

# MAINE STATE LEGISLATURE

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



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

Senate Legislative Record  
One Hundred and Twenty-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  
June 4, 2013

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

---

Prayer by Pastor Brian Rebert, New Hope Baptist Church in  
Farmington.

**PASTOR REBERT:** Thank you. May we please bow our heads  
as I pray. My Heavenly Father, we need Your forgiveness. We  
have strayed from Your laws and are like lost sheep. Please  
work in our hearts. I thank You for Your son, Jesus Christ, who is  
the real and only answer to our deepest eternal needs. We are  
hopeless without Your help. Lost without Your guidance.  
Senseless without Your wisdom. One day each of us personally  
will stand before You to give an account of our lives and for the  
opportunities and responsibilities You have given us. Please  
bring us to Yourself. Would You give these hardworking women  
and men direction today as they represent all of us in our great  
state of Maine. We thank them for their dedication, sacrifice, and  
commitment to the tasks at hand. Many difficulties and problems  
face them today. Please help them to move from old solutions to  
new directions with kindness, graciousness, and courage as we  
face a future that demands we take our leadership from You.  
May You give grace so that we will bring glory to You, the King of  
Heaven, King of Kings, and Lord of Lords. In the holy and  
righteous name of Jesus Christ, my Savior, I pray. Amen.

---

Pledge of Allegiance led by Senator Troy D. Jackson of  
Aroostook County.

---

Reading of the Journal of Monday, June 3, 2013.

---

Doctor of the day, A. Jan Berlin, MD of Portland.

---

Off Record Remarks

---

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **HEALTH AND  
HUMAN SERVICES** on Bill "An Act To Encourage Transparency  
in the Disclosing of the Ingredients in Vaccinations for Children"  
H.P. 505 L.D. 754

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass** (5 members)

In House, May 29, 2013, the Minority **OUGHT TO PASS** Report  
**READ** and **ACCEPTED** and the Bill **PASSED TO BE  
ENGROSSED**.

In Senate, May 30, 2013, on motion by Senator **CRAVEN** of  
Androscoggin, the Majority **OUGHT NOT TO PASS** Report **READ**  
and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED** and **ASKED FOR A  
COMMITTEE OF CONFERENCE**.

On motion by Senator **GOODALL** of Sagadahoc, the Senate  
**ADHERED**.

---

**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **INSURANCE AND  
FINANCIAL SERVICES** on Bill "An Act Regarding Subrogation of  
Medical Payments Coverage"  
H.P. 507 L.D. 756

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee  
Amendment "A" (H-203)** (5 members)

In House, May 22, 2013, the Minority **OUGHT TO PASS AS  
AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED  
TO BE ENGROSSED AS AMENDED BY COMMITTEE  
AMENDMENT "A" (H-203)**.

In Senate, May 30, 2013, motion by Senator **GRATWICK** of  
Penobscot to **ACCEPT** the Minority **OUGHT TO PASS AS  
AMENDED** Report, in concurrence, **FAILED**. Subsequently, the  
Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-  
CONCURRENCE**.

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

On motion by Senator **GOODALL** of Sagadahoc, the Senate  
**INSISTED**.

---

**Non-Concurrent Matter**

SENATE REPORTS - from the Committee on **LABOR,  
COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**  
on Bill "An Act Regarding Contract Indemnification"  
S.P. 290 L.D. 865  
(C "A" S-125)

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-125)** (5 members)

In Senate, May 28, 2013, on motion by Senator **PATRICK** of Oxford, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-125)**.

Comes from the House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

On motion by Senator **GOODALL** of Sagadahoc, the Senate **RECEDED** and **CONCURRED**.

---

**Joint Order**

The following Joint Order:

H.P. 1123

ORDERED, the Senate concurring, that the Commission To Study Transparency, Costs and Accountability of Health Care System Financing is established as follows.

**1. Commission To Study Transparency, Costs and Accountability of Health Care System Financing established.** The Commission To Study Transparency, Costs and Accountability of Health Care System Financing, referred to in this order as "the commission," is established.

**2. Membership.** The commission consists of 9 members appointed as follows:

A. Four members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature; and

B. Five members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature.

**3. Commission chairs.** The first-named Senator is the Senate chair of the commission and the first-named member of the House is the House chair of the commission.

**4. Appointments; convening of commission.** All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the commission shall call and convene the first meeting of the commission. If 30 days or more after the passage of this order a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

**5. Duties.** The commission shall:

A. Review and evaluate the current data reported by hospitals and other health care facilities in the State pursuant to state and federal law relating to charges, costs of providing services, revenue and other financial data and make recommendations for standardizing financial reporting to enhance transparency to the public of health care costs;

B. Make recommendations for changes and modifications to the current data reporting requirements so that hospitals and other health care facilities publicly report charges, negotiated rates for public and private payors, advertising fees, lobbying expenses, administrative costs and other expenses in a transparent manner. The commission shall consider the costs of implementing any recommendations and the impact of public reporting of negotiated rates on proprietary information held by public and private payors;

C. Make recommendations for increasing transparency to the public of data relating to the costs, price and negotiated rates for health care services in an accessible manner;

D. Seek public input from individuals, hospitals, health care providers, insurers, 3rd-party payors, government-sponsored health care programs and interested organizations;

E. Consult and collaborate with stakeholders and experts in the fields of health care and hospitals and public policy; and

F. Examine any other issues to further the purposes of the study.

The commission may solicit health care cost data and information from both the public and private sectors to help inform the commission's work, including, but not limited to, the data and information of the Department of Health and Human Services, the Maine Health Data Organization, a statewide health care management association, a statewide hospital association and a statewide public health association.

**6. Meetings.** The commission shall hold at least 4 meetings.

**7. Staff assistance.** The Legislative Council shall provide necessary staffing services to the commission. The commission may invite the Department of Health and Human Services, the Maine Health Data Organization, the Department of Professional and Financial Regulation, Bureau of Insurance and other agencies of State Government to provide additional staff support or assistance to the commission.

**8. Report.** The commission shall submit a report and any suggested legislation for presentation to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Insurance and Financial Services no later than December 4, 2013.

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

**READ.**

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending **PASSAGE**, in concurrence.

---

**COMMUNICATIONS**

The Following Communication: S.C. 419

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

May 30, 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 Energy, Utilities and Technology has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 964 An Act To Encourage Community-based Renewable Energy
- L.D. 1061 An Act To Regulate Meteorological Data-gathering Towers in Maine
- L.D. 1507 An Act To Include Useful Thermal Energy as a Renewable Energy Source

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

Sincerely,

S/Sen. John J. Cleveland  
Senate Chair

S/Rep. Barry J. Hobbins  
House Chair

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

---

The Following Communication: S.C. 420

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

May 30, 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 bill out "Ought Not to Pass":

- L.D. 1078 Resolve, To Establish the Task Force on the Creation of a State of Maine Partnership Bank (EMERGENCY)

We have also notified the sponsor and cosponsors 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. 421

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

May 29, 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 bill out "Ought Not to Pass":

- L.D. 1506 An Act To Require Disclosures by 3rd-party Vendors Contracted To Perform Fund-raising

We have also notified the sponsor and cosponsors 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: H.C. 188

**STATE OF MAINE  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002**

June 3, 2013

Honorable Darek M. Grant  
Secretary of the Senate  
126th Maine Legislature  
Augusta, Maine 04333

Dear Secretary Grant:

The House voted today to insist on its previous action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Inland Fisheries and Wildlife on Resolve, To Allow the Use of Live Bait When Ice Fishing in Certain Waters of the State (S.P. 59) (L.D. 170).

The House voted today to insist on its previous action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Inland Fisheries and Wildlife on Bill "An Act To Allow Crossbow Hunting during Muzzle-loading Season" (S.P. 97) (L.D. 264).

The House voted today to insist on its previous action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Veterans and Legal Affairs on Bill "An Act To Reduce the Number of Labels of Wine a Retailer Must Stock To Conduct a Wine Tasting" (S.P. 16) (L.D. 24).

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ** and **ORDERED PLACED ON FILE.**

---

The Following Communication: H.C. 189

**STATE OF MAINE  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002**

June 3, 2013

Honorable Darek M. Grant  
Secretary of the Senate  
126th Maine Legislature  
Augusta, Maine 04333

Dear Secretary Grant:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Reduce Obesity among Schoolchildren" (S.P. 397)(L.D. 1160).

Representative Karen Kusiak of Fairfield  
Representative Jane P. Pringle of Windham  
Representative Corey Scott Wilson of Augusta

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ** and **ORDERED PLACED ON FILE.**

---

The Following Communication: H.C. 191

**STATE OF MAINE  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002**

June 3, 2013

Honorable Darek M. Grant  
Secretary of the Senate  
126th Maine Legislature  
Augusta, Maine 04333

Dear Secretary Grant:

House Paper 845, Legislative Document 1201, "Resolve, Directing the Workers' Compensation Board To Study the Issue of Addressing Psychological and Physical Harm to Employees Due to Abusive Work Environments," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

87 voted in favor and 56 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ** and **ORDERED PLACED ON FILE**.

---

**ORDERS**

**Joint Orders**

Expressions of Legislative Sentiment recognizing:

Althea M. Lancaster Nason, of Lincoln, on the celebration of her 100th birthday, June 20, 2013. Mrs. Nason was the oldest of 17 children and is the only one living. She married her husband, Ben, in 1929 and together they raised 4 children. Mrs. Nason worked for the Advance Bag and Paper Company and the Atlas Plywood Company in Howland. She also worked as a cook for a crew of woodsmen in Grindstone, for School Administrative District 31 for 11 1/2 years and for "Meals for ME." We extend our congratulations and best wishes to Mrs. Nason on this very special occasion;

SLS 407

Sponsored by Senator CUSHING of Penobscot.  
Cosponsored by Senator: CAIN of Penobscot, Representative:  
GIFFORD of Lincoln.

