

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Sixth Legislature

State of Maine

Daily Edition

First Regular Session  
beginning December 5, 2012

beginning at Page 1

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

In Senate Chamber  
Wednesday  
June 5, 2013

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

Prayer by Senator Garrett P. Mason of Androscoggin County.

**SENATOR MASON:** Good morning everyone. Let us pray.  
Dear Heavenly Father, Lord, we thank You for this day. We thank  
You for who You are and what You have done for us. Lord,  
please give us wisdom today as we make the best decisions we  
can for the state and guide our tongues. May our conversations  
be ones that are pleasing to You. We ask this in the name of the  
one who died for us in Calvary, Jesus Christ. Amen.

Pledge of Allegiance led by Senator Christopher K. Johnson of  
Lincoln County.

Reading of the Journal of Tuesday, June 4, 2013.

Doctor of the day, David McDermott, MD of Dover-Foxcroft.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Provide Property Tax Relief by Expanding Gaming  
Opportunities" (EMERGENCY)

H.P. 1127 L.D. 1558

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

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

COMMUNICATIONS

The Following Communication: S.C. 424

STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE SENATE PRESIDENT

May 31, 2013

The Honorable Darek Grant  
Secretary of the Senate  
3 State House Station  
Augusta, ME 04333

Dear Secretary Grant:

With reference to the Senate's action whereby it insisted and  
asked for a Committee of Conference on the disagreeing action  
between the two branches of the Legislature on the Bill, "An Act  
to Reduce Obesity among Schoolchildren" (S.P. 397)(L.D. 1160)

I have appointed as conferees on the part of the Senate the  
following:

Senator Rebecca Millett of Cumberland  
Senator Christopher Johnson of Lincoln  
Senator Thomas Saviello of Franklin

Sincerely,

S/Justin L. Alford  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An  
Act To Improve Access to Home-based and Community-based  
Care in the MaineCare Program"

H.P. 338 L.D. 488

Reported that the same **Ought to Pass as Amended by  
Committee Amendment "A" (H-325).**

Comes from the House with the Report **READ and ACCEPTED**  
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY  
COMMITTEE AMENDMENT "A" (H-325).**

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

**READ ONCE.**

Committee Amendment "A" (H-325) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Ensure the Safety of Compounded Drugs"

H.P. 934 L.D. 1315

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-299)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-299)**.

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

**READ ONCE.**

Committee Amendment "A" (H-299) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Expand Student Access to Certain Career Information and Opportunities"

H.P. 1076 L.D. 1502

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  
NELSON of Falmouth  
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-312)**.

Signed:

Senator:

LANGLEY of Hancock

Representatives:

JOHNSON of Greenville  
MAKER of Calais  
McCLELLAN of Raymond  
POULIOT of Augusta

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

Reports **READ**.

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

On further motion by same Senator, 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 Hancock, Senator Langley.

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, this piece of legislation would direct school boards to allow the ASVAB test to be conducted on school grounds. Having taught in a school, we did that regularly, yearly. It was a great benefit for our students to be able to have the follow-up that's done there in helping young folks pick a career path. Thank you.

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

Senator **MILLETT:** Thank you Mr. President. Ladies and gentlemen of the Senate, L.D. 1502, "An Act to Expand Student Access to Certain Career Information and Opportunities" is an unnecessary mandate. The Maine Principal's Association testified that every high school offers a variety of career informational programs and most do offer the ASVAB as one option for their students. Federal law already requires that schools allow United States Armed Forces access to secondary school students. If certain schools are violating current law then a redundant law would not ensure change. While I fully support our armed forces, I believe this piece of legislation is unnecessary due to provision 9528 of the No Child Left Behind Law, which includes student contact information. Schools are required to release student directory information to students. Information cannot be released until students and parents have had ample time to opt out of having their information released. Student privacy protection and notifications: schools must notify students and parents of their right to keep their information private. Opt out forms may be signed by either students or parents. Equal access: No Child Left Behind requires schools to give military recruiters the same access to secondary school students as is provided generally to post-secondary educational institutions. I believe that this matter is actually redundant to our federal law. 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 Not to Pass Report, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#157)**

