

# 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  
Thursday  
June 6, 2013

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

Prayer by Pastor Dave Pouchot, Crossroads Community Baptist  
Church in Lincolnville.

**PASTOR POUCHOT:** Let us pray together. Heavenly Father,  
thank You for this beautiful day that You have given to us, for the  
gift of life. We give You thanks for the gift of leadership You have  
bestowed on these men and women of this Body and each official  
who is in authority. We want to give You thanks for guiding us  
and we want to give You thanks and pay honor to whom honor  
we remember all those who are in authority. You told us to pray  
for all those in authority and we certainly want to lift up a prayer  
for the citizen of our beloved state, the wellbeing that will come  
forth eventually from these meetings and that laws that are  
passed here. We also remember in our state all those elderly  
folks. We remember with fondness continually, please, those  
men and women of our armed forces of America who serve so  
willingly, putting on that uniform with pride. Help us to remember  
them. Let us not forget, even though the bible says the poor will  
always be with You, help us to remember the poor. Help us to  
remember the handicapped. Help us to remember all the folks  
that need to gain profitability from the discussions, deliberations,  
and decisions that are made in this Body. We love You, Lord,  
and we count it a blessing that You have invested in us Your very  
image. Every one of us is created in Your image and for that we  
give You thanks. We can reason. We can pray. We can  
worship. We can have fellowship. We can do those things  
because You implanted it in our minds and in our hearts. We give  
You thanks indeed for the deliberations of this Body today. We  
humbly ask this prayer in the wonderful name of Jesus Christ,  
Lord and Savior. In his name I pray. Amen and amen.

Pledge of Allegiance led by Senator Roger J. Katz of Kennebec  
County.

Reading of the Journal of Wednesday, June 5, 2013.

Doctor of the day, Dr. Steven Wilson, MD of Morrill.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent 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)

In Senate, June 4, 2013, motion by Senator **TUTTLE** of York to  
**ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report  
**FAILED**. Subsequently, the Minority **OUGHT NOT TO PASS**  
Report **ACCEPTED**.

Comes from the House, the Majority **OUGHT TO PASS AS  
AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED  
TO BE ENGROSSED AS AMENDED BY COMMITTEE  
AMENDMENT "A" (S-148)**, in **NON-CONCURRENCE**.

Senator **GOODALL** of Sagadahoc moved the Senate **RECEDE**  
and **CONCUR**.

On further motion by same Senator, **TABLED** until Later in  
Today's Session, pending the motion by same Senator to  
**RECEDE** and **CONCUR**.

Off Record Remarks

COMMUNICATIONS

The Following Communication: H.C. 194

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

June 5, 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 Criminal Justice and Public Safety on Bill "An Act To Establish  
the Mobile Crime Laboratory Fund" (S.P. 238) (L.D. 647).

The House voted today to insist on its previous action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Transportation on Bill "An Act To Allow Media Motor Vehicles To Be Equipped with Amber Auxiliary Lights" (S.P. 123) (L.D. 327).

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 425

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

4 June 2013

The 126<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 126<sup>th</sup> Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1025, "An Act To Amend the Law Pertaining to Staff in the Office of the Attorney General."

This provision of law has existed in Maine statutes since 1919, without regard to any particular Governor or Attorney General. I am unaware of any issues that may have arisen making this change necessary. Governors set the salary of any number of individuals in state government, including those within independent offices. For example, the State Archivist, appointed by the Secretary of State, has his or her salary set by the Chief Executive. The authority to set or approve the salaries of staff throughout state government gives the Governor – whoever may be in office at the time – the opportunity to slow down expenses when times are lean.

This check within our government exists because, by the terms of the Maine Constitution, the Governor is vested with the executive power. It creates the duty to exercise responsible financial management of the State. That is why it is incumbent on the Governor to propose balanced budgets and why the power of curtailment is entrusted to the Executive. Curtailment balances the budget when costs exceed revenues; the authority to set salaries helps prevent costs from doing so.

Lastly, current law requires the executive agencies to utilize the Office of the Attorney General as their counsel and requires the Attorney General to represent them. Each agency pays invoices for those services. In the private sector, businesses can negotiate legal fees at the outset of the relationship. We have no such flexibility in state government, but the current law provides a

basis for discussions to occur around costs. That is simply one more reason why current law has worked well since 1919.

For these reasons, I return LD 1025 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Amend the Law Pertaining to Staff in the Office of the Attorney General

S.P. 350 L.D. 1025

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor?"

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

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The Following Communication: H.C. 187

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

May 31, 2013

The 126th Legislature of the State of Maine  
State House  
Augusta, Maine

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1366, "An Act To Require Public Schools To Offer Instruction Related to Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator."

As I wrote to the Legislature on LD 1139 in the 125th Legislature, CPR is an important life-saving technique and I encourage all Maine citizens to undertake training so that we, the people of Maine, are prepared in an emergency. Further, Automated External Defibrillators have saved a number of lives over the years and should be at the ready during large public gatherings.

However, this bill mandates instruction in all of Maine's public schools in accordance with rules to be adopted by the Department of Education. Those rules are supposed to ensure that the programs public schools offer are done without additional cost to the public schools. It is difficult, if not impossible, to develop a program that can be provided in every public school at no cost.

I have heard time and again from teachers, principals, and administrators that Maine's high cost of education is due to continued unfunded mandates from Augusta. If the Legislature truly believes this policy is necessary and requires a state law, then the bill should be resubmitted and funded with a reasonable estimate of the total cost, instead of directing the Department of Education to do the impossible, creating a statewide program at no cost. As I said in the beginning, training in CPR and AEDs is a noble goal, but it is one that should occur through an individual approaches for each community, rather than a state law.

For these reasons, I return LD 1366 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Require Students To Receive Instruction in Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator prior to Graduation

H.P. 974 L.D. 1366

Comes from the House, 125 members having voted in the affirmative and 18 in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor?"

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

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**ORDERS**

**Joint Orders**

On motion by Senator **CLEVELAND** of Androscoggin, the following Joint Order:

S.P. 598

ORDERED, the House concurring, that the Renewable Energy Study Commission is established as follows.

1. Renewable Energy Study Commission established. The Renewable Energy Study Commission, referred to in this order as "the commission," is established.

2. Membership. The commission consists of 13 members appointed as follows:

A. Three members of the Senate appointed by the President of the Senate, including at least one member from each of

the 2 parties holding the largest number of seats in the Legislature; and

B. Ten members of the House of Representatives appointed by the Speaker of the House, including at least one member 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. Conduct a comprehensive review of the State's diverse renewable energy policies, as set out in statutes and rules, in order to develop an integrated approach to ensure that the benefits of renewable energy are realized in this State at a reasonable cost;

B. Review the effectiveness of the State's current renewable energy policies in encouraging renewable energy generation at a reasonable cost, as well as in achieving other objectives set forth in relevant statute as those objectives may relate to renewable energy generation, including economic development, greenhouse gas reduction, reliability and price predictability and stability. The renewable energy policies to be considered must include, but are not limited to: the renewable portfolio standard under the Maine Revised Statutes, Title 35-A, section 3210, net energy billing under Title 35-A, section 3209-A, small generator aggregation under Title 35-A, section 3210-A, green power options under Title 35-A, section 3212-A, authority for long-term contracting under Title 35-A, section 3604, financial support provided for renewable energy projects under Title 35-A, section 10121, property assessed clean energy programs under Title 35-A, chapter 99 and incentives for tidal energy and offshore wind development;

C. Consider new policies including, but not limited to, customer rebates, feed-in tariffs and incentives for thermal energy derived from renewable resources;

D. Identify the most appropriate policies and policy changes to encourage the development of renewable energy for specific classes of generation, including, but not limited to, residential-, commercial- and industrial-scale generation;

E. Consider the scope of each type of policy and the possibility of a generator of renewable energy receiving more than one type of incentive;

F. Consider the extent to which such policies could be achieved more effectively or at lower cost to the citizens of the State or both by combining or modifying the current diverse approaches to achieving the State's various objectives relating to renewable energy;

G. Accept public comment regarding renewable energy policies; and

H. Conduct meetings in geographically diverse areas of the State.

For the purposes of this study, "renewable energy generation" includes, but is not limited to, energy generated from the following sources: onshore and offshore wind, solar, tidal, hydropower and biomass energy generation and any energy generation eligible for class I or class II renewable energy credits.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the commission.