**READ.**

On motion by Senator **KATZ** of Kennebec, **TABLED** until Later in Today's Session, pending **PASSAGE**.

---

Glenn Adams, of Augusta, on his retirement as an Associated Press correspondent after more than 32 years of service. Mr. Adams grew up in New Jersey and had his first news story published in the *Philadelphia Inquirer* at the age of 14. He worked for newspapers in the Philadelphia and New Jersey areas and also spent a year traveling the world as an editor of the on-board newspaper for the luxury liner Queen Elizabeth 2. Mr. Adams and his wife Betty moved to this area in 1981 and have 3 children and 3 grandchildren, all born in Maine. We extend our congratulations and best wishes to him on the occasion of his retirement;

SLS 421

Sponsored by Senator KATZ of Kennebec.  
Cosponsored by Representatives: FOWLE of Vassalboro,  
POULIOT of Augusta, WILSON of Augusta.

**READ.**

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I think we all like to complain about two things; one is the weather and the second is the press. As much as we like to do that, I think that in all honesty we would have to admit that at least here in Maine the press, both in print and broadcast, does do its very best to be fair, balanced, and objective. Headline writers I'm

not so sure about, but certainly the writers. I think perhaps the best example of that I know is someone who has served the Associated Press here in Maine, and in the State House in particular, for decades. Glenn Adams, who has seen the huge changes which have occurred in his industry over the years, may be best described as old school; a reporter who is careful about his sources, who is careful about the accuracy of his reports, and is careful about presenting only the truth. Glenn Adams is more than a reporter, however. He's a long time resident of my hometown of Augusta, a husband, a family man, and somebody who has been very active in his community. Glenn has now decided, after more than 32 years of service, to retire. I'm going to ask the Secretary to read the sentiment in a moment. Glenn's wife is also known to many of us, particularly here in Augusta. His wife, Betty, who is also in the Chamber, has been a reporter for many many years with the Kennebec Journal, covering a wide variety of topics. The profession of journalism is a little bit less solid tomorrow when Glenn retires. He leaves not only a legacy of all the thousands of stories that have been written, but a legacy about how to do ones job with dignity and honesty and respect for everyone. I've never heard someone mentioned in one of his stories complain about how they were portrayed. They may not have liked all the contents, but I think everybody's agreed they've been treated fairly. To my friend Glenn Adams, Mr. President, I am sure I'm adding the voices of all 34 of my colleagues in congratulating him on a career that he and his family ought to be very proud of. Thank you, Mr. President.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, I think Glenn and I came in about the same time. Right, Glenn? The years go on. I'm just hoping that I can get to a point in my life where I can retire. Anyways, Glenn, you're a good guy. You're a good reporter. Very honorable man. It's a pleasure to know you and I'm hoping maybe we can encourage you to run for this Body. I'm just joking, Mr. President. Anyways, Glenn, congratulations. You've done a good job and it's going to be very hard to replace you and people like you, but congratulations.

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues of the Senate, I rise also to just say a couple of nice words about Glenn because when you've been around here as long as I have, and I feel like the old Grandma saying, "Remember when we used to trudge up over the hill in the snow to school and all the way back home, eight miles", it has been a very interesting time. One of the things that I always appreciated about Glenn was when he came to ask you about something there was a little bit of background that he discussed with you. It was always interesting to have those discussions. Because of the length of time that he had been here he had seen over and over again, perhaps, the same thing. Do you remember when it went like this or went like that? It was a yes and then it was a no. That history and that background added so much depth, color, and truth to his stories. That's a really important part of what Glenn brought to his profession. We admire him and we wish him the best on his retirement. Thank you, Mr. President.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise today to join in congratulating Glenn for his years of service. Glenn is that type of guy that was so quiet on his feet. He had the clipboard in his hands. You'd often find a spot to lean against the wall to have a conversation with him. I would agree with what everyone else said in terms of his stories, they were always accurate. They were always fair. He was the only one to accurately report that Senator Katz is actually a Yankees fan. Just kidding, of course. Glenn is a terrific gentleman and he always made the day a little bit easier. His stories were 100% accurate and very fair. I think that's very important for the media. It's very important for our communities. It's very important for the state because we depend on the media to tell our story back home, to tell it fairly so our constituents understand what's going on here. It's truly a loss for the institution of the Legislature to have someone like Glenn retire. Personally, I know Glenn won't be far. He has a personal camp in Richmond on Pleasant Pond. Hopefully I'll see him there. I just want to say congratulations for myself and on behalf of the whole Senate. Thank you for your service.

At the request of Senator **KATZ** of Kennebec, the Sentiment was **READ**.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber Glenn Adams. Would he please stand and accept the warm greetings of the Maine State Senate.

---

#### ORDERS OF THE DAY

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

JOINT ORDER - relative to recognizing Althea M. Lancaster Nason, of Lincoln, on the celebration of her 100th birthday, June 20, 2013

SLS 407

Tabled - June 4, 2013, by Senator **KATZ** of Kennebec

Pending - **PASSAGE**

(In Senate, June 4, 2013, **READ**.)

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

Senator **CUSHING:** Thank you Mr. President. Men and women of the Senate, I rise today to speak on a pending sentiment and to honor a special individual who will reach a milestone to which we all may aspire. If you allow me to take a moment and travel back in history, the year is 1913.

On January 1<sup>st</sup> of that year the post office began parcel post deliveries. During that year the National Women's Party formed. Woodrow Wilson was inaugurated as our 28<sup>th</sup> President. The New York Giants signed Olympic medalist Jim Thorpe. New York City's Grand Central Station is rebuilt and opens as the largest station for railroad service in the U.S. As a result of the 16<sup>th</sup> Amendment being ratified, Federal Income Tax takes effect and the first prize is inserted in a Cracker Jack box.

In June of that year another prize came into this world. Althea Lancaster was born on June 20, in Macwahoc, Maine to Linwood and Ethel Hodgdon Lancaster. She would be the first of their 17 children. At 16 years of age she went to Howland, Maine to work as a maid and nanny for Madeline Crocker. It was there that she met Ben Nason. They would be married on October 24, 1929 and had four children; Ardis, Ida, Billy, and Dail. Ben and Althea were married for 56 years before Ben passed away in 1985. Always known as a good cook, she worked during her early years with her husband at a woods camp in Grindstone, Maine. For the last 11 years, before she retired, she was with SAD 22 as a cook in the school department and then with Meals for ME. She is truly a remarkable woman and a great inspiration to her family and the many students and friend who know her best as our Grammie Sade.

Thank you, Mr. President, for allowing me this honor of taking a moment of the Senate's time for this special lady.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is very pleased to recognize in the rear of the chamber Althea M. Lancaster Nason of Lincoln. Would she please rise and accept the warm greetings of the Maine State Senate.

---

#### REPORTS OF COMMITTEES

##### House

##### Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Computers Used To Commit a Crime or Facilitate the Commission of a Crime"

H.P. 941 L.D. 1316

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-317)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-317)**.

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

**READ ONCE.**

Committee Amendment "A" (H-317) **READ** and **ADOPTED**, in concurrence.



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

---

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Apply the Standard of Best Educational Interest to Superintendent Agreements for Transfer Students"  
H.P. 349 L.D. 530

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-316)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-316)**.

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

**READ ONCE.**

Committee Amendment "A" (H-316) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **JUDICIARY** on Bill "An Act To Prohibit the Sharing of Personal Information by State Agencies"  
H.P. 438 L.D. 619

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-319)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-319)**.

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

**READ ONCE.**

Committee Amendment "A" (H-319) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **JUDICIARY** on Bill "An Act To Provide a Uniform Process for the Use of Orders Awarding Parental Rights and Responsibilities To Dispose of a Child Protective Case"  
H.P. 776 L.D. 1107

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-318)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-318)**.

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

**READ ONCE.**

Committee Amendment "A" (H-318) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Laws on Extended Warranties for Used Cars To Make Terms of Coverage Transparent"  
H.P. 658 L.D. 934

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-320)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-320)**.

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

**READ ONCE.**

Committee Amendment "A" (H-320) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Facilitate Veterans' and Their Spouses' Access to Employment, Education and Training"  
H.P. 802 L.D. 1137

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-321)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-321)**.

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

**READ ONCE.**

Committee Amendment "A" (H-321) **READ** and **ADOPTED**, in concurrence.

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

---

**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Align the Formation of Governing Boards of Career and Technical Education Regions with That of Other Public Schools"

H.P. 1035 L.D. 1441

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

Signed:

Senators:

MILLETT of Cumberland  
JOHNSON of Lincoln

Representatives:

MacDONALD of Boothbay  
DAUGHTRY of Brunswick  
HUBBELL of Bar Harbor  
KORNFELD of Bangor  
MAKER of Calais  
McCLELLAN of Raymond  
NELSON of Falmouth  
POULIOT of Augusta  
RANKIN of Hiram

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-313)**.

Signed:

Senator:

LANGLEY of Hancock

Representative:

JOHNSON of Greenville

(Representative SOCTOMAH of the Passamaquoddy Tribe - 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**.

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

---

**Divided Report**

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Ensure Maine's Preparedness for Hazardous Oil Spills"

H.P. 957 L.D. 1340

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-301)**.

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

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-301)**.

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (H-301) **READ** and **ADOPTED**, in concurrence.