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **MILLETT** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Ensure Student Access to Postsecondary Military Options"

H.P. 1077 L.D. 1503

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

Signed:

Senators:

MILLETT of Cumberland  
JOHNSON of Lincoln

Representatives:

MacDONALD of Boothbay  
HUBBELL of Bar Harbor  
KORNFIELD of Bangor  
NELSON of Falmouth  
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-311)**.

Signed:

Senator:

LANGLEY of Hancock

Representatives:

DAUGHTRY of Brunswick  
JOHNSON of Greenville  
MAKER of Calais  
McCLELLAN of Raymond  
POULIOT of Augusta

Comes from the House with 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-311)**.

Reports **READ**.

Senator **JACKSON** of Aroostook moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#158)**

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

**NAYS:** Senators: None

**ABSENT:** Senator: MILLETT

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being absent, the motion by Senator **JACKSON** of Aroostook to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (H-311) **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**

Nine members of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Establish as a Public Record the Performance Evaluation of a Municipal Employee"

H.P. 719 L.D. 1021

Reported in Report "**A**" that the same **Ought Not to Pass**.

Signed:

Senators:

LACHOWICZ of Kennebec  
COLLINS of York

Representatives:

CHENETTE of Saco  
COTTA of China  
HAYES of Buckfield  
MacDONALD of Old Orchard Beach  
NADEAU of Winslow  
NADEAU of Fort Kent  
PEASE of Morrill

One member of the same Committee on the same subject reported in Report "**B**" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-322)**.

Signed:

Representative:

GRAHAM of North Yarmouth

One member of the same Committee on the same subject reported in Report "**C**" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-323)**.

Signed:

Representative:

BOLAND of Sanford

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

Reports **READ**.

On motion by Senator LACHOWICZ of Kennebec, Report "**A**", **UGHT NOT TO PASS ACCEPTED**, in concurrence.

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**Senate**

**Ought to Pass As Amended**

Senator GRATWICK for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Fully Implement Health Insurance Exchanges and To Make Maine Law Consistent with Federal Law"

S.P. 376 L.D. 1094

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-185)**.

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

**READ ONCE**.

Committee Amendment "A" (S-185) **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 GRATWICK for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Update the Maine Insurance Code To Maintain Conformance with Uniform National Standards"

S.P. 574 L.D. 1519

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-184)**.

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

**READ ONCE**.

Committee Amendment "A" (S-184) **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 PATRICK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Laws Governing Unemployment Compensation To Ensure Conformity with the Federal Trade Adjustment Assistance Extension Act of 2011"

S.P. 454 L.D. 1311

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-183)**.

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

**READ ONCE**.

Committee Amendment "A" (S-183) **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 GOODALL for the Joint Select Committee on **MAINE'S WORKFORCE AND ECONOMIC FUTURE** on Bill "An Act To Address Maine's Immediate Workforce Needs"

S.P. 554 L.D. 1489

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-194)**.

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

**READ ONCE**.

Committee Amendment "A" (S-194) **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 TUTTLE for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend Certain Laws Governing the Bureau of Maine Veterans' Services"

S.P. 77 L.D. 241

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-181)**.

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

**READ ONCE**.

Committee Amendment "A" (S-181) **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.

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Senator TUTTLE for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend Campaign Finance Laws"

S.P. 447 L.D. 1299

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-191)**.

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

**READ ONCE**.

Committee Amendment "A" (S-191) **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 TUTTLE for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Enhance Voter Registration for Persons with Disabilities"

S.P. 449 L.D. 1306

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-182)**.

