, 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 Waterboro, LIBBY of Lewiston, LOCKMAN of Amherst, LONG of Sherman, LONGSTAFF of Waterville, LUCHINI of Ellsworth, MacDONALD of Old Orchard Beach, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MAREAN of Hollis, MARKS of Pittston, MASON of Topsham, MASTRACCIO of Sanford, McCABE of Skowhegan, McCLELLAN of Raymond, 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, NEWENDYKE of Litchfield, NOON of Sanford, NUTTING of Oakland, PARRY of Arundel, PEASE of Morrill, 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, REED of Carmel, ROCHELO of Biddeford, ROTUNDO of Lewiston, RUSSELL of Portland, RYKERSON of Kittery, SANBORN of Gorham, SANDERSON of Chelsea, SAUCIER of Presque Isle, SAXTON of Harpswell, SCHNECK of Bangor, SHAW of Standish, SHORT of Pittsfield, SIROCKI of Scarborough, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STUCKEY of Portland, THERIAULT of Madawaska, TIMBERLAKE of Turner, TIPPING-SPITZ of Orono, TREAT of Hallowell, TURNER of Burlington, TYLER of Windham, VEROW of Brewer, VILLA of Harrison, VOLK of Scarborough, WALLACE of Dexter, WEAVER of York, WELSH of Rockport, WERTS of Auburn, WILLETTE of Mapleton, WILSON of Augusta, WINCHENBACH of Waldoboro, WINSOR of Norway, WOOD of Sabattus), the following Joint Resolution:
S.P. 570

**JOINT RESOLUTION
RECOGNIZING NATIONAL TEACHER DAY AND NATIONAL
TEACHER APPRECIATION WEEK**

WHEREAS, public schools are the backbone of our democracy, providing young people with the tools they need to maintain the State's precious values of freedom, civility and equality; and

WHEREAS, by equipping young people in Maine with both practical skills and broader intellectual abilities, schools give them hope for, and access to, a productive future; and

WHEREAS, in nurturing the academic, social, emotional and physical development of students, teachers are the single most influential factor in students' educational experience; and

WHEREAS, teachers spend countless hours preparing lessons, evaluating progress, counseling and coaching students and performing community service; and

WHEREAS, teachers have earned and deserve the respect of their students and communities for their selfless dedication to their profession, their communities and the future of our children; and

WHEREAS, Maine has always recognized the value of great teachers by supporting professional development and through the Maine Teacher of the Year program; 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, recognize today, Tuesday, May 7, 2013 as National Teacher Day; and be it further

RESOLVED: That We recognize Monday, May 6, 2013 to Friday, May 10, 2013 as National Teacher Appreciation Week; and be it further

RESOLVED: That We extend our deepest gratitude and appreciation to teachers across the State and nation for the sacrifices they make and the profound and positive influence they have on our students.

READ.

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

Senator **MILLETT:** Thank you Mr. President. Members of the Senate, I rise today to recognize Maine teachers. I feel truly honored to be able to sponsor this Joint Resolution and speak about the amazing work our teachers do every day. Today, May 7th, is National Teacher Day and this week is National Teacher Appreciation Week. We should thank our teachers every day of the week and throughout the year. They work tirelessly preparing lessons, collaborating with their peers, attending workshops and conferences, and answering e-mails. Their day never ends with the bell. They continue to work hard after the school day, at night, and even over the weekends and vacations to make sure they are giving students the best education possible. Education is the great economic equalizer. Teachers help students climb the ladder out of poverty to achieve their American dream. Without them none of us would be where we are today. They teach our children how to read, write, add, and subtract. They don't stop there. They teach students to think, to analyze, to question, to wonder, and to reach for their dreams. I am not sure that we could ever fully understand everything teachers do without walking a mile in their shoes. We each know a teacher that made a positive difference in our own life. Ask an educator and they will tell you that being a teacher isn't just a profession, it

is a passion. There is no giant paycheck. There is no fame. There is rarely glory. Teachers love helping their students grow and learn. Thank you. Thank you to my math teacher, Mr. Wheeler. Thank you to my children's teacher, Ms. Michaud. Thank you to all Maine teachers. Please join me in recognizing these incredible individuals and let's give them the support and thank you they deserve.