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

---

**Divided Report**

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Make Minor Changes and Corrections to Statutes Administered by the Department of Environmental Protection"

H.P. 1074 L.D. 1497

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-300)**.

Signed:

Senators:

BOYLE of Cumberland  
GRATWICK of Penobscot  
SAVIELLO of Franklin

Representatives:

WELSH of Rockport  
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 To Pass**.

Signed:

Representatives:

CAMPBELL of Orrington  
LONG of Sherman

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-300)**.

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (H-300) **READ** and **ADOPTED**, in concurrence.

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

---

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Increase Access to Health Coverage and Qualify Maine for Federal Funding"  
H.P. 759 L.D. 1066

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-286)**.

Signed:

Senators:

CRAVEN of Androscoggin  
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland  
CASSIDY of Lubec  
DORNEY of Norridgewock  
GATTINE of Westbrook  
McELWEE of Caribou  
PRINGLE of Windham  
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:

MALABY of Hancock  
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-286)**.

Reports **READ**.

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

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

---

**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Increase Revenue for the ATV Recreational Management Fund"  
H.P. 635 L.D. 911

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-290)**.

Signed:

Senators:

DUTREMBLE of York  
HASKELL of Cumberland

Representatives:

SHAW of Standish  
BRIGGS of Mexico  
EVANGELOS of Friendship  
KUSIAK of Fairfield  
MARKS of Pittston  
WOOD of Sabattus

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

Signed:

Senator:

BURNS of Washington

Representatives:

CRAFTS of Lisbon  
DAVIS of Sangerville  
ESPLING of New Gloucester  
SHORT of Pittsfield

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-290)**.

Reports **READ**.

Senator **DUTREMBLE** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in 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.

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending the motion by Senator **DUTREMBLE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence. (Roll Call Ordered)

---

#### Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Require the Return of Excess Funds by a Municipality That Forecloses on Real Estate"

H.P. 602 L.D. 851

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-293)**.

Signed:

Senators:

VALENTINO of York  
BURNS of Washington  
TUTTLE of York

Representatives:

PRIEST of Brunswick  
GUERIN of Glenburn  
MONAGHAN-DERRIG of Cape Elizabeth  
MOONEN of Portland  
MORIARTY of Cumberland

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

Signed:

Representatives:

BEAULIEU of Auburn  
CROCKETT of Bethel  
DeCHANT of Bath  
PEAVEY HASKELL of Milford

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-293)**. Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (H-293) **READ** and **ADOPTED**, in concurrence.

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

---

#### Senate

#### Ought to Pass

Senator GRATWICK for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Update the Fair Credit Reporting Act Consistent with Federal Law"  
S.P. 504 L.D. 1410

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

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**

Ordered sent down forthwith for concurrence.

**Ought to Pass As Amended**

Senator VALENTINO for the Committee on **JUDICIARY** on Bill "An Act Regarding Service of Small Claims Notices"  
S.P. 289 L.D. 864

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-178)**.

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

**READ ONCE**.

Committee Amendment "A" (S-178) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

---

Senator VALENTINO for the Committee on **JUDICIARY** 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 **Ought to Pass as Amended by Committee Amendment "A" (S-177)**.

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

Committee Amendment "A" (S-177) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

---

Senator VALENTINO for the Committee on **JUDICIARY** on Bill "An Act To Ensure Ethical Standards for Court Reporters"  
S.P. 543 L.D. 1469

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-176)**.

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

**READ ONCE**.

Committee Amendment "A" (S-176) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Senator HASKELL for the Committee on **TAXATION** on Bill "An Act To Allow a Motor Vehicle Excise Tax Credit for a Vehicle No Longer in Use"  
S.P. 581 L.D. 1534

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-180)**.

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

**READ ONCE**.

Committee Amendment "A" (S-180) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

---

**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Provide Transparency in Fund-raising by and Lobbying of a Governor-elect"  
S.P. 347 L.D. 1023

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-179)**.

Signed:

Senators:  
TUTTLE of York  
PATRICK of Oxford

Representatives:  
LUCHINI of Ellsworth  
FOWLE of Vassalboro  
LONGSTAFF of Waterville  
RUSSELL of Portland  
SAUCIER of Presque Isle  
SCHNECK of Bangor

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

Signed:

Senator:  
MASON of Androscoggin

Representatives:  
BEAULIEU of Auburn  
GIFFORD of Lincoln  
JOHNSON of Eddington  
KINNEY of Limington

Reports **READ**.

Senator **TUTTLE** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** 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 York, Senator Tuttle.

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, this bill authorizes the Governor-elect to establish a committee for the purpose of soliciting and accepting donations to finance inaugural activities and the Governor-elect's transition to office. This proposal is consistent with the objectives of the campaign finance law. Eight other states have separated disclosure requirements for funds used to cover transition costs. The requirement seeks to provide for transparency while keeping the reporting requirement reasonable. Fundraising by elected officials should be conducted in the full light of day, including the Governor-elect. This should not be discretionary but mandatory. The bill should include a person, candidate, or elected official if funds are raised. The bill should also require the reporting of expenditures so that the public can know how the money is spent. This is a bill presented by the Commission on Governmental Election Practices. I presented it to the committee. There was no opposition at the public hearing. I think it just allows us the opportunity to see, during the Governor-elect's period, the funds that are raised and they are reported properly so everybody knows where the money comes from. The amendment, which is the Majority Report of the Standing Committee on Veterans and Legal Affairs, clarifies that the Governor-elect is required to form a committee if money is raised to fund transition activities and inaugural events. It also requires the treasurer of that committee to keep an accounting and a record of donors making donations in excess of \$10, I think. This is a good bill. It's a good transparent bill and I would encourage your support. Thank you, Mr. President.

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, as the Senator from York, Senator Tuttle, mentioned, this allows the Governor-elect to establish a campaign-style committee to raise funds for operations of the Office of the Governor-elect. The bill says that the Governor-elect cannot fundraise himself. This committee would be run just like an election, but the only problem is that this isn't an election. It's a transition period where the Governor-elect would be coming into office. He would need to make a lot of decisions surrounding the new administration and the operation of government. As we saw back in 2010, the current Chief Executive ran a fundraising operation and did what he needed to do to make sure that the proper operation of government went forward. We had an inauguration over at the Civic Center. We had an Inaugural Ball. We had staffing decisions that needed to be made during the time that the Governor-elect held that position. It should also be noted that the State only provides about \$1,000 for transition related operations. I think that this bill is a little heavy-handed, especially since it treats it like an election and this is certainly not an election, it's a time of governing. I don't think that they should

have to do that when they have to raise their own money to do the function of government. They are performing a non-profit service and should be treated similarly. I would oppose the pending motion. Mr. President, thank you for the time.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise today in support of the pending motion and join in the good comments from the Senator from York. This is a situation where, in fact, the Governor-elect is in the beginning stages of his or her governing. It's a time when they should be focused on putting together their team, putting together the team in a transparent way. That also includes the dollars which are, frankly, required to get through that timeframe; a timeframe which lasts almost two months, a timeframe of great commitment by volunteers, and a time of great commitment in terms of financial resources that are often needed. Past administrations have done it differently. However, one constant theme that appears to all is that, as has been the case here, there has been a committee, a committee that does a lot of the heavy lifting in terms of vetting potential appointees, in terms of planning the inauguration, and in terms of planning the inaugural gala. Those committee members are the ones, often, doing much of the fundraising. Every Governor-elect, I'm sure, would do it a bit differently, but the Governor-elect should be focused on governing. What this bill does is it really provides greater transparency. It provides the public the confidence that, in fact, they know where the donation is coming from, who they are, how much they are giving, and what the money is being spent on. I think this is a good government step. It increases transparency and it is something that is long overdue. Thank you, Mr. President.

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending the motion by Senator **TUTTLE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report. (Roll Call Ordered)

---

## ENACTORS

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

### Emergency Measure

An Act To Amend the Laws Relating to Secession by a Municipality from a County

H.P. 1004 L.D. 1408  
(C "A" H-197)

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.

Ordered sent down forthwith.

---

Senate at Ease.

Senate called to order by the President.

---

### ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (5/29/13) matter:

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish a Moratorium on the Approval and Operation of Virtual Public Charter Schools" (EMERGENCY)

S.P. 340 L.D. 995

Majority - **Ought to Pass** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - May 29, 2013, by Senator **MILLETT** of Cumberland

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

(In Senate, May 29, 2013, Reports **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 PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Millett.