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

**READ ONCE**.

Committee Amendment "A" (S-182) **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 TUTTLE for the Committee on **VETERANS AND LEGAL AFFAIRS** on Resolve, Directing the Adjutant General of the State To Ensure the Maine Code of Military Justice Addresses Sexual Trauma in the Military

S.P. 562 L.D. 1504

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-189)**.

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

**READ ONCE**.

Committee Amendment "A" (S-189) **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 **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Help Small Farmers in Selling Raw Milk and Homemade Food Products"

S.P. 444 L.D. 1282

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-195)**.

Signed:

Senator:  
JACKSON of Aroostook

Representatives:

DILL of Old Town  
HICKMAN of Winthrop  
JONES of Freedom  
KENT of Woolwich  
SAUCIER of Presque Isle

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

Signed:

Representatives:

BLACK of Wilton  
CRAY of Palmyra  
MAREAN of Hollis  
NOON of Sanford  
TIMBERLAKE of Turner

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (S-195) **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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Improve Professional Development Opportunities for Teachers and Other Public School Employees" S.P. 392 L.D. 1131

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

Signed:

Senators:

MILLETT of Cumberland  
LANGLEY of Hancock

Representatives:

JOHNSON of Greenville  
MAKER of Calais  
McCLELLAN of Raymond  
NELSON of Falmouth  
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" (S-192)**.

Signed:

Senator:

JOHNSON of Lincoln

Representatives:

MacDONALD of Boothbay  
DAUGHTRY of Brunswick  
HUBBELL of Bar Harbor  
KORNFIELD of Bangor  
POULIOT of Augusta

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

Reports **READ**.

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

Ordered sent down forthwith for concurrence.

---

**Divided Report**

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Provide Integrated Community-based Employment and Customized Employment for Persons with Disabilities" S.P. 471 L.D. 1352

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-187)**.

Signed:

Senators:

PATRICK of Oxford  
CLEVELAND of Androscoggin  
CUSHING of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-188)**.

Signed:

Representatives:

DUPREY of Hampden  
VOLK of Scarborough

Reports **READ**.



On motion by Senator **PATRICK** of Oxford, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-187)** Report **ACCEPTED**.

**READ ONCE.**

Committee Amendment "A" (S-187) **READ**.

On motion by Senator **PATRICK** of Oxford, Senate Amendment "A" (S-196) to Committee Amendment "A" (S-187) **READ**.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, what this amendment does is makes this divided report into a unanimous report. The dissenting members, after the bill had left committee, came up with another member to be on the coalition. There are 20 coalition members. What this will do is add the Executive Director of the Manufacturer's Association of Maine, or the Executive Director's designee. The thought was to add another businessperson on the board. After the bill left committee I was in full agreement with this. I thank you for your time.

On motion by Senator **KATZ** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **PATRICK** of Oxford to **ADOPT** Senate Amendment "A" (S-196) to Committee Amendment "A" (S-187).

---

**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Joint Order "Authorizing the Establishment of the Criminal Code Revision Commission"  
S.P. 31

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

Signed:

Senators:

GERZOFISKY of Cumberland  
DUTREMBLE of York  
PLUMMER of Cumberland

Representatives:

DION of Portland  
CASAVANT of Biddeford  
KAENRATH of South Portland  
LAJOIE of Lewiston  
LONG of Sherman  
MARKS of Pittston  
PEASE of Morrill  
PLANTE of Berwick  
TYLER of Windham

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

Signed:

Representative:  
WILSON of Augusta

Reports **READ**.

Senator **GERZOFISKY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report.

---

Senate at Ease.

Senate called to order by the President.

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On motion by Senator **GOODALL** of Sagadahoc, placed on the **SPECIAL STUDY TABLE**, pending the motion by Senator **GERZOFISKY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS** Report.

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**ORDERS OF THE DAY**

**Unfinished Business**

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

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

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act Regarding the Law Pertaining to the Confidentiality of Enhanced 9-1-1 System Information and Records"  
S.P. 188 L.D. 495

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-151)** (3 members)

Tabled - May 31, 2013, by Senator **VALENTINO** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, May 31, 2013, Reports **READ**.)