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

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, I, too, also rise in support of this Resolution. It is with great heart-felt thanks to those teachers who laid the foundation for my children to succeed in life. As a teacher, I always treated my students as if they were my own kids. I prayed that my children would find that special teacher with whom they would also connect with. They did. We all count on that special relationship with our students and our teachers. It is my great pleasure to support this Resolution today. Thank you very much.

On motion by Senator **MILLETT** of Cumberland, the Joint Resolution was **ADOPTED**.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Directing the Department of Agriculture, Conservation and Forestry To Review, Clarify and Update Its Rules Pertaining to the Maple Syrup Industry
H.P. 449 L.D. 657

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-106)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-106)**.

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

READ ONCE.

Committee Amendment "A" (H-106) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require Edible Landscaping in a Portion of Capitol Park"

H.P. 324 L.D. 474

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-102)**.

Signed:

Senator:

LACHOWICZ of Kennebec

Representatives:

GRAHAM of North Yarmouth
BOLAND of Sanford
CHENETTE of Saco
HAYES of Buckfield
NADEAU of Winslow
NADEAU of Fort Kent

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

Signed:

Representatives:

MacDONALD of Old Orchard Beach
PEASE of Morrill

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-102)**.

Reports **READ**.

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

On motion by Senator **THIBODEAU** of Waldo, 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 York, Senator Collins.

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm a member of the State and Local Committee, although my vote was not on this particular report. I have two committee assignments. That's the reason why I was absent that day. I did hear the Public Hearing and on the surface this sounds like a pretty good idea. I have concerns about it being another expense to State Government; the maintenance of this new addition to the Capitol Park. I just have concerns over an additional expense. That's the reason why I am going to vote in opposition to the current motion, because of the potential of this becoming an additional expense to our State Government. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#69)

YEAS:

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

NAYS:

Senators: COLLINS, HAMPER, MASON, PLUMMER, THIBODEAU, THOMAS

ABSENT:

Senator: CAIN

28 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **LACHOWICZ** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-102) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee"

H.P. 451 L.D. 659

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

Signed:

Senator:

PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth
BEAULIEU of Auburn
FOWLE of Vassalboro
GIFFORD of Lincoln
JOHNSON of Eddington
KINNEY of Limington
LONGSTAFF of Waterville
RUSSELL of Portland
SCHNECK of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-109).**

Signed:

Senators:

TUTTLE of York
MASON of Androscoggin

Representative:

SAUCIER of Presque Isle

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

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

Reports **READ**.

Senator **TUTTLE** of York moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

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

Senator **TUTTLE** of York moved the Bill and accompanying papers be **COMMITTED** to the Committee on **VETERANS AND LEGAL AFFAIRS**, in **NON-CONCURRENCE**.

On motion by Senator **KATZ** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **TUTTLE** of York to **COMMIT** the Bill and accompanying papers to the Committee on **VETERANS AND LEGAL AFFAIRS**, in **NON-CONCURRENCE**.

Senate

Change of Committee

Senator **CRAVEN** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Enhance Enforcement of the Mandatory Reporting of Abuse and Neglect"

S.P. 349 L.D. 1024

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**.

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

REFERRED to the Committee on **JUDICIARY**.

Sent down for concurrence.

Ought to Pass Pursuant to Joint Order

Senator **CRAVEN** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding the Cost of Copies of Medical Records"

S.P. 561 L.D. 1500

Reported that the same **Ought to Pass**, pursuant to Joint Order, S.P. 525.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass

Senator **TUTTLE** for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Election Laws and Other Related Laws"

S.P. 194 L.D. 504

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator **JACKSON** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Require Payment Quotes in Service Contracts for the Harvesting and Hauling of Wood"

S.P. 229 L.D. 639

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-50)**.

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

READ ONCE.