Senator **MILLETT:** Thank you Mr. President. Members of the Senate, I urge you to vote in support of this measure. There is no incontrovertible evidence that virtual charter schools improve student learning. In fact, research consistently has shown that they under-perform; reflected in higher drop-out rates and lower test scores. For example, in Pennsylvania only 42% of virtual school students tested at grade level compared to 75% of their in-classroom peers. The list of issues from around the country is numerous. There are repeated patterns of intense student recruitment without consideration of student suitability for this method of learning, thus resulting in noticeably high drop-out rates in student's first year of enrollment. A constant cycle of enrollment and withdrawal, called the churn rate, appears to be a problem at many schools. Records of the virtual school operator, AGORA, a subsidiary of K12, filed with Pennsylvania revealed that 2,688 students withdrew during the 2009-2010 school year. At the same time K12 continued to sign up new students. Due to the nature of virtual schooling there is considerable difficulty in determining whether student work is actually represented or in actuality reflects help from parents or others. Virtual school teachers face large class loads. Former teachers at the Ohio Virtual Academy and Colorado Virtual Academy have described huge class loads with elementary teachers, who once handled 40 to 50 pupils, now supervising 75. A teacher of an elementary class that size, in a 40 hour workweek, could devote little more

than 30 minutes a week to each student. Many virtual charter schools charge state average per-pupil costs despite substantially lower operating and overhead expenses. In Pennsylvania about 30,000 students were enrolled in on-line schools in 2011 at an average cost of about \$10,000 per student. Students drop out of virtual schools but those schools retain the per-pupil tuition, keeping taxpayer funds. Students are kept on the roster despite doing no work in order for the school to continue receiving public funds. State auditors found that the K12 run Colorado Virtual Academy counted about 120 students for state reimbursement whose enrollment could not be verified or who did not meet Colorado residency requirements. Some had never even logged in. There is consistent underperformance of virtual school students compared to their peers. A Stanford University group, the Center for Research on Educational Outcomes, tracks students in eight virtual schools in Pennsylvania, comparing them with similar students in regular schools. The study found that in every subgroup cyber charter performance is lower. Recognizing the challenges faced by states across the country it makes sense to exercise caution. We all want what's best. We all want the best education for our students. L.D. 995 will help us ensure that happens. It directs the Maine Charter Commission to review the law and the virtual public charter school models that already exist in other states and create a model that will best serve the learning needs of our students. Other states are taking similar steps. For example, the Illinois State Legislature passed a moratorium on new virtual charter schools for one year while their charter school commission reviews the effects on virtual schooling; including the effect on student performance, the cost associated with virtual schooling, and issues with oversight. We should not and cannot risk the education and future of our students by allowing these schools, or any schools, to open and operate in Maine without ensuring that they enhance the education of our children and do not detract from the progress of all Maine schools. A moratorium is commonsense while we conduct proper due diligence. I urge your unanimous support for L.D. 995. 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, I rise to oppose the current motion. Last session charter school legislation was enacted and the legislation was very limited. Ten schools in ten years. Furthermore, the Charter Commission has been charged with approving all the charters in Maine and they have taken their duty very seriously, having denied all virtual charter school applications to date because they were not up to standard. The charter commission has taken extraordinary measures to research virtual schools, including all of the research that the good Senator, the Chair of our committee, has just recited to you. I believe they factored that in on every decision. Really it's about micro managing. You should let them do their job and let them do the work they were commissioned to do. Thank you very much.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise in support of the pending motion. I'd like to point out that, although the Charter School Commission has done an admirable job, it's not a good idea for us to charge

ahead with all of the problems seen and the reasons for hitting the pause button in other states. With the funding mechanism not resolved, which is not within their power to do, we should be studying what is the right level of funding for virtual schools and what are right criteria that need to be included in addition to what other charter schools might have, that the Charter School Commission should be charged with in evaluating a virtual, a very different form of school. It is the Charter School Commission, in fact, that we are charging with that investigation while we hit the pause button on virtual schools. I think that this is the right way to proceed. I think it puts the responsibility on the Charter Commission to recommend how best to address it and the things that we do need to address in this Legislature, not just leave in the hands of the Charter Commission itself because they can't implement. Thank you.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I don't have any figures or studies or reports or anything. It is my opinion that this probably not good for the majority of our students in Maine. I've seen people take on-line classes in college. I've taken on-line classes in college. I think it's a very limited number of people that learn better or can learn on-line as opposed to directly having someone in the classroom. I just categorically don't believe that you get a better education on-line than you would by having someone right in front of you. I do think there is probably a very limited number of people that this would help. Unfortunately, I don't see the benefit in syphoning off more dollars from our public schools to help just a limited number of people. I think we're not funding education in Maine where we are supposed to by the voter's mandate. Currently we are in budgetary constraints with our public schools. I just think that this is going to help such a small number of students, that it would be better to increase the education funding that we have for our public schools so that all our students would benefit instead of just a very few numbers. Like I said, the people that I know that are taking college tests on-line, you have to be very very disciplined to get the benefit of it, and to take this down to high school students, I think, would have even lower numbers that it would serve. I just don't see it in light of everything that we have with our education funding problems now.

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, this bill, while it may be called a moratorium, I would suggest is a DNR. The Charter School Commission is doing its job. They have rejected virtual school applications over the past two years, since its existence, because of the very reasons that the Senator from Hancock mentioned. They didn't meet standards. I don't understand it. Whether we like it or not, these are public schools. Why we are stifling creative educational opportunities in our classrooms? I just don't understand that. If we want to study the program then let's study it. This isn't a study. This is a moratorium. I hope you will vote against the pending motion so we can move onto the Ought Not to Pass Report. Thank you, Mr. President.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise today to encourage all of us to support the Majority Ought to Pass Report. We have heard, both in policy journals as well as the newspapers around the country, the struggles with virtual schools and the lack of success that is clearly being documented over and over again in these virtual classrooms, and even the lack of participation when policy makers presumed and thought, with all good intentions, that students would participate. In addition to that, in addition to the lack of performance and the lack of success, there are great financial challenges, financial challenges that could impact our overall educational system. Currently, many states realize that these virtual schools should not receive a full per-pupil share. They should not get the same amount that is being spent or sent to our local schools, either locally or from the State. These virtual schools that are applying to our system are for-profit. We need to make sure, and we can reflect upon the debate from just one day ago, of the negative consequences of that scenario. Investors seek a return, as they should. Capitalism is what our country has been built upon, but I think many of us believe that there are times when that is appropriate and there are times when that is not. The inherent goal of maximizing returns leads to negative consequences, therefore demanding that we get this right. Men and women of the Senate, this is a moratorium, in fact, to study it so that we learn how to do it right and there are no negative consequences in the short-term. These entities can keep reapplying. What happens if they reapply and, under law, they are allowed to proceed? A law that, arguably, is flawed. We need to make sure that we get it right and we need to slow it down. Many of us would only like to see, I am sure, virtual education used only to enhance the classroom, not to replace the classroom. That would be a different vote. Let's make sure we know what we're voting on. Today we're voting on an opportunity to get it right, to put a check, a stop, a pause, a moratorium in place so that we can study it and we can get it right. That's what we're voting on today and we're voting on it to protect public education, protect taxpayer dollars, and getting the job right. That's what we're focused on today. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Cumberland, Senator Millett to Accept the Majority Ought 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 (#154)**

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



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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator MILLETT of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS** Report, **PREVAILED**.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.

Ordered sent down forthwith for concurrence.

---

The Chair laid before the Senate the following Tabled and Later Assigned (5/30/13) matter:

SENATE REPORT - from the Committee on **INSURANCE AND FINANCIAL SERVICES**, pursuant to Joint Rule 204, on Bill "An Act To Streamline the Charitable Solicitations Act"  
S.P. 438 L.D. 1277

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-145)**

Tabled - May 30, 2013, by Senator **PATRICK** of Oxford

Pending - **ACCEPTANCE OF REPORT**

(In Senate, May 30, 2013, Report **READ**.)

Report **ACCEPTED**.

**READ ONCE**.

Committee Amendment "A" (S-145) **READ**.

On motion by Senator **GRATWICK** of Penobscot, Senate Amendment "A" (S-165) to Committee Amendment "A" (S-145) **READ**.

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

Senator **GRATWICK:** Thank you Mr. President. This is just a change of wording in one sentence from our policy analyst. It's been okayed with the sponsor of the bill, Senator Cushing. I think it's a minor change, but important. Thank you.

On motion by Senator **GRATWICK** of Penobscot, Senate Amendment "A" (S-165) to Committee Amendment "A" (S-145) **ADOPTED**.

Committee Amendment "A" (S-145) as Amended by Senate Amendment "A" (S-165) thereto, **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

---

The Chair laid before the Senate the following Tabled and Later Assigned (5/30/13) matter:

SENATE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Facilitate the Expansion of the State's Liquor Distribution System"  
S.P. 318 L.D. 941

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-148)** (7 members)

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

Tabled - May 30, 2013, by Senator **TUTTLE** of York

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

(In Senate, May 30, 2013, Reports **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 PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I rise in opposition to this bill today, as I have, I think, on every occasion since the sale of the liquor business, to privatize it. I said back then what was going to happen would be the proliferation of liquor stores throughout the state of Maine. In fact, that is what has happened. I believe we probably have three or four times more liquor stores here in the state of Maine than we did when we owned the liquor business. This bill appears to be a real minor expansion, to allow two liquor stores in Portland. Just two years ago Portland went from six liquor stores to eight liquor stores. Now they are asking to have two more agency liquor stores. From a business standpoint, I think this is actually detrimental to the businesses that are already in Portland that are agency stores. I think you can go anywhere in Portland, especially at night in the Old Port and anywhere, and there is no problem getting alcohol. One of the reasons this bill aggravates me even more is I believe this business happens to come from a person who actually owned an agency store at one point and sold his business and now wants to get back in. From what I understand, this would be the detriment to all the other businesses in Portland. There are only X amount of liquor that can be sold. If you add more agency stores, from my standpoint, it is actually going to dilute the business of everyone else there. The diversity of where the businesses are already in Portland is such, with the spread all over Portland, that no one area in Portland, I believe, actually would benefit any more at the detriment of another place.

Maine currently has more spirit outlets per capita than any other controlled state, except for Alabama, Michigan, Mississippi, and Pennsylvania, each of which has a much larger population than Maine. Maine's current per capita concentration of spirit

outlets in Portland are one for every 8,200 citizens. This compares favorably with Pennsylvania, rated number one. Alabama is rated one store for each 7,800 residents. Mississippi has a rate of one for every 5,750 residents. If you go down to Massachusetts they call them package stores. There is one on almost every single corner in Massachusetts. Part of the other problem that I look at from the standpoint of this minor addition of two more liquor stores is it's specifically for one area. If we're going to have proliferation of liquor stores it might as well be all over the state of Maine and we can get it done once and for all.