Senator **VALENTINO** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **VALENTINO**: Thank you Mr. President. Members of the Senate, I want to thank the good Senator from Washington, Senator Burns, for the bill. The bill was not fully vetted before the Judiciary Committee since there is a pending appeal and lawsuit from Maine Today Media. We felt that it was better to wait on this bill until after the appeal was done. We hope maybe that the appeal is done that the Judiciary Committee can look at this again next session.

On motion by Senator **VALENTINO** of York, the Majority **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:

Resolve, Directing the Bureau of Insurance To Study Issues Related to Long-term Care Insurance

H.P. 121 L.D. 146  
(C "A" H-211)

Tabled - May 31, 2013, by Senator **THIBODEAU** of Waldo

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 23, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-211)**, in concurrence.)

(In House, May 29, 2013, **FINALLY PASSED**.)

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

Ordered sent down forthwith.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/3/13) matter:

SENATE REPORT - from the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Exempt Farmers from Certain Oversight in Shoreland Areas"

S.P. 231 L.D. 641

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-164)**

Tabled - June 3, 2013, by Senator **BOYLE** of Cumberland

Pending - **ACCEPTANCE OF REPORT**

(In Senate, June 3, 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#159)**

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, the **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-164)** Report, **ACCEPTED**.

**READ ONCE.**

Committee Amendment "A" (S-164) **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.

---

The Chair laid before the Senate the following Tabled and Later Assigned (6/3/13) matter:

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Amend the Law Pertaining to Defective or Unreasonably Dangerous Goods"

S.P. 462 L.D. 1331

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-163)** (7 members)

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

Tabled - June 3, 2013, by Senator **VALENTINO** of York

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

(In Senate, June 3, 2013, Reports **READ**.)

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

**READ ONCE.**

Committee Amendment "A" (S-163) **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.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/3/13) matter:

SENATE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Establish the Livestock Damage Compensation Fund"

S.P. 450 L.D. 1307

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-169)** (6 members)

Tabled - June 3, 2013, by Senator **JACKSON** of Aroostook

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

(In Senate, June 3, 2013, Reports **READ**.)

On motion by Senator **JACKSON** of Aroostook, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**. **READ ONCE**.

Committee Amendment "A" (S-169) **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.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/4/13) matter:

JOINT ORDER - Joint Order, Establishing the Commission To Study Transparency, Costs and Accountability of Health Care System Financing

H.P. 1123

Tabled - June 4, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **PASSAGE**, in concurrence

(In House, June 3, 2013, **READ** and **PASSED**.)

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

**PASSED**, in concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/4/13) matter:

HOUSE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-290)** (8 members)

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

Tabled - June 4, 2013, by Senator **GOODALL** of Sagadahoc

Pending - motion by Senator **DUTREMBLE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence (Roll Call Ordered)

(In House, June 3, 2013, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-290)**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### **ROLL CALL (#160)**

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **DUTREMBLE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

**READ ONCE**.

Committee Amendment "A" (H-290) **READ** and **ADOPTED**, in concurrence.

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

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The Chair laid before the Senate the following Tabled and Later Assigned (6/4/13) matter:

SENATE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-179)** (8 members)

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

Tabled - June 4, 2013, by Senator **GOODALL** of Sagadahoc

Pending - motion by Senator **TUTTLE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report (Roll Call Ordered)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#161)**

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **TUTTLE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.  
**READ ONCE**.

Committee Amendment "A" (S-179) **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.

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

Bill "An Act To Provide Integrated Community-based Employment and Customized Employment for Persons with Disabilities"  
S.P. 471 L.D. 1352

Tabled - June 5, 2013, by Senator **KATZ** of Kennebec

Pending - motion by Senator **PATRICK** of Oxford to **ADOPT** Senate Amendment "A" (S-196) to Committee Amendment "A" (S-187)

(In Senate, June 5, 2013, Reports **READ**. On motion by Senator **PATRICK** of Oxford, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-187)** Report **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (S-187) **READ**. On motion by Senator **PATRICK** of Oxford, Senate Amendment "A" (S-196) to Committee Amendment "A" (S-187) **READ**.)