7. Report. No later than December 4, 2013, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Second Regular Session of the 126th Legislature.

**READ.**

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

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass Pursuant to Joint Order**

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Reduce Energy Costs, Increase Energy Efficiency, Promote Electric System Reliability and Protect the Environment" H.P. 1128 L.D. 1559

Reported that the same **Ought to Pass**, pursuant to Joint Order H.P. 1125.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-350)**.

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

**READ ONCE.**

House Amendment "A" (H-350) **READ** and **ADOPTED**, in concurrence.

On motion by Senator **KATZ** of Kennebec, **TABLED** until Later in Today's Session, pending **SUSPENSION OF THE RULES** for the purpose of giving this Bill its **SECOND READING**.

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**Ought to Pass As Amended**

The Committee on **JUDICIARY** on Bill "An Act To Amend the Laws Governing Limited Liability for Recreational or Harvesting Activities"

H.P. 129 L.D. 154

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-331)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-331)**.

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

**READ ONCE.**

Committee Amendment "A" (H-331) **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 **JUDICIARY** on Bill "An Act To Amend the Laws Governing the Award of Spousal Support in Divorce Actions"

H.P. 367 L.D. 548

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-330)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-330)**.

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

**READ ONCE.**

Committee Amendment "A" (H-330) **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 **JUDICIARY** on Bill "An Act To Make Statutory Changes To Address Certain Conflicting Requirements of the Maine Rules of Professional Conduct and the Federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 Regarding Maine's Protection and Advocacy Agency" H.P. 883 L.D. 1249

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-332)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-332)**.

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

**READ ONCE.**

Committee Amendment "A" (H-332) **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 **JUDICIARY** on Bill "An Act To Amend Article 9-A of the Uniform Commercial Code" (EMERGENCY)  
H.P. 985 L.D. 1384

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-333)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-333)**.

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

**READ ONCE.**

Committee Amendment "A" (H-333) **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 **MARINE RESOURCES** on Bill "An Act To Improve the Quality of the Data Used in the Management of Maine's Fisheries"  
H.P. 332 L.D. 482

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-335)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-335)**.

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

**READ ONCE.**

Committee Amendment "A" (H-335) **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 **MARINE RESOURCES** on Bill "An Act To Expand the Authority of Lobster Management Policy Councils To Address Entry into Lobster Management Zones and To Create a Temporary Medical Allowance" (EMERGENCY)  
H.P. 1113 L.D. 1544

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-334)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-334)**.

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

**READ ONCE.**

Committee Amendment "A" (H-334) **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 **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Increase Access to Voter Lists"  
H.P. 519 L.D. 768

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-329)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-329)**.

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

**READ ONCE.**

Committee Amendment "A" (H-329) **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 **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Deregulate Face-to-face Transactions between the People and Small Farms and Small Food Producers"  
H.P. 914 L.D. 1287

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-326)**.

Signed:

Senators:

JACKSON of Aroostook  
SHERMAN of Aroostook

Representatives:

DILL of Old Town  
BLACK of Wilton  
CRAY of Palmyra  
MAREAN of Hollis  
NOON of Sanford  
TIMBERLAKE of Turner

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-327)**.

Signed:

Representatives:

HICKMAN of Winthrop  
JONES of Freedom  
KENT of Woolwich  
SAUCIER of Presque Isle

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-326)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-326)**.

Reports **READ**.

On motion by Senator **JACKSON** of Aroostook, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-326)** Report **ACCEPTED**, in concurrence.

**READ ONCE**.

Committee Amendment "A" (H-326) **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 **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Amend the Maine Metallic Mineral Mining Act To Protect Water Quality"  
H.P. 929 L.D. 1302

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-304)**.

Signed:

Senators:

BOYLE of Cumberland  
GRATWICK of Penobscot

Representatives:

WELSH of Rockport  
CHIPMAN of Portland  
COOPER of Yarmouth  
GRANT of Gardiner  
HARLOW of Portland  
McGOWAN of York

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-305)**.

Signed:

Senator:

SAVIELLO of Franklin

Representatives:

AYOTTE of Caswell  
CAMPBELL of Orrington  
LONG of Sherman

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-304)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-304)**.

Reports **READ**.

Senator **BOYLE** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-304)** Report, in concurrence.

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

Senator **BOYLE:** Thank you Mr. President. Men and women of the Senate, I rise today in support of the Majority Report and would like to describe what the bill does. This bill amends the mining law that was enacted late last year with a set of amendments that deal with water quality, protecting taxpayers from the possibility of paying clean-up costs, and encouraging mining companies to use best practices in any mining pursued in Maine. Let me briefly describe five provisions of the bill.

First, it requires an independent third party verification of mine closure costs. This provision will ensure that sufficient funds are available for clean-up if necessary. If the mining company doesn't clean up, the State can take those funds to do that.

Second, it requires an applicant to evaluate best practices at model mines across the U.S. and describe in their application materials how those techniques will be applied here in Maine. This is important because we want mining operations in Maine to incorporate the best industry practices for responsible mining.

Third, it prohibits the use of waste rock in the construction of roads.



Forth, the bill requires information about the number and duration of jobs to be created by any proposed mine and a prediction of how many of these jobs might be available to the Maine workforce.

Finally, the bill requires that mines be designed so they do not require a perpetual water treatment, which in the bill would mean treatment of water for more than 10 years after closure.

None of these five provisions are in existing law, yet all make sense to include in our mining law. Also there has been a lot of discussion about a particular mine in a particular county. This bill would be for all mining statewide and all future mining proposals. I do want to recognize that considerable work was done in the last session, when I was not here, by this Body and the other Body. I can assure you that we also worked very hard on this. We were very close to a bi-partisan solution, in my view, with exception of a couple of items. I do think that this Majority Report builds on the work from last year and will contribute to an appropriate set of standards for mining in Maine. I urge your support of the bill. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I do thank the good Senator who just spoke because he's right. We worked very hard on this together. Unfortunately, there are really two areas that we still disagree on. If we had more time I think we can bring agreement to those areas, but the only way we're going to do that is to defeat this motion. I'd like to explain a little bit some of my reasons for bringing this up and then I'll go through those two specific reasons. As the good Senator indicated, last year, I've been told by others who have been around here a long time, there were unprecedented work sessions and hearings in relation to a bill. We spent nine days in public work sessions. Not like work sessions where many of us have had where the public doesn't participate, but where, in fact, we drew upon those people in the audience to make the rules better. We had public hearings. Granted the first one was on a concept draft, but the second one was on the bill that we had put into place. Everybody, as we all know, when you work on a bill gets a part of it. You get some things you want and some things you don't want. What I did, with the committee, was take those things and say, "Okay, I like that idea from that group and I like that idea, but I'm sorry we can't take that idea." Unfortunately, for some that were in that room, it was either all or nothing, instead of the spirit of trying to put this together. Let me remind all of you, this is still coming back to us. It's going to the Board of Environmental Protection. They will make a statement, create the rules, and it still comes back to us for another set of public hearings and work sessions on the rules that are proposed. I've always said I'm always willing to make it better and I think some of the suggestions, as handed out on this sheet, do make it better. I do think the idea of the independent third party verification on closure costs is a great idea. I like the requirements of a standby trust. In fact, if I'd asked the right question last year, that probably wouldn't be on the list this year because I didn't think about landfills, even though it's something I have a lot of experience with. When I asked that question we all looked and said, "Ah ha, there's an answer." We did that. I think it helps by taking out "other", which was recommended by one of the consultants that was brought in by the Natural Resources Council of Maine. Other instruments to pay this, eliminating that

because he said that was the one thing that was wrong with it and made that better.