One of the other problems I have is the problem of liquor enforcement. Over the course of the years, at least since we have privatized our liquor business, liquor enforcement, from my standpoint, has gone down and down and down and down. We had testimony by I think it was a sheriff's group that did a big survey throughout the state. From my standpoint, I think there were hundreds of cases where negative impacts were shown when they did sting and stuff. The other thing is substance abuse. Over the years we used to have substance abuse groups come before the committee and would be against every single bill. For some reason, I'm not sure why it is, they are scared to come before the committee and say, "Hey, it's proliferation. How many more of our kids are going to get hooked on alcohol?" I honestly don't believe that Portland needs a couple more because if Portland gets a couple more next thing you know Bangor is going to want a couple more. Waterville's going to need a couple more. Lewiston/Auburn is going to need a couple more. There are actually 17 licenses still available statewide that haven't been filled. The amount of monies that come out of the liquor industry doesn't actually fairly go into the liquor enforcement side of it, although we may take a look at doing something in the next budget. I'm really a firm believer, and I have been from day one, that there's nothing wrong with selling liquor. We're adults and can get it. The idea, from a business standpoint, is it isn't to have a liquor store on every corner. I really believe that right now Maine has added 119 agency stores since 2009. One hundred and nineteen more agency stores since 2009. I don't know how many is the correct number, but from my standpoint we've got 17 licenses still available in other areas of the state that haven't grabbed them. I don't think this is really a good stand for the state of Maine, to add more proliferation of agency liquor stores in the state of Maine. Thank you.

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, I rise very briefly to agree with my colleague from Oxford County, Senator Patrick. We are a control state. We've seen a lot of bills this year in the Veterans and Legal Affairs Committee that deal with expansion of liquor stores, expansion of the liquor business in general. I agree with Senator Patrick that if we are going to continue to be a control state then bills like this need to be rejected because passing this bill runs completely contrary to the reason that we are a control state to begin with. This is a carve-out for the city of Portland. The threshold makes it so that that is really the only community that would be impacted. I think that we're going down a road that we don't really need to go down. If you want to get a drink in Portland there's ample and plenty of places to do that. I would urge the members, Mr.

President, to reject the pending motion and go with the other report. Thank you.

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

Senator **TUTTLE:** Thank you Mr. President. Member of the Senate, it's very seldom that I disagree with my two Senators on the committee, but I think in this case we have to look at how we are going to run our stores. Are we going to run them as a business or are we going to continue to run them as the state used to run them? I think that this bill authorizes ten agency liquor stores in populations of over 45,000. It is my hope that that can be amended. I'm trying to work on an amendment where we can get all sides together on this and I'm hoping that this Body allows me the opportunity to go through first reading so that an amendment might be offered. I think the license cap presently is hindering many small businesses in this state. From my understanding, Maine has the lowest density of stores per capita. The state of New Hampshire is planning to add an additional eleven new liquor stores on the border. That's coming this summer. It is a competitive business. If we want to run it like a business we have to be competitive. We haven't been. This is a step in that direction. As I've said before, it's a small business. We need to help small business. Senator Alford was generous enough to bring this bill forward. Presently, in my opinion, we do not run the stores like a business. We are doing a much better job. I was involved when I was the Chair of the committee before when we made the change. It was time for that change. I think we've made a lot of improvements. I think, as I've said, this bill can be used as a vehicle to make that change. I'm asking for your vote so I might offer my amendment. I think I can bring sides together. As the Chair of the committee I'm asking for your vote to allow me to do that. Thank you, Mr. President.

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues of the Senate, I'd like to speak briefly and kind of lay a little bit of the dust that has been kicked up here, if I could. First of all, this bill is not about expansion. This bill is about fairness. When you talk about the percentages of per capita density, as opposed to a strict number, than Portland is lagging behind its neighboring communities simply because there was never an upwards understanding of what the size of the city was going to be like. The percentage stops, the number stops, at a certain population and doesn't take into consideration the actual size of Portland. One of the other considerations, although my good colleague to my right over here indicated that you could drive around to any one of these stores, is that you have to remember one of these stores is on Peaks Island. I'm hardly going to get myself out on the boat and go out to Peaks Island in order to find myself at one of those stores. That limits the number of on-shore stores, as opposed to those who are a part of the island community. This truly is a pro-business bill. It is about fairness and not about expansion. As far as being able to go down to the Old Port and get a drink, people can certainly do that, but I'm hardly going to drive downtown, park on Market Street, if you could park on that street, and go into a bar in order to buy my spirits to take home. That's not where you buy your spirits that are going home with you. You don't go down into the Old Port. I

think the fact that there are bars in one section of our town really doesn't reflect what people are doing when they are buying their spirits in local community stores. I would urge you to consider this pro-business bill. Thank you.

**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, this is the slippery slope. Portland currently has roughly 50 beer and wine outlets that could qualify as agency stores. Why should only two stores be favored by receiving agency licenses when dozens of others are denied? This happens every year, ladies and gentlemen. I want to have another one or two here, or one or two there. Next thing you know Maine's going to have a thousand liquor stores. What is the right number? Think about it, ladies and gentlemen. Fifty beer and wine outlets in Portland. Two are going to have the opportunity to get it. Who's going to be able to choose which ones? Is it fair? I don't want to have to make that choice. If you look at where they are in Portland, one might be on Peaks Island but if you look at the map they are fairly distributed throughout the whole city of Portland. That's what I'm saying, ladies and gentlemen. We're going to choose now two between the fifty stores that are available. What's going to happen next year in Lewiston? What's going to happen in Bangor? It's proliferation, pure and simple. One gets an advantage. The other one wants to get an advantage. I don't know how many thousands of potential stores there are that sell beer and wine in the state of Maine. I've been to my district and time and time again one little store says, "Why can't I get one?" I'm saying it's because we have rules and regulations on the amount that we want because of liquor enforcement and because of substance abuse. Each time you put more liquor agency stores in position you're going to have more chance that our kids are going to have the opportunity for more liquor, which creates more substance abuse and puts more pressure on the limited liquor enforcement that we do have. Ladies and gentlemen, let's not go down the slippery slope today. Let's vote in opposition to this motion and move onto the Ought Not to Pass. Thank you.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, yes, we are in the liquor business. Where should we have the most stores? In the most populated areas of Maine. The number one population area in Maine is the Portland metro area. That's where we should have the most stores. If you want to capitalize on this business, and we are in the business, that's where you put the most stores. It's common sense to me. When I was in business that's what we would do. We'd proliferate the area that has the highest population or the consumer request that there is a need. Some entrepreneur is going to come forward and say, "I'm going to put a store there, an agency store, and sell liquor." If the idea is sound and this person could make a profit, he or she is going to do it. We should encourage them to do it because, after all, Maine is in the liquor business. The more liquor we sell the more revenue we get. That's the nuts and bolts of it. I encourage you to vote for the pending motion.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from York, Senator Tuttle 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 (#155)**

**YEAS:** Senators: BOYLE, CLEVELAND, COLLINS, CRAVEN, GERZOFKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, SAVIELLO, TUTTLE, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: BURNS, CAIN, CUSHING, DUTREMBLE, FLOOD, HAMPER, KATZ, LANGLEY, MASON, PATRICK, PLUMMER, SHERMAN, THIBODEAU, THOMAS, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **TUTTLE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

---

The Chair laid before the Senate the following Tabled and Later Assigned (5/31/13) matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow School Administrative Units To Establish Rules, Procedures and Guidelines for Properly Trained Staff To Carry a Concealed Handgun on School Property while Acting in Their Official Capacities"

S.P. 515 L.D. 1429

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-150)** (6 members)

Tabled - May 31, 2013, by Senator **GERZOFKY** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, May 31, 2013, Reports **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 PRESIDENT:** The Chair recognizes the Senator from Washington, Senator Burns.

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, first of all I just want to thank you for your indulgence yesterday to allow this to be tabled until today. I was taking care of very serious business, as you know. I was attending my first grandson's graduation. That has to do with schools. That's what we're talking about today. It is a germane topic.

I'm going to read my testimony today. I know that's probably the best way to deliver my presentation, but I want to make sure that I cover all the points of this, what I consider, very important bill. I hope you will listen carefully and I'll try to be as coherent as I can here. This bill was my very sincere attempt to provide reasonable options to the communities to keep school children in school safe. Through the efforts of many others, and my many years and professional experience, I have structured this program with all the safeguards and checks and balances needed to be a viable tool that some school districts may choose to employ. Please keep in mind that this does not require any person, staff, teacher, member, school, or community to do anything. It allows our communities to decide for themselves as to what will work for their community and what will not. I think this is extremely important. This type of issue is not one that should be imposed upon a community by the Legislature nor should we, as legislators, prevent them from doing what is necessary to keep their and our children safe. For those of you who are fortunate enough to have school systems that have the availability of resource officers and local police departments, I'm very glad for you. Most of my district, and many of my peer's on both sides of the aisle in this Senate, do not have such an option, such as Northern Aroostook County and Piscataquis County. I may be speaking to empty chairs. Please consider our situations and allow our communities to have the tools that they need to safeguard their children. Rural communities are just as prone to incidental acts of terrible violence as urban ones are. We've seen the results of that just recently. Having spent most of my career and life in rural communities, I have been concerned about this for some time, about the vulnerability of our schools and if one crazed individual should decide to kill innocent children and staff, such as had happened in Sandy Hook School and other schools across the country before that. Many schools have the availability of school resource officers or protection from local police departments, but most of my communities have neither. Some of my schools would wait as long as an hour for a single trained police officer to respond to a crisis. It may take even longer for a backup officer to arrive and it would take a matter of hours for a properly trained tactical response team to get to that location. Is that the same in your community? I hope not. About two years ago a State Police Sergeant approached me to write a bill to allow teachers to be trained and authorized to keep firearms in their schools. I have the actual request right here in front of me. I chose not to put in a bill at that time, but I continued to think about this up until this time. After the Sandy Hook incident took place, I decided to construct something that I thought would be safe, practical, and could stand in the gap should an armed assailant attack a school until a trained law enforcement officer could arrive and hopefully neutralize the attacker. I had no intention of expecting a teacher or a staff member to take the place of a professional police officer, although I have met a lot of those people in that profession that I would gladly have had stand

beside me in my law enforcement career. This proposal is all about that situation that we hope will never happen in our community. When that intruder clearly intends to take lives every minute counts. There should be someone trained and equipped to stop that person before innocent lives are lost. The only real response to deadly force is deadly force. Facing an armed killer without a weapon is futile and can only add to the number of lost lives. Does anyone think that the brave Principal at Sandy Hook Elementary School would have had a better chance to save her life and the lives of the children had she been armed with a weapon? This is what is before you today. This bill is not a Second Amendment issue. This bill is a school safety issue.