On motion by Senator **PATRICK** of Oxford, Senate Amendment "A" (S-196) to Committee Amendment "A" (S-187) **ADOPTED**.

Committee Amendment "A" (S-187) as Amended by Senate Amendment "A" (S-196) thereto, **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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Senate at Ease.

Senate called to order by the President.

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Senator **GOODALL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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Senator **SAVIELLO** of Franklin was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

\_\_\_\_\_  
**RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass Pursuant to Constitution Pursuant to Statutes**

The **APPORTIONMENT COMMISSION** on Bill "An Act To Reapportion the Districts of the State Senate, State House of Representatives and County Commissioners"

H.P. 1126 L.D. 1557

Reported that the same **Ought to Pass**, pursuant to the Constitution of Maine Article IV, Part First, Section 3; Article IV, Part Second, Section 2; and the Maine Revised Statutes, Title 30-A, section 65.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-337)**.

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

**READ ONCE.**

House Amendment "A" (H-337) **READ** and **ADOPTED**, in concurrence.

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

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

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Off Record Remarks

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**RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

**ENACTORS**

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

**Apportionment Plan**

An Act To Reapportion the Districts of the State Senate, State House of Representatives and County Commissioners

H.P. 1126 L.D. 1557  
(H "A" H-337)

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise to support the pending motion and to say a couple of words about the process that was brand new to me. When we started this session, I got named to the Apportionment Committee, along with my good friends, Senator Cain, Senator Cushing, and Senator Mason. It's been a long process. Had a lot of meetings, had a lot of discussions. In the end we came up with a unanimous report on an issue that is very hard to get unanimous reports on. I just wanted to rise and talk about how much I appreciated everyone working together on this and coming up with this unanimous bi-partisan report. It wasn't always easy, but no one gave up and no one dug in and said nasty things about each other, which is, I think, the way that this building should operate. It's nice to see that we can come up with compromises on an issue that is as tricky as something that is drawing lines for our districts. Like I said, I know that both sides didn't get everything they wanted. There are some people that aren't 100% happy, but I think, with the situation that we were in and the shifts in population, we came up with a pretty good report overall and I'm happy to rise in support of it today. Just finally, again, I want to thank members of this Body. I want to thank the staff that we hired. Greg Olsen, Dave Emery, and all the people that they brought on to do this work. With that, I just hope that the Body supports this. Again, one last thank you for everyone that worked on it.

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I, too, rise in support of enactment of this plan. As the good Senator from Allagash indicated, we had quite a process to get to where we are. I'm sure there were some interesting discussions that went on in both caucuses because you're dealing with an issue that's near and dear to a lot of people, and that's what their political stakes may be in this process. The staff and members of the commission worked very well. They kept us on task at times when we were perhaps more distracted than we should have been. Through the process, I think the dynamics of Mr. Olsen and Mr. Emery stayed on point on many of the different changes that were proposed and helped us, as commission members, to see what we needed to do and steered us to a point where everyone has accepted it. I, too, want to extend my thanks to the members of both Bodies, and both caucuses. It was a pleasure to work on this and it's something that I think we can look back on and feel that we've done the very best for the citizens of Maine, to give them a balanced plan. I think it's commendable that we were able to work together and present this to the Body for consideration and hopefully final enactment so that we don't have to go the route of the third branch of government. 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, I just wanted to stand very very briefly to thank my colleagues, the Senators from Penobscot, Senator Cushing and Cain, and the Senator from Aroostook, Senator Jackson, and Congressman Emery and Mr. Olsen for doing such a great job working this map out. It's not easy. We've spoken to all of our colleagues in the Senate, Mr. President, and everyone had