The two issues come down to the first two on the list that you see out there. It's the 10 year closure requirement for perpetual care and the monitoring with 100 feet of the mining unit. Let me also say this, it is sad because in the committee there was this bill and there were amendments that were proposed. Unfortunately, the sponsor of the bill never brought those amendments to me, to at least look at them, knowing that I was the principle person last year that led the committee through the process. I never saw them. If it hadn't been for the good Senator the day before, laying them on my table, I would not have known. When I looked at them I said, "Wow, these are not too bad. I think we can agree on almost all of them except for these two, and they need more discussion." Unfortunately, we went into the committee the next day, the discussion never took place. I bear the blame for some of that, but I think if we'd begun to talk about it we probably would have been able to sort them out. The two are the perpetual care for 10 years and water quality measurements within 100 feet.

Now as I describe this you, I'm also going to tell you that we had the State geologist, Bob Marvinney, come in and talk to us. Bob has no skin in this game. He's not influenced by anybody. He's a professional. I've known Bob for 11 years. We asked Bob to come in and tell us; what's perpetual care and how do you monitor water quality? It's not as simple as saying, "There's that mining unit. Let's put a well here, within 50 feet." You might not measure anything because you have to do a hydrogeo study. Let me step into that. First of all, you have this distance, this arbitrary 100 feet. When you do a hydrogeo study, I'll not get into technicalities of it, you have to actually go into a whole bunch of modeling where you have to figure out that here's the background well way over here that you're not going to impact and here's the water quality you are going to impact. They look at the different movement in the rocks. They do pump tests to pull it out and see where that influence takes place and now you locate the well. This says you've got to put it within 100 feet. Suppose it says it is supposed to be within 105 feet? You go say put it at 50 feet. You may mesh everything. You don't need 100 feet in there. You need to have a distance that makes sense based on the science. Let me also remind you that in the law last year we were very effective in saying the mining unit wasn't just the 50 acres the place was located on. It was every pile of rock, it was every hole that was dug, and every waste pile that was created that has to be monitored. Not just the whole site. If you think of your calendar as the whole site, because I can't hold exhibits up, then had somebody say, "I'll put the well out here, way out there, and I'll be fine." No, we said you have to be within the area of the mining by a specific mining unit. When I asked Mr. Marvinney to describe what I just told you about he said, "That's how you do it. You look for the way it moves through the rock and you decide the best place to put the monitoring well."

The one we really hung up on was the perpetual care. The law right now says 10 years. I know all of you have gotten the letter from Dr. Chambers. I'll read part of it to you. It says, "I believe it is reasonable to give a mining company 5 years after completion for the reclamation to treat the water treatment." It's pretty clear, 5 years. We did 10. You are saying, "Why are you complaining?" Well, in the next sentence, or a few sentences later, he said, "It's not technically possible to predict the water treatment will be required for only 10 years, 20 years, or 30 years after mine closure. No registered professional would make that prediction, that water treatment can be terminated in 10 years, 20

years, or 30 years after closure if they are held professionally responsible for this prediction." In one case he says 5 years is fine, but as professional I would never make that prediction. Is 5 years right? I don't think so. Is 10? Is 20? Is 30? I asked Bob Marvinney, "Bob, tell me what the answer is. You are the geologist here." I had no idea what the response would be. Bob said, "I looked at all the mines that are out there. Some had nothing, some had 5. I feel, in my professional opinion, it's 30 years." Bob Marvinney called me at home last night because he was ignored by some members of the committee, not the good Senator but others. He said, "I've done more work on this because I was concerned. I used my professional opinion to tell you whether 30 years was right or not. I called my fellow professional geologists and I asked them what they thought. Their comment was 30 years is a reasonable number." That still may be something less than that, but he did his homework, not asked by me but because he wanted to know that his recommendation to us was correct. I believe Bob Marvinney.

The most important testimony in front of the committee, to me, was the two geologists from the University of Maine. My understanding is that the geology department, or the earth science department, is one of the top ten in the nation. These two geologists came down to speak to us on nobody's nickel but their own. They took their own time because this is an issue that was very important to them. They said two things that reverberated continuously to me. Item number one was that they train geologists to do this work and to do it right. We can do it right, but all our geologists go someplace else to practice this work. We can do this work, and I want to emphasize, and we can do it right. The second thing was a most profound statement. They said to the committee, "How many of you have copper in your houses? Think about that. How many have copper in your houses? How many have silver somewhere? How many have gold somewhere? Where does that come from? Is it okay for people to go and mine and have no rules and regulations where we have a set of rules and regulation that people are going to follow that are probably pretty strict and stringent to take out the gold or the silver and do it right and use our own people to do it?"

I think we can. I think we can fix these two problems if you give us the opportunity by turning down this Majority Report. Thank you very much, Mr. President.

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

Senator **JOHNSON:** Thank you Mr. President. I rise in support of the Majority Report. I just want to note that I agree with you. We can solve these problems. We can do better. I agree that geologists may disagree on how best to do it, but there is already a great example in the Kennecott Eagle Mine in Michigan of best practice, which has a 5 year closure. It seems to me, with everything that is at stake in the state of Maine, if we don't get this right the possibility of damage to our waterways, wildlife, and things that we hold dear, and for other reasons in this state as well, that we need to get it right. I would argue that if we don't get on with the Majority Report all of the other things that I think we have agreed are valuable and appropriate, which are not included in the Minority Report, are not going to be happening. The 5 years that was in the permit for Michigan's 2004 mining rules, that's possible to do there. Some have argued that perhaps that's because they have, instead of an open pit mine, a shaft mine. If given the size and given the magnitude of the mines we're talking

about in the state of Maine, maybe that's what we have to do too. If we look at best practice, if we look at what it takes to produce a mine, it is the work and the engineering and all of the studies that supports that you can actually operate that mine, bring the ore out, and then close it without having unintended damage to the environment, to our waterways, our lakes, our streams, our trout, and all of these things that we also rely on for jobs, for industry, for quality of life in the state of Maine. I think we have to accomplish what is best practice in the industry. I think we already have an example that it can be done and we should be going ahead and setting those expectations for the rulemaking as it proceeds in our state. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you Mr. President. I just want to clarify things. You are absolutely right, Senator Johnson. Best practices, but there is a dramatic difference between a shaft mine and an open pit mine. In this bill, because we put 10 years in there, we severely limit the ability to institute best practices. Thank you very much.