Committee Amendment "A" (S-50) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator CLEVELAND for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Remove Obsolete Provisions of the Electric Industry Restructuring Laws"
S.P. 310 L.D. 885

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-52)**.

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

READ ONCE.

Committee Amendment "A" (S-52) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator CLEVELAND for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Promote the Installation of Masonry Stoves"
S.P. 326 L.D. 948

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-51)**.

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

READ ONCE.

Committee Amendment "A" (S-51) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator VALENTINO for the Committee on **JUDICIARY** on Bill "An Act Regarding Legal Representation in Certain Eviction Actions"
S.P. 230 L.D. 640

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-56)**.

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

READ ONCE.

Committee Amendment "A" (S-56) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HASKELL for the Committee on **TAXATION** on Bill "An Act To Sustain Maine's Aviation Industry by Extending the Exemption from Sales and Use Tax for Aircraft and Parts"
S.P. 112 L.D. 279

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-55)**.

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

READ ONCE.

Committee Amendment "A" (S-55) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HASKELL for the Committee on **TAXATION** on Bill "An Act To Amend the Laws Dealing with the Taxing of Extended Warranty Claims for Trucks"
S.P. 266 L.D. 728

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-53)**.

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

READ ONCE.

Committee Amendment "A" (S-53) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HASKELL for the Committee on **TAXATION** on Bill "An Act To Promote Fairness in the Sales Tax Exemption for Vehicles Used in Interstate Commerce"
S.P. 279 L.D. 741

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-54)**.

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

READ ONCE.

Committee Amendment "A" (S-54) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Encourage the Use of Biofuels in the State"

S.P. 415 L.D. 1178

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

Signed:

Senators:

BOYLE of Cumberland
GRATWICK of Penobscot
SAVIELLO of Franklin

Representatives:

WELSH of Rockport
AYOTTE of Caswell
CAMPBELL of Orrington
CHIPMAN of Portland
COOPER of Yarmouth
GRANT of Gardiner
HARLOW of Portland
McGOWAN of York
REED of Carmel

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

Signed:

Representative:

LONG of Sherman

Reports **READ**.

On motion by Senator **BOYLE** of Cumberland, the Majority **OUCHT TO PASS** Report **ACCEPTED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit a Governor's Pension to Governors Who Have Served 2 Full Terms

S.P. 183 L.D. 490

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

Signed:

Senators:

LACHOWICZ of Kennebec
COLLINS of York

Representatives:

GRAHAM of North Yarmouth
BOLAND of Sanford
BOLDUC of Auburn
CHENETTE of Saco
COTTA of China
HAYES of Buckfield
MacDONALD of Old Orchard Beach
NADEAU of Fort Kent
NADEAU of Winslow
PEASE of Morrill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-49)**.

Signed:

Senator:

GERZOFISKY of Cumberland

Reports **READ**.

Senator **LACHOWICZ** of Kennebec moved the Senate **ACCEPT** the Majority **OUCHT NOT TO PASS** Report.

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

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I wanted to rise and make some remarks on this bill. Eleven years ago I was a first term freshman in the House and was selected to serve on the Joint Standing Committee on Labor, which at the time had jurisdiction over the retirement system. One of the gentlemen that was on there, a long serving member, was Russ Treadwell from Hampden. I don't know how many times throughout that session we had bills that came in that was to change the retirement system. Every time that we did former-Representative Treadwell made the argument that this was something that was going to affect the unfunded liability, the retirement system. He said it so many times that, for someone that didn't understand the retirement system very well at that time and still sometimes is not quite sure on how it operates, the unfunded liability argument certainly stuck with me. Through that time a lot of ideas came to the committee and it was always the problem of being able to pay for good ideas because the retirement system wasn't fully funded. I know that it was in a position early on that it didn't have anywhere close to the money that it needed to be fully funded. Through time, I believe even that first session I was on there, I believe it was estimated that it was at 63% fully funded. Through time I believe it got as high as 79%. It was certainly, in my opinion, on its way to be fully funded by the Constitutional Amendment date that it had to be. They did great work with their investments and there was definitely some years that the retirement system did make all kinds of money. Like everyone's investments, there was a severe drop and the retirement system certainly lost a lot of the money