I'd ask you to consider the elements of this bill before passing judgment on it. Very quickly, they are, first and foremost, school districts would have to want to pursue this option before it could take place. A citizen's referendum could decide if that was right for their community or not. It's all about local control. A screening committee would carefully vet any willing applicants to be part of the program. This would include background checks and appropriate psychological examinations. Qualified applicants would be properly trained in firearm proficiency, aspects of crisis intervention, active shooter situations training, and related issues that we provide to our new police officers before they are allowed to go out and enforce Maine's laws. The Maine Criminal Justice Academy would evolve a comprehensive training program for arming teachers and staff, which would be used by each participating system as a minimum training standard. School systems would have the option of paying for the testing, training, and any stipends which go to the staff for participating in this. Again, that would be their option. It would let them decide. School systems would have the option of keeping the identity of such staff confidential if they choose to. Just as with law enforcement, participating staff would receive annual requalification and training. Any school system adopting this program would have to work with the advice and consent of the appropriate local, county, or state law enforcement within whose primary jurisdiction they were located. This will include a written document of protocols and emergency response plans to be followed by both the school system and the participant's law enforcement agencies. These documents should already be in place for emergency response in all of our schools. This bill would also allow for full-time retired police officers to be hired as staff, to be allowed to possess a firearm while in that school setting. Another option that could be considered would be to allow the school system to enter into an agreement with the local police or the local sheriff's department for the participant to have the minimum 200 hour training course that we provide for state law for here in the state of Maine before you can become a part-time police officer and have that person be under the responsibility and, obviously, the liability of that police agency if that agreement was reached. I think that would belay a lot of concerns that school districts and administrators might possibly have.

Bill Stevens was the father of a fifth grade daughter who was in the Sandy Hook Elementary School on the December 14<sup>th</sup> shooting. He testified before Congress' Gun Violence Prevention Workshop Group. He criticized the committee's insistence to maintain the standard emergency lockdown procedures of locking classroom doors, windows, window treatments, turning off lights, remaining quiet, and not entering the hallways. This was the same process that was used in Sandy Hook. One teacher in Sandy Hook was in a closet with her children and told them, and I

quote, "The bad guys are here but the good guys are coming." The good guys she referred to were armed police officers. She knew instinctively that good guys with guns would stop the bad guys with guns, but the good guys were eight minutes away. Only eight minutes away. Everyone here in this Chamber today knows the rest of that tragic story of Sandy Hook. Sandy Hook was a gun-free zone.

We all know that there is no perfect solution, no guarantee of complete safety, regardless of the safeguards that we can think of to put into place. We recognize that L.D. 1429 and arming our schools has to be part of a comprehensive approach to school systems. President Obama's Gun Violence Executive Action supports the increase in the number of arms in our schools. These children attend a school that is very well armed. There are federal and Homeland Security grants coming forth to help schools to pursue more safety provisions and armed protection for their schools. Let's allow the communities that we represent to make that decision and have the tools to do so. It is my understanding that there are approximately 18 other states, and I think you have some of that information in front of you, that allow some form of armed staff or teachers in their schools, almost all of them with the permission of the school boards or the superintendents. About 15 other states are considering similar legislation to this. South Dakota recently passed House Bill 1087, which established their school sentinel programs and has many of the provisions in this bill. Their original bill, as did my original draft, provided for the issuance of, or requirement of, frangible rounds or not penetrating composite bullets be used. These do not actually kill the targeted person because they disintegrate on impact. There is also the availability of smart guns that can be purchased which cannot be discharged by a person except for the person who the gun is programmed for. Another safety precaution that's available through technology. In this day and age, there are many other options that can be considered by the participating school systems. There are also many qualified people that are willing and ready to provide training for this. I know there is going to be a lot of, and there have been a lot of, naysayers to this proposal. In fact you have a document in front of you from the Maine Psychological Association that is very concerned about the fact that having schools, according to their survey, or having arms in schools, which would include school resource officers, causes more anxiety for children than it does relieve that anxiety of not having any armed people in the schools. That may be true in California. I doubt, ladies and gentlemen, that that is the case in the state of Maine. I'm all about my children feeling safe and being safe. I think that's what you are about also. They also are concerned about the validity of a psychological evaluation being used, that it has no validity to this type of program. I have here a document off the internet from our Maine Criminal Justice Academy. Part of the requirements that they use in order to screen prospective law enforcement officers to work in this state, full-time law enforcement officers, includes a psychological examination. If I may quote it, "These perspective officers shall undergo and complete to the satisfaction of the employer, or in the case of a person not yet employed, to the Academy's selection committee an evaluation of the applicant's suitability to work as a law enforcement officer by a licensed psychologist or a licensed psychological examiner with the experience in psychological screening in the field of law enforcement. That evaluation shall be subject to the approval of the Board of Trustees and shall include, at a minimum, an evaluation of the following characteristics; anxiety, mood, anger,

antisocial characteristics, ability to accept criticism, ability to communicate, assertiveness, self-confidence, ability to get along with others, judgment, and verbal skills." Sounds like we should do that for perspective teachers. That is a process that each department adapts a little bit for their own use. Each agency does it a little bit different, but the bottom line is it can be adapted. It's not a sure cure for all the problems, but it is one more tool that's available to help screen and vet out appropriate applicants.

Finally, I have tried to keep this bill and this proposal from being a political issue because I don't believe that it is. I understand the differences between many of us when it comes for firearm issues, based upon our perspectives, life experiences, and deeply held beliefs. I respect those beliefs. I believe that this is about protecting our children in the best way that we can. I know there is no one in this Body that does not want to do that just as much as I do. Even though we have differences of opinions as to the best way to accomplish that goal, I would ask you to please consider this option fully and in an unbiased way. I can't ask for any more than that. Thank you very much, ladies and gentlemen and Mr. President.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, in all due respect for to my past committee member, the Senator from Washington County, Senator Burns, I've listened to not only the speech that he's given today but also to the testimony in front of my committee when this bill was presented. Once we got past the title and realized that everything in the title was the bill, we discussed this bill to a large extent on what wasn't available today. What was in this bill that wasn't already available? I've been, as I've said before, since Columbine and this Chamber and the other Chamber, second floor, and every other part of this building has voted to put safeguards in place year after year and the reason we have resource officers in our schools. Many of our schools aren't gun-free zones. They have resource officers in them. They are fully trained, not with the minimum standards but with the maximum standards. The 18 week course. They are in our schools because the Legislature thought it prudent to allow our communities to protect our most valuable assets, which are our children. This bill I don't believe enhances that at all. The things that are available in this bill are already available under current law. There isn't any community in the state of Maine that's rural that it can't hire a policeman and send them through the full 18 week course at the Academy, which is about \$30,000 a year. I talked to the director of the Academy to see what this training really would take. It is the 100 course or the 200 hour course? No, no it's not. It's the 18 week course. Do it on the cheap? No. You have to train people to do these jobs. Right now there isn't a community in the state of Maine that couldn't hire one if they choose to. Not a community in the state of Maine that couldn't appoint somebody to be a law enforcement officer and send them to the Academy for the proper training. This bill doesn't bring us anything that isn't already there. We talked about putting on sheriffs, for a community to contract their sheriff's department. Some days when I'm in the Chamber there is one Maine and some days there are two Maines. Some days there are 16 different Maines, but we have a sheriff in every county in the state of Maine. We can contract to have a fully trained law enforcement officer. That's not 100 or 200 hour course, that's an

18 week course. That's \$30,000. These tools are already available to us because we've gone through in the dozen years that I've been here more than Sandy Hook. We've gone through, in different parts of this country, some awful tragedies. Out of every tragedy every state looks to see what they can do better. That's why we put all parts of this bill already in law. We didn't do it on the cheap. We did it for real. We did it to be serious, to protect those valuable assets of ours, our children. I know this bill was brought forward for good reason, sincere concern. I also know that this is as much of a sincere concern as I have and as every member of this Body has for our children and that we have been putting in place what we need. There is nothing new here that's going to enhance our safety. As a matter of fact, I think it would be just the opposite. It would detract from some of our safety for our children. Ladies and gentlemen, let's do what's right. Let's vote down this bill. Let's continue doing what we can do for the safety of our children. Let's continue to do what's important for our communities. We gave them the tools and they are using them. In my town I have resource officers and some people think that's fortunate. In every town in the state of Maine and in every school district in the state of Maine and in every school in the state of Maine they have to have, because we said so, a security plan. I know my Senate district last year three of my schools went through it. They did their practice, just like they do their fire drills. They passed with 100% scores. I'm very proud of them. This is a subject that we should all take seriously and we should all realize the resources we have currently and the resources we should take advantage of. Ladies and gentlemen, thank you for your time. Mr. President, thank you very much for your patience. Please follow my light on this one.