**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 against the pending motion. I just wanted to stay that Senator Saviello and Senator Boyle, I think both had great points. Senator Saviello has knowledge on these issues that I don't have and don't think I ever will get as quite as good a grasp of. The issue before us came about from last session. I was asked by one group to consider the possibility of changing or amending the rules for mining. They hadn't been updated since, I believe, 1991. Immediately I was interested because of the prospect of what it could do for Aroostook County and what it could do for other parts of the state. At the same time I was very concerned because the one that is, quite honestly, before us today is probably 20 miles from my home. I know the area quite well. I've cut wood all around it. I was certainly concerned. I needed to get more informed. Before I left that meeting that day it was my honest to God words to them that I am not going to do this if I think that it's going to hurt the environment in Northern Maine. Since that time I think I've stayed pretty consistent, I'm still concerned about it but I'm still willing to let the process go forward. Today that's what I'm standing up and asking the Body to do. Let the process go forward that we started last year that said, just like Senator Saviello said, we're going to have rules come back to the Body next session. It's going to come back to the Environment and Natural Resources Committee. Obviously that committee can accept them as they are written. They can amend them. They can just flat out kill them if they think that it's not going to be something that is good for the state of Maine. I just think that we're a little bit premature at this point. There have been some people that just, I don't feel, want to compromise on this issue. I do think that there's the ability to compromise on that, even though we have the rules coming back. There have just been some people that flat out don't want to have anything but this.

I also spoke to the mining expert, I believe who was in Montana. The first thing that came out of his mouth was, just like Senator Saviello said, he didn't think that anyone could write the

rules for the perpetual care for any amount of time. He said that there shouldn't be any amount of time after the first day that you close. That is what came out of his mouth. Then he said, "Well, you know 10 years is okay," even though he had just told me that no amount of time should be allowed. I've got to say that that didn't impress me an awful lot. First he thought no time, but then, well okay 10 years. That doesn't sound to be great science. The mine that keeps coming up in Michigan, we don't know, I don't know, what the geology is there. I don't know what the rainfall amounts are there. What I do know is that snow amounts where I live and the snow amounts here are considerably different every year that I'm down here. Right now at my house the river is running extremely extremely high, whereas it seems to be not nearly as wet and saturated down here. We're a big state. We have a big difference in weather to some degree. I think permits should be written for the area and geology of the mining site, not for a blanket approach all across the state. That maybe doesn't work great for any mine, environmentally for anyone in the state of Maine. I just think that, you know, that's too big of a sample size to come down and say that this is how it's going to be for every mine in the state of Maine.

I am certainly willing to work on compromise language on this, but I don't think that what we have before us in the Majority Report is that compromise. I think we could have got there, but some people just feel that this is what they've got to have and there is no way around it. The paper that went around, probably five or six of the things on there, I could agree to that today. A couple of them I just can't agree to. The idea for me is that I'm 100% for making sure that the environment is protected. I live there. I've lived there my whole life. I don't want to be the guy that ruined that part of the state of Maine. At the same time, it's incumbent on me to let this process work out because Aroostook County is depressed. There's no doubt about it. To bring it back around about compromise, yesterday we just passed apportionment, redistricting, which is, I would say, even a harder issue than this and we got a unanimous report. Because of that apportionment committee that I sit on, I know first-hand the decline in the population in Aroostook County. When I first got here we had two Senators and part of a third. Then they did redistricting and it went to two Senators. Now Senator Sherman's district is only three-quarters in Aroostook County. We're just losing all time. I know that this is a statewide issue and I understand the importance of that, but at the same time if we can do this in an environmentally sound way I have to let this process play out so that Aroostook County has an opportunity for these jobs. Despite needing those jobs, at the same time there is lot of people that rely on us having clean waters and everything that's important in that regard. I'm very guarded. I have constituents that are on both sides of this. I feel very very comfortable in either trying to get a compromise on this, which is not hard, or waiting until the rules are written and we have this argument again next session. I think that what we're doing here today, or possibly doing here today, is an attempt to stop mining in Maine, which, at this point, I'm not willing to do. I want to see if there is a way to do this that is sound. I believe there is, but if there isn't than I'll be the first one that's screaming to put some type of stop on mining in Maine. We're just, in my opinion, premature on this and that's why I'm against the report, because I think it's important to allow the process to at least play out. Thank you very much.

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I find myself in an interesting position. I have had the pleasure of rising twice to support the good Senator from Allagash's position this week. I, too, am concerned and rise to respectfully ask that we not support the Majority Report. I feel, from my time as a town councilor in Hampden, where we dealt with the landfill and we dealt with the monitoring issues, that the science that has evolved in the process of protecting our environment has proven that if we listen to the people who understand and are diligently reviewing this that we will not create a scenario that damages our environment and damages our business economy. There is an opportunity for both to live together. In this case, although I have not spent time on the committee that has worked diligently on this process, I have observed and I have spoken with participants on both sides of this issue. I find that the people who are willing to come here and make the investment are committed to some of the same values that we are to Maine's environment. I think it's critical that we heed the words of the good Senator from Wilton and listen to the people who understand how they are going to create the type of policies that will assure that we have continuity. We've made some mistakes in the past in how we have allowed mining to go on in Maine, but I think we have learned greatly from that and I look forward to the opportunity for this to be another testament of Maine's ability to get things right. Thank you, Mr. President.

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

Senator **JOHNSON:** Thank you Mr. President. I rise again in support of the Majority Report. Ladies and gentlemen of the Senate, there are few things that make this particularly critical that we get this right. The Callahan open pit mine and the ensuing Super Fund clean-up that we dealt with was a much smaller total ore deposit than what we're looking at in locations like Bald Mountain. The tonnage for mining at Bald Mountain would vary from 34 million to 40 million tons compared to less than a million for Callahan. On top of that, it's not only very high sulfide, it's a large amount of tonnage we would have to deal with and what would be happening for that site and all the tailings taken from that site, which we are trying to recover metals from and protecting that from simply rainwater or other water producing sulfuric acid and then having to treat that in some way to prevent its causing tremendous damage to anything living in any of our surface water, waterways, water sheds, or groundwater. This is not only a problem of a large magnitude, larger than in the Callahan, dealing with how to prevent against these sorts of water problems with sulfide ore, but it also has extremely high levels of arsenic, a ledge ridge discovery at arsenic levels of only 10 to 15 parts per million. The data on Bald Mountain shows over 1,000 parts per million to 29,000 parts per million. We're talking about arsenic levels that are more than 1,000 times higher than those in other sulfide ore mines.

We have to get this right. We have to set high expectations for the engineering work, the planning, and what we expect any company coming into the state of Maine to be mining such ore to be doing to insure not only that during the course of operating that mine that we don't inflict that damage on our pristine Maine that is irreversible but also that it's going to be done in such a way that it can be closed in a reasonable amount of time, not something left for 30 years or longer. We're just talking about passing a problem

onto our grandchildren that wasn't solved well enough in the implementation of that mine to make it possible to close it and no longer have a problem with the groundwater needing treatment. If you close the mine and 10 years later you haven't figured out how to deal with all of those tailings and all of that ore in such a way that your rain falling on that site isn't going to cause pollution, that your natural groundwater is not going to be polluted by it, than something was done wrong in the first place. If you have to pass it onto the next generation and hope that 30 years down the road it gets solved instead of knowing that all the things you can do in 10 years would be enough than we're not setting the bar high enough. This is the state of Maine and people come here for the kind of wilderness, for the kind of wildlife, for the kind of streams and fishing opportunities that we love. We have to keep it that way. Yes, we do want them to come to the state of Maine and be responsible. This is setting the bar where it needs to be to ensure that that does indeed does happen within our lifetimes. Thank you.