opinions on how the districts should be drawn and I think we were able to work that out amongst everybody to come up with the map that's in front of you. Dealing with 186 districts in the Maine Legislature, as well as 16 County Commission Districts, and getting a unanimous report is quite a feat and I'm glad to say that we did that. We had hard negotiations and I think we ended up with fair and competitive districts. I think this is the first time in 20 years, Mr. President, that we've come up with a unanimous report, that the court didn't have to have a hand in drawing. Hopefully, we can get this through so we can make that a reality. Thank you to all that were involved. I think we have a good map that will serve the State of Maine for the next eight years. Thank you.

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

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, in the last session of the Legislature the former Speaker and I were often quoted saying, "The best work we do we do together." Today is an example of that. This bill represents that, in fact, in its truest form. The bill before us, which represents a unanimous vote of the commission, Mr. President, is an example of what happens when reasonable people come together to have a principled negotiation and get something done for the people of Maine. This was truly teamwork. I immensely enjoyed working with the Senator from Aroostook, Senator Jackson. We make a good team and we both approached this process to look out for the best interest of our caucus. I believe we achieved that. The Senator from Penobscot and the Senator from Androscoggin, I want to thank them for their collegiality and their collaboration in this process. Our side was blessed to have Greg Olsen and his able team of Maryanne and Hannah working hard for us day and night, with leadership, with expertise, and with talent. Certainly, Mr. David Emery, to be honest, Mr. President, until I got to know him through this process he was more of a legend of redistricting to me than an actual person of redistricting. Through this process I have seen that not only is he a tough and principled negotiator, but he has great stories and he thinks about maps all the time. I'm sure he's already started working on the one for eight years from now. We were supported ably by Shawn Roderick and Alex Pringle. Though he's not in the Chamber today, Mr. President, it cannot go without mention the work of the Independent Chair, Mr. Michael Friedman. Mr. Friedman kept us moving and he kept the pressure on the entire commission to get the job done on time and through consensus. We are fortunate that he was once again willing to take on this challenging role, two times in just the last two years. This process is shaped by the Constitution, requiring consensus to be reached to move ahead without the involvement of the courts. We've achieved what the Constitution envisioned. Neither side got everything they wanted, but we achieved a map that represents the best map that we could do right now and the best kind of work on both sides. The bill before you includes complete maps for the Senate, for the House, and for County Commissioners. The amendment from the House, which we accepted earlier today, was a merely technical amendment. Mr. President, reapportionment happens once every decade. This is a big deal. Because we have come to this point of agreement, this will not be a reapportionment that people recall that had rancorous stories of fights or broken negotiations. Instead, the 2013 Legislative and County Reapportionment Commission will be recalled with words like bi-partisan, principled,

and tough. My hope is that eight years from now, Mr. President, when we take up this task again, those appointed to the commission will look back and say, "Let's get this done the way they did it last time." That's what is best for Maine's people. I ask and urge your support of this map today. 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 in complete support and appreciation of the hard work of the Reapportionment Commission. That being said, I also want to rise and just state that this is another example of how we are actually getting work done in a bi-partisan way. We've seen this in issues dealing with workforce. We've seen this in committees dealing with issues of energy. We continue to work hard to do the people's business. One issue such as reapportionment, where in other states people actually have fled their state to avoid voting on reapportionment, here we are doing so in a very bi-partisan manner. As the President said on swearing in day, let's keep disappointing the people of Maine, those that are anticipating a fight. Instead we are working together to get things done. I think this is another example of how we should legislate and how we have been legislating. Thank you, Mr. President.

Pursuant to Article IV, Part Two, Section 2, of the Constitution and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the Members present and voting, 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.

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Senator **JOHNSON** of Lincoln was granted unanimous consent to address the Senate off the Record.

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

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

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Senator **GOODALL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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

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On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED**  
to Thursday, June 6, 2013, at 10:00 in the morning.