that they had been counting on. When 2010 came in, there were a lot of people that thought we had a severe problem with the retirement system and something had to be done. I heard a lot of people talk about how it was our moral obligation to do this. Quite honestly, I think even before we did anything in the 125th session, I believe that the retirement system was almost back to where it had been before the 2008 downturn in the economy. We have a change in the retirement system from the 125th that said that anyone with under 5 years of service to the State has to go to age 65 and there was a number of changes with COLAs and things like that. Everyone in the State was affected by that, everyone that was a State employee, except for one. I think that it's certainly something I didn't support. I don't believe that people that were hired on under a scenario that they knew what the retirement was going to be and they knew what the parameters of it was. After they get vested they should have that change in their retirement system. I don't believe that is fair for anyone that has actually been vested. Now we have a change in the retirement system again that only didn't affect one person and I think that that's something that I don't agree with. I don't think that, if you are going to lead by example, everyone that's in the retirement system should have to have a change except for one person. I don't think that that is the way that I certainly would lead by example. What this bill does is only sends it out to the people of the state of Maine. We have a law that, quite honestly, I didn't even know was there until this whole argument about the retirement system came up. It only came to my attention that any Governor only has to be elected to get a full pension and only, quite honestly, has to serve one day. We all know that that is not the case, but that is the way the law is. What this Resolution would do is say that you have to be re-elected. You'd still only have to serve 4 years and 1 day, which would still be the best deal that we have in our retirement system because everyone else has to serve 5 years before they are vested. This still would be the best deal going. I just think that it's not, as you might have heard, people conspiring to steal the pension because the voters would have the opportunity. Quite honestly, if any Governor gets elected twice, 4 years and 1 day, they are going to get their pension just like it is now. I've people say, "Well, it's not fair to change the rules." Well, we changed the rules for everyone except one. I would say that if we want to make everyone feel the pain of what supposedly was a crisis in our retirement system, I think that should go across the board for everyone, regardless of who you are and regardless of what floor you are on. People say that I'm petty. I don't think I'm petty. I think I'm being very fair with this. I think that if you want to make that argument that we have to change our pension system because we're in such a crisis, I think you ought to feel some of that also. Quite honestly, this is just going to be for the voters to decide. It's only going to be for the voters to decide if it's one day you have to serve or if it's 4 years and 1 day. I don't think that's too much for anyone to ask. Quite honestly, I'm very very much okay with this being 34 - 1 because I believe deep in my heart that if you're going to ask people to suffer the pain than you ought to be able to step up to plate and do it yourself.

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 current motion. I appreciate the work that the committee did to

review something. I think they gave it the appropriate consideration that an issue that comes before this Body for consideration should have. I recognize that there are extenuating circumstances related to previous legislation and other Legislatures past. I don't want to digress here since the issue before us is related to a specific report. However, I think we have to reflect on the opportunity there is, if the current occupant of the Executive Branch is to be addressed in this manner. I think there is a simple solution. The Executive has offered us an opportunity where he will forego his pension if we pay the hospitals. Maybe we should bring that forth for consideration. Thank you, Mr. President.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I, too, join with my friend from Penobscot on this issue. My good friend from Aroostook has pointed out that we dealt with the unfunded liability pension liability during the last legislature. As I recall, it was in a very very bi-partisan way. I am proud to say that many of us were part of reducing that unfunded liability by about \$1.7 billion. This would affect that liability, I've done some quick calculations, by about 12¢. In recognition of the fact that we have the lowest paid Chief Executive in whole country and that this is, I would suggest, a disservice to the Governors who have served in the past and to Governors who will serve in the future, I hope my colleagues will join me in accepting the Majority Report. Thank you, Mr. President.