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

Senator **BOYLE:** Thank you Mr. President. Ladies and gentlemen, I hardly slept a wink last night as I knew this was going to be the first time I'd be debating my good friend from Franklin and the Senator from Aroostook. The Bruins were part of the problem too. I'm feeling better now that I've got the first thing done. One of the things for me, being new here, is that I want to make a point in what I think would be fairness. I didn't bring up the mine in Michigan, but I have some information that was given to the committee. The Michigan rules were adopted in 2004, but that mine was not approved until 2010. I just want to make sure people understand that the 5 years, I don't even know for sure if it's started, I assume it has. There is a picture, so it must have started and it looks like it's a good mine. I just didn't want there to be any confusion about that.

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

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

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, I am a veteran of the mining wars of 2012. I was part of the Environment and Natural Resources Committee during all the public hearings on this issue last year. We decided to send this to the department at the time so that they could make appropriate rules for mining in this state. Let's keep that in mind. This has to do with mining across the entire state. This mine is not the only one available to us. This Irving project is not the only one out there. There are other deposits throughout the course of the whole state, therefore the rules will apply to the whole state. One of the things I recall from sitting through the mining wars was particularly the town managers. One particular town manager, from the town of Ashland, who came in and was on the verge of tears on the microphone to us. She was begging us to provide that area some relief. Each of the town managers came in and spoke about foreclosures and towns becoming ghost towns up there. They are begging us to allow this to happen. They need the work. They need the jobs. Let's not stand in the

way. Let's develop the right rules for the entire state. 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 just want to respond a little bit to my colleague from Lincoln County, Senator Johnson. I'm actually on the same side of the report as the good Senator and will be supporting this. I really wanted to clear up one of the issues. The Callahan Mine is in my district. I've made no less than three trips to it. I just don't think that's a great example for the discussion that's going on here today because this mine is actually under water. A 700 foot cove was dammed. This mine would never be permitted today. I understand where the good Senator is coming from, an example of things gone bad. In the historical research I did, quite a number of legislators were there on opening day when that ribbon was cut and when they started digging into that mine. It's sort of one of those historical timepieces. There is some question, really, about whether it should be a Super Fund or not based on, again, a number of trips. I've been down there and talking with local selectmen. While I'm going to support the pending motion, I just think that particular example really muddies the water, so to speak. Thank you.

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

Senator **SHERMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just have a few little items. I was on the Environment and Natural Resources Committee when our task two years ago was to write the framework for rules to be written. It's basically what we did. We didn't write the rules. Here's the framework, please follow these guidelines. That's one point that you should understand. I agree with both Senator Hamper and Senator Saviello as to their remarks. The third item, you should probably close your ears and eyes on this, but I have to get it out, this is a big state. There is 360 miles from here to Portland. You are closer to New Hampshire and Vermont, maybe you could go west and help those folks out. You are looking at 10 million acres of unorganized territory. I challenge some of you to walk around here and see what a 100 acre parcel is. It's not very big. Even 300 acres. I asked questions about the mines when I was on the committee. I think the one in Michigan. I asked what was the difference between here and where they are. The gentleman said, "We're a wet state." I said, "What do you mean?" He said, "It rains." Apparently they have more rain in Michigan than we do, but I thought the rains fell mainly in the Plains, but that's another issue. I'd just like to support the Senator Saviello. I think we need to take a look at this. I support the Minority Report. Let's go back and finish the job.

**THE PRESIDENT:** The Senator from Franklin, Senator Saviello, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **SAVIELLO:** Thank you Mr. President. I just want to take a minute to address the Callahan Mine site. As my good friend, Senator Langley, pointed out, it's not a real fair comparison because of a couple of points. One, there was no cap put on the

tailings ponds. That would have to be capped. That is part of the problem down there. I actually went and visited that site. There was no plan for closure. There were no financial assurances set aside. No monitoring of the environment. No treatments. Those are all the things that we fixed last year in the law. To compare it to this site is really not a fair comparison. Thank you very much, Mr. President.

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

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, I rise to oppose the pending motion, not because this is not a good report but because we cannot afford to be divided on this very important issue. We must get to a unified position on how to move ahead with our mining policy in the state of Maine because it is essential for us environmentally and economically, not just in Aroostook County but all across the state, if we're going to have a mine in Maine. I also spoke to one of the University of Maine professors that Senator Saviello, the Senator from Franklin, referenced earlier. What he said is true. This needs to be based on science and on facts and the 100 foot limit is simply not that. This is about being environmentally responsible and being pro-economic development. Last year's negotiation was tough and I know that. I ultimately supported that work, not because it was perfect but because it was a reasonable first step and included tough requirements for rulemaking to return to this Legislature in the second session. If we need to make changes or set parameters that cannot wait until the rulemaking process is done, then we must make them together. We must make them as unanimously as possible and we cannot do that if we pass this motion. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Cumberland, Senator Boyle to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (H-304) 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 (#162)

**YEAS:** Senators: BOYLE, CLEVELAND, CRAVEN, GERZOFISKY, GOODALL, GRATWICK, HASKELL, HILL, JOHNSON, LACHOWICZ, LANGLEY, MILLETT, TUTTLE, VALENTINO, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: BURNS, CAIN, COLLINS, CUSHING, DUTREMBLE, FLOOD, HAMPER, JACKSON, KATZ, MASON, MAZUREK, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **BOYLE** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-304)** Report, in concurrence, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-305)** Report **ACCEPTED**, in **NON-CONCURRENCE**.

**READ ONCE.**

Committee Amendment "B" (H-305) **READ** and **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-305)**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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**Divided Report**

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Protect Local Communities When a Mining Project Is Terminated"  
H.P. 948 L.D. 1324

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

Signed:

Senators:

BOYLE of Cumberland  
GRATWICK of Penobscot  
SAVIELLO of Franklin

Representatives:

WELSH of Rockport  
AYOTTE of Caswell  
CAMPBELL of Orrington  
COOPER of Yarmouth  
GRANT of Gardiner  
LONG of Sherman  
REED of Carmel

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-303)**.

Signed:

Representatives:

CHIPMAN of Portland  
HARLOW of Portland  
McGOWAN of York

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Amend the Law Regarding Affordable Housing Tax Increment Financing"

H.P. 863 L.D. 1218

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-307)**.

Signed:

Senators:

HASKELL of Cumberland  
MILLETT of Cumberland

Representatives:

GOODE of Bangor  
BROOKS of Winterport  
KNIGHT of Livermore Falls  
LIBBY of Lewiston  
MAREAN of Hollis  
MOONEN of Portland  
STANLEY of Medway  
TIPPING-SPITZ of Orono

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

Signed:

Senator:

THOMAS of Somerset

Representatives:

BENNETT of Kennebunk  
JACKSON of Oxford

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-307)**.

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (H-307) **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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**Senate**

**Ought to Pass Pursuant to Public Law**

Senator MILLETT for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Allow Further Review of the Report Defining Cost Responsibility for Deaf and Hard-of-hearing Students Receiving Services from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf"

S.P. 597 L.D. 1560

Reported that the same **Ought to Pass**, pursuant to Public Law 2011, chapter 683, section 11.

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

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

Ordered sent down forthwith for concurrence.

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**Ought to Pass As Amended**

Senator MILLETT for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Achieve Economic Growth by Enhancing Science, Technology, Engineering and Mathematics Education and To Meet Workforce Needs"  
S.P. 393 L.D. 1132

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-207)**.