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

Senator **MILLETT:** Thank you Mr. President. Members of the Senate, we all know that this is an important and sensitive issue, not only for parents but for everyone that has any investment in our school systems. Even as we discuss this matter here today, I am mindful of the many children in class or otherwise in the care of our great state's school systems. Tonight some of us expect to go home and gather around the table over dinner and discuss the day's events with our families. We have come to expect it because it is routine. We all love our kids. Naturally, the idea of anything threatening that routine is a scary one and we have seen on the news time and time again heinous acts of violence taking that away from undeserving communities and innocent people. I commend Senator Burns, who sponsored this act, and co-sponsors Plummer and Sherman for their work on this document. However, I must stand against the passing of this act. Furthermore, I urge you all to consider the consequences should it succeed. As we are called on to decide whether or not to allow school administrative units to permit teachers and staff to carry handguns on school property, we must keep in mind that our chief goal is to ensure that Maine schools are safe for our kids. We must not lose focus or allow ourselves to be misguided by competing and conflicting agendas. It is my belief that allowing staff to carry guns in our schools on such vague terms does not make a school safer, but instead is a costly and radical distraction from the curriculum our schools are already struggling to afford and provide.

First and foremost is the matter of safety. While this act would require that a school employee who elects to participate in

the concealed handgun program must successfully complete a firearms training course, even an extensive class cannot provide the field experience of that of a full-time law enforcement officer. The weakness here is obvious. If this act passes it logically follows that a situation could arise where multiple numbers of the school staff will have had training in the use of deadly force, but with little to no experience, coming face to face with live acts of violence, including active shooter scenarios, taking immediate and decisive action under high stress fight or flight situations, and finally exercising deadly force. One cannot teach experience or the advanced skills that comes with it. Potentially arming several school employees after the completion of a training course is simply not the answer to making our children's schools safer.

I now turn my attention, and our attention, to the monetary cost of arming our school staff while they operate in their official capacities as teachers, janitors, lunch and resource workers. While this piece of legislation is "not to impact the total State and local cost of components of essential programs and services or the State's share of that cost" it is evident that we are unsure what financial burden will ultimately be placed on our schools that are already struggling from recent curtailments even yet to be realized. According to this act, the cost to individual school units, should they elect to establish a handgun program, will include no less than the cost of liability insurance that must be taken out on each school employee who participates in the program, the additional time of the superintendent of the school administrative unit and the principal who will evaluate applications submitted to the program and who shall submit in writing to the school board their advice and recommendations to assist the board, and the school board who would consider applicants and either approve or disapprove their request to enter the program. Additional incurred costs may include salaries for additional necessary personnel to organize and produce records, ensure that annual requalification exercises are up to date, that permits are valid and from the appropriate authority under Title 25, Chapter 252, a stipend for those employees who choose to participate in the program and carry a concealed handgun, and a psychological evaluation should the school unit choose to require one.

Let us take a moment now to go over the last bit of information in a little more detail, as it has some strict regulatory language surrounding it. As L.D. 1429 is written in front of us, a psychological evaluation is not a required prerequisite to carry a concealed handgun. However, should the school decide to require an evaluation, the school administrative unit shall pay the cost of the evaluation. If the school administrative unit chooses to require that a school employee who applies to participate in the program submit to a psychological evaluation, the evaluation appears to be extensive, including at a minimum evaluation of anxiety, mood, anger, anti-social characteristics, ability to get along with others, judgment, and verbal skills. Unlike the cost of training, the cost of psychological evaluations are expressly stated to be incurred by the schools. This seemingly small detail may largely deter schools from acquiring evaluations at all, particularly if there is no opportunity for middle ground between evaluation and cost incurred to the school system. The options for schools on psychological evaluations are clearly on different ends of the spectrum and the decision perhaps deliberately mutually exclusive. Alarmingly, a background check is not mentioned anywhere in the text. As we draw nearer to voting on this act, I ask you to take these points into consideration. I take this opportunity to reiterate our over-arching goal of keeping Maine's schools safe for our kids so that they may get the most

out of their educations and focus on preparing for their futures. Because bringing guns to school and arming school staff does not make a safer environment for our children to thrive within their education, because the cost is too high of a financial burden for our schools to take on in the midst of curtailment, and because we can do better, I ask you to stand with me and to support this measure. Thank you, Mr. President.

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

Senator **PLUMMER:** Thank you Mr. President. Men and women of the Senate, do guns save lives and protect people? As a society, we have decided that they do. That is why we give guns to police. That is why the Secret Service and other law enforcement agencies are required, or allowed, to carry firearms. If we accept that guns can save lives then why do we ban them from our schools? I guess we don't forbid them entirely because under some circumstances they are currently allowed or even welcomed. Many districts across Maine do employ school resource officers or other police officers to be in schools. I see this bill as an extension of that practice. As much as many of us wish there were another way, the reality is the only way to stop a bad person with a gun is a good person with a gun. I know that there are many in and outside our schools who fear guns. I know there are people who see a gun and instantly think someone's going to get hurt. Those of us who are comfortable around firearms know this is not true. To illustrate this unfounded fear I will relate a story to you. When I was teaching fourth grade one of my students brought in his collection of spent shell casings for show and tell. In fourth grade we didn't call it show and tell, but for sharing. He was very proud of them and we could identify each one. I checked them all to be sure they were spent shells before he shared them with the class. At library time he took them with him. Another teacher, who was on her way to the restroom, saw the collection and, forgetting her mission, immediately took my student to the principal's office. By the time I was able to intervene, the principal had decided to suspend this student because she believed that my student was violating the school's dangerous weapons policy. I remind you, these were spent shell casings.

I have been lobbied by among others by the Maine Education Association on this bill. The lobbyist interpreted, or applied, the word "may" in one part of this bill to another section of the bill and stated that it could mean that a person could be allowed to carry a firearm in school without training. This certainly is not the intent of this bill. I would urge you to be familiar with all parts of L.D. 1429.

I hesitate to bring up the Newton tragedy, but it has already been used by anti-gun advocates, both in Washington D.C. and here in Augusta. I feel the need to present the other side. Actually, I will pose a question. Could the principal of the Sandy Hook Elementary School have stopped Adam Lanza if she had a firearm? I believe that she could have taken him out and thus saved the lives of the staff and those children. We will never know for sure if I am correct about this, but we do know for certain without a gun she was unable to stop him from carrying out his terrible plan. I am not convinced that any school district will immediately implement the provisions of this bill. However, in some school districts law enforcement is further away than my commute to Augusta. That's a long time to wait. A few years ago, when I was here, I got a call that mother had been rushed to

the hospital. Let me tell you, it took a long time to get there to be by her side. It's a long time to wait for police response.

I agreed to sign onto L.D. 1429 because it is the only proposal that has been presented here that has the potential for saving many lives in our schools. Since the time that I testified before the Criminal Justice and Public Safety Committee a number of things have happened. I will try to briefly recap. First of all, I know I'm not allowed to talk about an amendment which is in the Minority Report, but I hope that we can vote down the Ought Not to Pass so that I can explain what a wonderful amendment it is. I had an experience where a woman teacher from Southern Maine approached me. She said, "Senator, I have a concealed carry permit but I wouldn't be comfortable carrying a firearm in my classroom, but I teach with an individual who is retired Secret Service. I suspect he was allowed to carry more than a whistle when he was protecting the President and his family." I also was approached by a freshman legislator who explained to me that they were a teacher. What would happen if they were carrying a firearm and they left it in their desk drawer and some student opened the drawer to get a crayon and found the firearm? I responded to that legislator that I would not want them carrying a firearm if they would make the decision to leave it unattended. I mentioned earlier the Maine Education Association opposed this bill. The Maine Superintendent's Association spoke neither for nor against the bill but posed several very valid questions, all of which I think we were able to answer.

Several police officers testified in favor of this bill, all of them stressing the importance of having a firearm inside the building if there is an active shooter situation. It's extremely difficult to approach from the outside. I was provided a copy of Sun Media Wire, March 15, 2013. The headline is that in Brunswick the School Board voted 7 to 1 Wednesday night to allow the High School and Junior High Resource Officers to store their military style semi-automatic rifles in school offices. I take this as recognition that it is important to have the firearm inside the building. Also earlier it was referred to the Maine Psychological Association's paper that they put out. One of the bullet points is schools remain among the safest for children and youth. For this reason, we shouldn't try to make them safer? I suspect the people in Newton, Connecticut believed that before that tragedy. I will end by reminding you that this is the only proposal to be presented before the Maine Legislature that has the potential for saving many lives in our schools. Thank you, Mr. President.

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

Senator **GRATWICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'll just speak very briefly about the topic of psychological evaluation. My wife has been a clinical psychologist for the last 30 years. We talked about this in great detail. I hope it's not too alarming, but she is of the opinion that really psychologists have no ability to predict the future. She was not part of this. Simply the last sentence, and I'll quote, "It borders on wishful thinking to assume that a psychological evaluation can predict who is safe with a loaded gun in school and who is not." This seems very reasonable. Thank you, Mr. President.