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

Senator **JACKSON:** Thank you Mr. President. Very quickly, if it's only 12¢ than that's all the more reason to do it, I guess. As far as the offer that was tweeted, I believe, off the beaches of Jamaica about putting the bill on his desk, I would say that I spoke with the retirement system and after the end of this session I'll have 12 years of service to the State, vested after 5, and my retirement will be \$3,400 a year. Certainly not something that I expected when I got into running for the Legislature but, quite honestly, \$3,400 a year is the only retirement that I'm going to have. I don't know if I'm going to make it to Social Security or not. That being said, for the offer, I've spoken to the retirement system and I've spoken to the Revisor's Office, I'm fully aware, or ready, to have an amendment drafted if this bill goes forward that I will forego my \$3,400 a year because I believe so strongly that people should have some of the pain in what they are saying. If you want to see how this works then vote for the bill because I'm all in on this one.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Lachowicz 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 (#70)

YEAS: Senators: BURNS, CLEVELAND, COLLINS, CRAVEN, CUSHING, FLOOD, GOODALL, GRATWICK, HAMPER, HASKELL, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BOYLE, DUTREMBLE, GERZOFISKY, HILL, JACKSON, PATRICK

ABSENT: Senator: CAIN

28 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **LACHOWICZ** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Resolve, Directing the Department of Transportation To Fund or Seek Funding To Complete a Design and Engineering Assessment for the Extension of Passenger Rail Service from Portland North on the State-owned St. Lawrence and Atlantic Railway Corridor

S.P. 344 L.D. 999

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-48)**.

Signed:

Senators:
MAZUREK of Knox
COLLINS of York

Representatives:
THERIAULT of Madawaska
GILLWAY of Searsport
McLEAN of Gorham
NUTTING of Oakland
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 Not To Pass**.

Signed:

Senator:
VALENTINO of York

Representative:
TURNER of Burlington

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-48) **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 Amend the Laws Concerning Reciprocal Disciplinary Actions in Harness Racing and Pulling Events" (EMERGENCY)

H.P. 441 L.D. 622

Bill "An Act To Change the Grade Standards of the Maine Maple Syrup Industry"

H.P. 450 L.D. 658

Bill "An Act To Clarify the Authority and Responsibility of Forest Rangers"

H.P. 744 L.D. 1051

Bill "An Act Regarding Next Generation 9-1-1 and Making Changes in Surcharge Remittance for Certain Telecommunications Service Providers"

H.P. 877 L.D. 1243

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

House As Amended

Bill "An Act To Establish the Commission on Health Care Cost and Quality"

H.P. 191 L.D. 230
(C "A" H-76)

Bill "An Act To Release a Restriction on Former State Land in Passadumkeag Currently Owned by Dale Ross" (EMERGENCY)

H.P. 221 L.D. 312
(C "A" H-101)

Resolve, To Establish MaineCare Eligibility for Young Adults Who Were Formerly in Foster Care

H.P. 337 L.D. 487
(C "A" H-99)

Bill "An Act Regarding the Administration and Financial Transparency of the Citizen Trade Policy Commission" (EMERGENCY)

H.P. 816 L.D. 1151
(C "A" H-105; H "A" H-110)

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

Senate As Amended

Bill "An Act To Update the Laws Governing Energy Efficiency Building Performance Standards"

S.P. 64 L.D. 175
(C "A" S-47)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Support the Permanent Commission on the Status of Women

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

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with 1 Senator having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

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

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

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

Emergency Resolve

Resolve, To Improve the Participation Rate of Prescribers in the Controlled Substances Prescription Monitoring Program

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

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

Ordered sent down forthwith.