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

**READ ONCE**.

Committee Amendment "A" (S-207) **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 CRAVEN for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Improve Access to Oral Health Care for MaineCare Recipients

S.P. 109 L.D. 276

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-197)**.

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

**READ ONCE.**

Committee Amendment "A" (S-197) **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 CRAVEN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide a Safe Working Environment for Home Care Workers"

S.P. 166 L.D. 434

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-198)**.

Report **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.

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

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Senator CRAVEN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Facilitate Patient Education"

S.P. 260 L.D. 711

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-200)**.

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

**READ ONCE.**

Committee Amendment "A" (S-200) **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 CRAVEN for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Establish the Commission To Study Long-term Care Facilities

S.P. 331 L.D. 986

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-201)**.

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

**READ ONCE.**

Committee Amendment "A" (S-201) **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 CRAVEN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Require Public Disclosure of Health Care Prices"

S.P. 335 L.D. 990

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-202)**.

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

**READ ONCE.**

Committee Amendment "A" (S-202) **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 CRAVEN for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Department of Health and Human Services To Amend the MaineCare Benefits Manual

S.P. 467 L.D. 1333

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-206)**.

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

**READ ONCE.**

Committee Amendment "A" (S-206) **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 MAZUREK for the Committee on **TRANSPORTATION** on Resolve, To Establish a Demonstration Project To Promote Economic Development in the Forest Products Industry

S.P. 541 L.D. 1467

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-208)**.

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

**READ ONCE.**

Committee Amendment "A" (S-208) **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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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Strengthen the Laws Regarding Certain Crimes Committed by a Person in a Position of Authority"

S.P. 556 L.D. 1491

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-209)**.

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  
MARKS of Pittston  
PEASE of Morrill  
PLANTE of Berwick  
TYLER of Windham  
WILSON of Augusta

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

Signed:

Representative:

LONG of Sherman

Reports **READ**.

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

**READ ONCE.**

Committee Amendment "A" (S-209) **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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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Restore Funding for Head Start"  
S.P. 207 L.D. 517

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

Signed:

Senators:

CRAVEN of Androscoggin  
LACHOWICZ of Kennebec  
HAMPER of Oxford

Representatives:

FARNSWORTH of Portland  
DORNEY of Norridgewock  
GATTINE of Westbrook  
MALABY of Hancock  
McELWEE of Caribou  
PRINGLE of Windham  
SANDERSON of Chelsea  
SIROCKI of Scarborough

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-199)**.

Signed:

Representative:

STUCKEY of Portland

(Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought Not To Pass** Report.)

Reports **READ**.

On motion by Senator **CRAVEN** of Androscoggin, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Allow York County To Renegotiate with the Department of Health and Human Services a Decision Regarding Transportation Services  
S.P. 371 L.D. 1089

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

Signed:



Senators:

CRAVEN of Androscoggin  
LACHOWICZ of Kennebec  
HAMPER of Oxford

Representatives:

FARNSWORTH of Portland  
CASSIDY of Lubec  
DORNEY of Norridgewock  
GATTINE of Westbrook  
MALABY of Hancock  
McELWEE of Caribou  
PRINGLE of Windham  
SANDERSON of Chelsea  
SIROCKI of Scarborough

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-203)**.

Signed:

Representative:

STUCKEY of Portland

Reports **READ**.

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

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Maintain the Integrity of the Fund for a Healthy Maine"

S.P. 426 L.D. 1232

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-204)**.

Signed:

Senators:

CRAVEN of Androscoggin  
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland  
CASSIDY of Lubec  
DORNEY of Norridgewock  
GATTINE of Westbrook  
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  
McELWEE of Caribou  
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.)

Reports **READ**.

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

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.

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Delayed Birth Registration" S.P. 446 L.D. 1284

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-205)**.

Signed:

Senators:

CRAVEN of Androscoggin  
HAMPER of Oxford

Representatives:

FARNSWORTH of Portland  
MALABY of Hancock  
McELWEE of Caribou  
SANDERSON of Chelsea  
SIROCKI of Scarborough

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

Signed:

Senator:

LACHOWICZ of Kennebec

Representatives:

CASSIDY of Lubec  
DORNEY of Norridgewock  
GATTINE of Westbrook  
PRINGLE of Windham  
STUCKEY of Portland

Reports **READ**.

On motion by Senator **CRAVEN** of Androscoggin, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Boards and Associations of Lakes and Ponds To Stock Fish"

S.P. 204 L.D. 514

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

Signed:

Senators:

DUTREMBLE of York  
HASKELL of Cumberland  
BURNS of Washington

Representatives:

SHAW of Standish  
BRIGGS of Mexico  
ESPLING of New Gloucester  
KUSIAK of Fairfield  
MARKS of Pittston  
SHORT of Pittsfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-210)**.

Signed:

Representatives:

CRAFTS of Lisbon  
DAVIS of Sangerville  
EVANGELOS of Friendship  
WOOD of Sabattus

Reports **READ**.

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

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**ENACTORS**

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

**Emergency Measure**

An Act To Amend the Laws Governing Gambling  
S.P. 130 L.D. 350  
(C "A" S-142)

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.

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**Emergency Measure**

An Act To Reduce Tobacco-related Illness and Lower Health Care Costs in MaineCare  
H.P. 261 L.D. 386  
(C "A" H-247)

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

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**Emergency Measure**

An Act To Create Uniform Claims Paying Practices in Long-term Care Insurance Policies  
S.P. 312 L.D. 891  
(C "A" S-147)

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.

---

**Emergency Measure**

An Act To Amend the Requirements for the Reporting of New Hires  
H.P. 653 L.D. 929  
(C "A" H-249)

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.

---

**Emergency Measure**

An Act To Remove a Conflict in the Law Restricting the Sale or Purchase of Targeted Methamphetamine Precursors  
H.P. 756 L.D. 1063

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.

---

**Emergency Measure**

An Act To Prevent the Reduction in Adoption Subsidy after an Agreement Has Been Signed by the Prospective Adoptive Parents and the Department of Health and Human Services  
H.P. 761 L.D. 1068  
(C "A" H-276)

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

---

**Emergency Measure**

An Act To Provide the Securities Administrator with the Power To Investigate Potential Violations Involving the Sale of Business Opportunities  
H.P. 905 L.D. 1266  
(C "A" H-265)

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.

---

**Emergency Resolve**

Resolve, To Continue the Redesign of Shared Living Services for Adults with Intellectual Disabilities or Autism  
H.P. 580 L.D. 829  
(C "A" H-269)

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.

---

**Emergency Resolve**

Resolve, To Establish the Task Force on Independence from Public Assistance  
H.P. 757 L.D. 1064  
(C "A" H-270)

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

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**Emergency Resolve**

Resolve, Directing the Attorney General To Report on the Status of Discussions on Domestic Violence on Tribal Lands  
H.P. 996 L.D. 1400  
(C "A" H-275)

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

Ordered sent down forthwith.

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**Emergency Mandate**

An Act To Make Veterans' Property Tax Exemption Applications Confidential  
H.P. 687 L.D. 973  
(C "A" H-231; H "A" H-260)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, 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.