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

Senator **JOHNSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, I rise in support of the pending motion. I want to make a few observations in response to some of the things that we've talked about here today. First of all, there is a reason why in this bill liability insurance is included as a requirement. It's because there is the possibility opened up by what this bill allows of adverse outcomes. In fact, that is my greatest worry with this. What we're talking about is putting guns in the schools, in the hands of not fully trained officers. We already have the ability to have resource officers in schools that would be fully trained. That's one thing. School boards can do that today if they choose to. What this bill would do is put people who are not fully trained for the tactical situations that active shooters, not just being told what to do and how to do it, have practice in doing so in realistic conditions. There is a lot at risk. You've got a lot of students in the school. You've got a lot of staff in the school. You've got the possibility of someone who may be an active shooter who may appear to be a student or may even be a student or a staff member. There is a lot of very short-term decisions that have to be made about safety and someone who is well trained on how to do it should be involved and not amateurs.

Secondly, I think that the reference in the sheet about schools being quite safe is actually quite relevant because we're talking odds here. We're talking about risks. We're weighing safety and what measures improve them. I want to point out that in 2009 over 3,500 children under 19 were injured by a firearm by accident. Unintended shooting. A gun in the home is four times more likely to be involved in an unintentional shooting death or injury than a self-defense shooting. What are we doing if we are arming teachers? We're putting guns on a person, or put away in a drawer, locked presumably. That makes it less accessible, but still on the person, likely a teacher. The job of that teacher is to get in the middle of their class, to interact with students, to be a role model for learning, for trust, for character building among the students. Not the same role as a resource officer, whose job is not to be in the midst of mingling with students. You might be curious about that firearm on a person. Instead they would be acting in their capacity as a law enforcement officer apart from the students in the school. That's a very different role. We are increasing the risk of accidental injuries. We are increasing the risk of unintended consequences should an event occur, drastically, by putting weapons on teachers, on not fully trained officers in schools.

This is not the only proposal to improve security in schools. We already worked in the Education Committee, and I believe we've had before us for votes, a school review of best practice of security by the Department of Education and coming up with recommendations for school systems to improve security because what we were told is that most effective measures to deter violence is to slow down, or halt at the perimeter of the building, the person who would be the shooter. I think we need to look at whether what we are doing in response, in a knee jerk response, to wanting to improve security after these kinds of events is actually improving the odds for injury of students by firearms or not. I would suggest that we are creating many more opportunities for bad outcomes by having more guns in the schools that are not in the hands of fully trained officers and are carried by people we expect to interact very personally with students all day long.

**THE PRESIDENT**: The Chair recognizes the Senator from Washington, Senator Burns.

Senator **BURNS**: Thank you Mr. President. Ladies and gentlemen of the Senate, I need to respond to a couple of things, if I may. I'll try to be very brief. There have been a lot of points, I think, raised that need some response to. There were a couple of things that were said that concern me a little bit. One was just mentioned, about a knee jerk reaction. I can assure you this is not a knee jerk reaction on my part and I doubt that it is on any of those other legislators across the country that have put in similar bills. I spent most of my adult life in public safety. There is one thing I've learned in that 25 years, it is not to have a knee jerk reaction to anything. I've thought this through for over two years. I wouldn't propose it if I thought it was going to increase the danger in our public schools or private schools or wherever this program was to be adopted. We can always think of the exception to the rule, no matter what we're talking about. Whether we are talking about taking students to a ballgame or a trip 200 miles away or whether we are talking about just picking them up at their home and taking them to school, there is always the exception. We don't stop transporting kids though, do we? We make them as safe as possibly can to get them where they are supposed to go and get them home at night. That's exactly what I'm proposing.

The other thing that was mentioned that concerns me is doing this on the cheap. That's not exactly what my intent was. My intent was to do this in a practical way that could be done by any school district that choose to do it with minimal cost, but also training that was going to provide the necessary ability to respond to a crisis situation at the last minute. This is all about standing in the gap. As I said before, this isn't about teachers becoming police officers. That's not what we're suggesting. It's not what I'm suggesting. I'm talking about that situation, God forbid, that should happen when an armed intruder gets inside the perimeter of your school where your children or your grandchildren are and decides to start taking lives. What are you going to do? What's the answer? Is it to lock the doors? Is it unarmed teachers or janitors confronting that individual? I think not. That's not something I would recommend anybody do. There needs to be some type of stop gap. I think this is a reasonable approach. The training is appropriate for that type of intervention, not to be a police officer. If anybody thinks this is about being a police officer than I've really missed the point here, or I have misinformed you.

We talk about the cost of doing something like this. It's pretty hard to figure out a cost of this basic preparation and training because every school system would do it a little bit differently. I know when we talk about the psychological training you're talking about up to maybe \$500 for the evaluation, which is what the law enforcement pays for that. It's been said here that that's of absolutely no value. That's one psychologist's perspective. I can tell you from firsthand knowledge and experience that that process in itself has eliminated many applicants who want to be on local police departments. They did not become police officers. Maybe it was a wrongful decision, but it was a tool that was used to vet them out. A statement was made that we could continue to do what we're doing now. I suggest to you that's not an option. To do nothing is not an option because we don't know what tomorrow will hold. We don't know what event is going to occur. Again, I hope nothing occurs in this state ever. I hope we never have to go through what Connecticut has just recently gone through, and many other states have gone through. Again, God forbid it does happen and we've done nothing, I think we are going to be in the wrong. The cost that I was talking about, if you



want to find an agency that's willing to supply you with a police officer or you want to buy your own police officer, I guess as has been suggested, you are talking \$80,000 to \$100,000 annually. After the training is done, they have to have an agency. You don't train a police officer, put them in a facility, and never have them be a part of a police department because they are not going to be a police officer for very long. I don't think that's within reach of many of our communities. I can think of one right now, that I won't name, that really couldn't possibly make that happen in their community. I'm not sure they could find an agency that would send someone there. I'm not sure they could find an applicant that would be willing to go and spend every day in that particular school that I'm thinking of.

There was a suggestion made about a lack of background checks. Part of this bill requires the participant have a concealed weapons permit. That requires a background check, just like you and I, ladies and gentlemen, have to go through if we want to carry a concealed weapon in this state. We certainly have the availability to increase that if we want to, but it is already in place. That is part of the bill.

There was another statement made about the chief goal is to keep children safe. That's a goal that I share also. I want them to learn academics. I want them to be exposed to culture. I want them to have all those things my children had and hopefully my grandchildren are getting. I also want them to come home safe at night. That's why I worry about the buses. I worry about the people that drive the buses. I worry about the teachers and staff members that we put in the schools. That's why we have background checks on teachers. I worry about the fire systems in the schools. I worry about all those things. Now, in this day and age, I also worry about an intruder, an attacker, because, unfortunately, we have copycats. We have mentally unstable people that have figured out that the way to get attention is to go and hurt somebody. They've done that with a vengeance in other jurisdictions. God forbid it happens here in Maine.

All I'm asking is to give our communities the opportunity to make that decision for themselves. Let's not presume in this Chamber or the Chamber down the hall that we know better than our school boards, our mothers, our fathers, and our grandparents and make that decision for them. God forbid we make that decision and the worst comes to pass. We'd have no one to blame but ourselves. I thank you so much for your indulgence and your time, Mr. President.

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

Senator **MAZUREK:** Thank you Mr. President. I'll be very very brief. I sat here for almost an hour listening to this. The bad guys have won. The bad guys have won. That's all I want to say. Thank you.

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues in the Senate, I'd like to talk about a woman today. Her name is Dawn Hochsprung. We far too often remember the name of those who perpetrate the evil and not those who are standing in front of them. That the name of the Principal at Sandy Hook Elementary School who died. Dawn Hochsprung. I think we need to take her into consideration as we think about whether

or not somebody who has a position of principal or teacher or a role in their school is the right person to be there, standing in the way of somebody who's come to do harm. I commend Senator Burns actually for bringing this bill forward because I'm a strong believer, as many of you may know, in education around firearms and understanding what they do and how they do it.

To the good Senator Plummer's comments regarding bringing empty casings to school. I personally have taken both a home defense safety course and a concealed weapons permit course. I took one course on handgun safety with a group of teachers who wanted to be there to learn and understand so if a firearm came into their classroom they would know what to do, what was and wasn't of danger, and would know how to handle it. I come to you talking here about education and about understanding. I took a look at Senator Burn's bill when he first proposed it and considered whether or not I wanted to be a co-sponsor of that bill because I do feel so strongly that if people are going to be armed in our schools or anywhere that they ought have the appropriate amount of education. After having taken that course, you know the first thing that was asked of the members of that course, seriously, when we sat down? It was whether or not we were going to be willing to take the personal, the moral, and the legal responsibility of taking somebody else's life. That's the first thing you have to come to grips with. I'm wondering if Dawn Hochsprung would have been one of those people who would have been able to understand and accept that responsibility for herself, personally.

Frankly, as I considered whether or not this was a bill that I wanted to be a part of because of the education that would have come along with it, I decided that I did not. The reason was because I believe there needs to be a significant amount of training, tactical style training. There are plenty of cases in which even trained officers, when faced with a shoot or don't shoot situation, hesitate. I think for somebody like Dawn that might have been even a little bit longer. I think if we are going to have people protecting our kids in schools that we ought to be sure that they are more than adequately trained, that they are professionally trained, and that they go beyond what would be provided in a shorter course. I would ask you to not support the pending Ought Not to Pass motion and let's allow those schools who feel as though they need to have that support follow the process that's currently in place and get people whose training would be adequate in order to put themselves in that situation. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Cumberland, Senator Gerzofsky 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 (#156)

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

LEGISLATIVE RECORD - SENATE, TUESDAY, JUNE 4, 2013

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

ABSENT: Senators: PATRICK, WOODBURY

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **GERZOFSKY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

---

Senator **HASKELL** of Cumberland 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.

---

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

---

On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED** to Wednesday, June 5, 2013, at 10:00 in the morning.