Emergency Mandate

An Act To Connect Benefits Provided under the Circuitbreaker Program with the Payment of Property Taxes

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

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

Acts

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)

An Act To Protect Maine Business Names

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

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

H.P. 56 L.D. 64

An Act To Expand Transitional Assistance for Families

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

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

LEGISLATIVE RECORD - SENATE, TUESDAY, MAY 7, 2013

An Act To Amend the Laws Governing Pharmacy Interns
H.P. 123 L.D. 148
(C "A" H-83)

An Act To Amend the Laws Pertaining to Archaeological Sites
H.P. 135 L.D. 160
(C "A" H-62)

An Act To Improve Health Services to Schools
H.P. 158 L.D. 197
(C "A" H-75)

An Act To Amend Provisions Relating to the Department of
Corrections To Clarify Certain Enforcement Powers
S.P. 135 L.D. 355
(C "A" S-38)

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

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)

An Act To Change the Quorum Requirement for Meetings of the
Land for Maine's Future Board
H.P. 343 L.D. 524
(C "A" H-59)

An Act To Amend the Laws Governing the Maine State Library
H.P. 351 L.D. 532
(C "A" H-73)

An Act To Modernize the Statutes Governing Physician
Assistants
H.P. 375 L.D. 556
(C "A" H-85)

An Act To Amend the Definition of "Special Mobile Equipment" in
the Motor Vehicle Laws
H.P. 386 L.D. 567

An Act To Amend the Laws Governing Reapportionment To
Conform to the Constitution of Maine
H.P. 393 L.D. 574

An Act To Amend the Laws Governing Motorcycle and Moped
Permits
H.P. 410 L.D. 591

An Act Regarding the Maximum Rate of Speed on the Interstate
Highway System
H.P. 446 L.D. 654
(C "A" H-64)

An Act To Encourage the Teaching of Agricultural Studies in
Schools
H.P. 460 L.D. 668
(C "A" H-88)

An Act To Establish Invite Your Maine Legislator To School
Month
H.P. 573 L.D. 822
(C "A" H-87)

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

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

An Act To Improve Community Mental Health Treatment
S.P. 38 L.D. 87
(C "A" S-33)

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

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)

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

An Act To Restore Eligibility and Funding for Drug Programs for
the Elderly and Disabled
S.P. 219 L.D. 629
(C "A" S-25)

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

An Act To Clarify the Agricultural Exemption to the Workers'
Compensation Laws
H.P. 512 L.D. 761
(C "A" H-92)

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

The Doorkeepers secured the Chamber.

Senate at Ease.

The Secretary opened the vote.

Senate called to order by the President.

ROLL CALL (#71)

YEAS: Senators: BOYLE, BURNS, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFKY, 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

NAYS: Senators: None

ABSENT: Senator: CAIN

34 Senators having voted in the affirmative and No Senator having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Resolves

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

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

Resolve, Regarding the Presence of the Department of Health and Human Services in Urban and Rural Areas

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

Resolve, To Direct the Department of Administrative and Financial Services, Bureau of Revenue Services To Report on Conformity with the Streamlined Sales and Use Tax Agreement

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

Resolve, Directing the Maine Labor Relations Board To Convene a Task Force To Examine Compensation for the Panel of Mediators

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

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

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 (5/2/13) matter:

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Improve Organ Donation Awareness"

H.P. 586 L.D. 835

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-103)** (9 members)

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

Tabled - May 2, 2013, by Senator **MAZUREK** of Knox

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

(In House, May 1, 2013, 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-103).**)

(In Senate, May 2, 2013, Reports **READ.**)

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

READ ONCE.

Committee Amendment "A" (H-103) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General 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. 1079 L.D. 1509

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 Increase the Availability of Mental Health Services"
H.P. 1087 L.D. 1515

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 Expand Student Access to Certain Career Information and Opportunities"
H.P. 1076 L.D. 1502

Bill "An Act To Ensure Student Access to Postsecondary Military Options"
H.P. 1077 L.D. 1503

Bill "An Act To Ensure Statewide School Accountability and Improvement"
H.P. 1085 L.D. 1510

Come 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 Apply the Precautionary Principle to Decision Making in Certain State Agencies"
H.P. 1075 L.D. 1501

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

On motion by Senator **LACHOWICZ** of Kennebec, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senator **MASON** of Androscoggin 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.

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

Off Record Remarks

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

On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED** to Wednesday, May 8, 2013, at 10:00 in the morning.