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**Pursuant to Constitution  
Public Land**

Resolve, Authorizing the Department of Agriculture, Conservation and Forestry, Division of Parks and Public Lands To Convey Certain Lands and Enter into Certain Leases with the Federal Government

H.P. 1100 L.D. 1527  
(C "A" H-258)

In accordance with the provisions of Article IX, Section 23 of the Constitution, this requires the affirmative vote of two-thirds of the entire elected Membership of the Senate, 34 Senators having voted in the affirmative and no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

---

**Bond Issue**

An Act To Authorize a General Fund Bond Issue To Restore Maine's Groundfishing Industry

S.P. 316 L.D. 939  
(C "A" S-152)

Comes from the House Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

On motion by Senator **GOODALL** of Sagadahoc, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

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**Acts**

An Act To Allow a Junior Hunter To Take One Antlerless Deer without an Antlerless Deer Permit

H.P. 83 L.D. 101  
(C "A" H-263)

An Act To Ensure the Authenticity of Items Reported To Have Been Crafted by Native Americans

H.P. 100 L.D. 118  
(C "A" H-255)

An Act To Allow 2 Eligible Organizations To Jointly Hold a Game of Beano or Bingo

H.P. 126 L.D. 151  
(C "A" H-266)

An Act To Authorize InterCoast Career Institute To Grant the Degree of Associate Degree in Applied Science

H.P. 154 L.D. 193

An Act To Amend the Laws Governing the Discharge of a Firearm or Crossbow near a Dwelling or Building

H.P. 359 L.D. 540  
(C "A" H-264)

An Act To Clarify Uninsured Vehicle Coverage for Multiple Claimants

S.P. 218 L.D. 628  
(C "A" S-146)

An Act Establishing Health Care Practitioner Transparency Requirements

S.P. 265 L.D. 727  
(C "A" S-154)

An Act To Provide Guidance for the Development of Marine Fisheries Management Plans

H.P. 562 L.D. 811  
(C "A" H-259)

An Act To Require an Operator To Provide Evidence of Liability Insurance or Financial Responsibility at the Scene of an Accident

H.P. 643 L.D. 919  
(C "A" H-251)

An Act To Amend the Health Plan Improvement Law Regarding Prescription Drug Step Therapy and Prior Authorization

S.P. 329 L.D. 984  
(C "A" S-123)

An Act To Develop a Grant Program To Establish a Teacher-led School Model

H.P. 775 L.D. 1106

An Act To Amend the Maine Juvenile Code and Related Statutes

H.P. 782 L.D. 1112  
(C "A" H-262)

An Act To Further Ensure Effective Teaching and School Leadership

H.P. 809 L.D. 1144  
(C "A" H-254)

An Act Regarding Research and Development in Maine

S.P. 437 L.D. 1276  
(C "A" S-157)

LEGISLATIVE RECORD - SENATE, THURSDAY, JUNE 6, 2013

An Act To Clarify Civil Liability of Persons Making False Claims to the Department of Health and Human Services  
H.P. 991 L.D. 1388  
(C "A" H-250)

An Act Relating to Title Insurers Issuing Closing or Settlement Protection  
H.P. 1038 L.D. 1444  
(C "A" H-283)

An Act Relating to Insurance Company Formation and Dissolution  
H.P. 1066 L.D. 1485  
(C "A" H-282)

An Act Regarding Coordinated Access to Public Records of State Agencies  
S.P. 566 L.D. 1511

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

Ordered sent down forthwith.

---

An Act To Change Compensation for Career and Technical Education Region Cooperative Board Meeting Attendance  
H.P. 314 L.D. 464  
(C "A" H-279)

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

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An Act To Protect Charter Schools by Requiring Them To Be Operated as Nonprofit Organizations  
H.P. 463 L.D. 671  
(C "A" H-245)

On motion by Senator **JACKSON** of Aroostook, 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 (#163)**

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

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

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, 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.

---

An Act Relating to the Sales Tax Exemption on Depreciable Equipment Used in Commercial Wood Harvesting  
S.P. 272 L.D. 734  
(C "A" S-99)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#164)**

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

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

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, 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.

---

An Act To Improve the Administration of the Child Care Subsidy Program and To Prevent Erroneous Termination of Child Care Services

H.P. 579 L.D. 828  
(C "A" H-272)

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

An Act Regarding the Use of Mobile Poultry Processing Units  
H.P. 587 L.D. 836

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 (#165)**

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator  
having voted in the negative, 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.

---

An Act To Provide Consistency in the Application of the Property  
Tax Exemption for Religious Organizations  
S.P. 343 L.D. 998  
(C "A" S-135)

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

---

An Act To Protect Earned Pay  
H.P. 842 L.D. 1198  
(C "A" H-256)

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

---

An Act To Create the Aging in Place Program  
S.P. 473 L.D. 1354  
(C "A" S-143)

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

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**Resolves**

Resolve, Directing the Department of Health and Human Services  
To Clarify the Processes Regarding Registration of Recovery  
Agencies for Tissue and Organ Donation

S.P. 44 L.D. 123  
(C "A" S-149)

Resolve, To Encourage the Use of Career Interest and Aptitude  
Tests in Higher Education

H.P. 462 L.D. 670  
(C "A" H-244)

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

Ordered sent down forthwith.

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Senate at Ease.

Senate called to order by the President.

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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 (6/4/13) matter:

HOUSE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee  
Amendment "A" (H-286)** (9 members)

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

Tabled - June 4, 2013, by Senator **CRAVEN** of Androscoggin

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

(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-286).**)

(In Senate, June 4, 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 (#166)**

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

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

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED.**

**READ ONCE.**

Committee Amendment "A" (H-286) **READ.**

On motion by Senator **KATZ** of Kennebec, Senate Amendment "A" (S-221) to Committee Amendment "A" (H-286) **READ.**

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, most people in this Body probably slept well last night, comfortable in their position on Medicaid expansion. I was not among them. For some it's easy to say yes. Why wouldn't we want to cover tens of thousands of low income neighbors with health insurance when the federal government is going to pay 100%, at least in the beginning? It is a move which will inject money into Maine's economy and help relieve the pressure on private insurance rates. We're paying for their care one way or another, goes the argument. For others, Mr. President, it's equally easy to say no. Sure it sounds good now, they say, but Medicaid is a broken system in need of major overhaul before we put another nickel into it. Also the future costs to the State for expansion may turn out to be significant. Based on past experience and growing federal deficit, we can't trust Washington to keep its word. There is also the worry, which I share, that anytime the government provides something for nothing we

further plant the seeds of dependency on the State for some. I hear both sides and can agree with much of what each is saying. Today I offer an amendment which addresses enough of my concerns that if it is adopted I can vote for this bill. I hope others will be able to join me.

Let me explain the way the amendment changes the bill. First, we've had no hard confirmation from the federal government. They will, in fact, cover 100% of the non-categorical population of childless adults. We've heard words like probably and likely. This amendment says Maine does not participate in expansion until or unless there is confirmation that this entire population is covered. If there isn't, we do not participate. Second, this amendment repeals our involvement at the end of the three years, when the federal government stops paying for 100% of the cost. It's a hard sunset. It's not a review. It's not, "Let's pause for a moment." We are done. Only if a new Legislature considers a new bill and affirmatively votes to sign up again will Maine's participation continue. This must also be seen in the context, Mr. President, of an existing part of the amendment that says if the federal government does pull a bait and switch and says within the three year period that they are going down from 100% to 99% or 90% or 40%, it doesn't matter if they go down a percentage point, this law is repealed. We keep these hard sunset provisions so that Maine remains in the driver's seat. Forth, I believe it is absolutely important that anyone who is getting healthcare has to have skin in the game. They have to pay for a part of that visit or else there is just no incentive against unnecessary use of the system. Federal law severely limits what we can do, but we are not currently charging co-pays as high as we could. This amendment directs the department to go to the maximum of co-pays allowable under federal law. By way, to double co-pays for unnecessary emergency room use. It won't raise a lot of money, but it sends an appropriate and important lesson about the consequences of using the system. Fifth, the amendment addresses how we will pay for the expansion, the administrative costs in the early years and the larger costs in the later years. This expansion will result, itself, in some millions of dollars in savings because there are people now getting services with 100% of State dollars that now will be eligible for Medicaid and 100% federal dollars. These include some programs with mental health services, HIV services, and corrections. Those savings will be put aside. More importantly, the department is expecting other and much larger savings to MaineCare unrelated to this expansion. In fact, the State just received, as you will recall, a \$33 million SIM Grant, State Innovation Model Grant, money which is to be used to put more emphasis on early intervention and preventive primary care. In the department's application for this SIM Grant the department indicated that if these new initiatives were to be put into place that the State would save over \$470 million in the first three years by changing the way we do business. The department's own projections. This amendment, Mr. President, takes that money and the other money and puts it into a savings account, the Medicaid Expansion account, which will be first used to pay for any expansion costs without any other General Fund appropriation. Lastly, the amendment provides that before the end of the three year 100% period the department will retain a private non-partisan organization to see how things have worked out for us. What have been the costs? What have been the savings? What have been the health outcomes? If we are thinking at that point of signing up again, we'll have some darn good empirical data to use to make that decision. That's the amendment, Mr. President.

Some ask, why don't we let more time go by to allow for negotiations to occur between the Executive and Washington, to try to get ourselves a better deal? Mr. President, I stood before this Body on three separate occasions and made that argument. Since then, however, we have received word from CMS that the proposal to give us 10 years at 100% coverage was rejected. Currently, there are no negotiations going on. In discussions with the department I've learned that it will probably be six months before those negotiations commence again. I think it's time to act.

Two other points if I could, Mr. President. First of all, I would like to say a word about the impact on Maine's economy by the infusion over three years of close to a billion dollars of federal money into our state. Two days ago I woke up to read the Kennebec Journal and I saw an article that I think we can all celebrate. It announced the new defense department contract with Bath Iron Works for four new destroyers. In the article they interviewed furniture store owners, restaurant owners, and car dealers; all people understandably excited about the positive impact that the infusion of those federal dollars would have in Maine and the impact that it would make on our economy because hundreds of jobs, ship fitters, laborers, and janitors, all would be saved or created by that new contract. The same thing is true here. Medicaid expansion dollars don't go to recipients. They go to save or create thousands of jobs for our families, friends, and neighbors. They are not ship fitters or engineers; they are physical therapists, they are x-ray technicians, and they are nurses who will be buying those same cars, buying that furniture, or eating out a little bit more often. I think it's important that we don't lose sight of that. Lastly, I wonder why this needs to be such a partisan issue? It isn't for conservative Florida Governor, Rick Scott, who says, "While the federal government is committed to pay 100% of the cost, I cannot, in good conscience, deny Floridians the needed access to healthcare." It's not a partisan issue for Governor Jan Brewer in Arizona, a Tea Party candidate, who says, "By expanding Medicaid in Arizona we will protect rural and safety net hospitals from being pushed to the brink by their growing costs in caring for the uninsured. Take advantage of the enormous economic benefits, inject \$2 billion into our economy, save and create thousands of jobs, and provide healthcare to thousands of low income Arizonians. Saying no to this plan would not save those federal dollars from being spent or direct them to deficit reduction. No, Arizona's tax dollars would simply be passed onto another state, generating jobs and providing healthcare for citizens in California, Colorado, and Nevada." It isn't a partisan issue, Mr. President, for Republican Governor, Jack Dalrymple, in North Dakota or for Ohio Governor, John Kasich, who's a Republican, who says, with respect to Ohio, "We should not shoot ourselves in the foot and send out tax dollars to another state to be spent simply because if we don't do what we should do on Medicaid they will be spent again in California." "Well, I think it makes sense to bring this money home," says Governor Kasich, "This money can provide health coverage for many who cannot afford it. We don't want 275,000 Ohioans getting their primary care in an emergency room." It's not a partisan issue for Republican Michigan Governor, Rick Snyder, or Nevada Republican Governor, Brian Sandoval. It's not a partisan issue for New Jersey's Governor, Chris Christie, who said, "It's simple, we are putting people first. Accepting these new federal resources will provide health insurance to tens of thousands of low income New Jerseyans, help keep our hospitals financially healthy, and actually save

money for New Jersey taxpayers." All those words resonate with me. I hope they will with you.

Mr. President, I offer this amendment. It is the most difficult decision I have had to make in my time here in the Senate. I cast my vote not with any moral certainty that what I'm doing is right, but the belief that I have done the best I can do for what is best for our state, just as I know all 34 of my colleagues will do the same thing, whatever button they push. Mr. President, I urge a yes vote on the pending motion.

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 Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I just wanted to rise to thank the good Senator from Augusta for his amendment. There are times when we can celebrate up here and I wanted to acknowledge him and thank him personally. Thank you.

**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 the Senators to support the pending motion. We come to Augusta to represent our constituents and do what we think is best for our constituents and the people of Maine. We have tough decisions to make and we have to compromise. We have to work together. We cannot be siloed in one philosophical belief or another, especially on the most challenging issues. I feel strongly that we all know that when someone tries to determine whether or not they have enough money to go to the hospital to see a doctor they aren't thinking along the party lines. They are just trying to do what's best for themselves, do what's best, potentially, for their parents, their neighbors, their children, or whoever is sick. We have an opportunity to approve this amendment, to work together to do what's best for the state of Maine and for 70,000 Mainers. Is it everything that Democrats want? No. Is it everything that the Republicans want? No. Is it everything that the Independent wants in this Body? I'm sure that's a no. We must come together on the most challenging issues. This is one of the most challenging issues in the Legislature this year. It's a time to compromise. It's a time to work together. People's lives are on the line. This puts opportunities for people to improve their health. It's an opportunity for the state of Maine to be stronger. It's an opportunity to make our economy strong. It's an opportunity for us to push the button in favor of this amendment and do what is best, to do what is right. The questions have been answered. Now is the time to act. I would encourage all of us to work together to approve this amendment so we can send a strong message, not to anyone in this building but to the people of Maine. The people of Maine are having to make choices, having to forego medical treatment. We are seeing people suffer because they don't have the healthcare that they need. That is what this vote is about, men and women of the Senate. That's why we have to approve this amendment. We can get the job done and we can do it together. Thank you, Mr. President.



**THE PRESIDENT:** The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, not to belabor the issue. We certainly are all getting close to dinner time. There are a couple of things we certainly want to make sure are on the record. First of all, I know that I didn't make a study of all the people who have said things regarding Medicaid expansion, but I do know that Indiana's Governor, Mike Pence, a Republican, said, and I can't quote it but essentially the same thing that this Administration says. We need some more time to negotiate with the federal government. This isn't unique to Maine. There are Governor's all across this country that are saying the exact same thing. Not all of them, but certainly many. The fact of the matter is, there are ongoing negotiations with Washington. Conversations are being had every day around this issue. I think it would be an enormous mistake for this Body to take action at this time when we don't really know whether or not this is the best possible outcome for our state. We can have the discussion at a later date, when we know exactly what the best offer for our state is, and then we can talk about whether we can afford this, both in the short term and in the long term. The long term will create a situation, if the federal government delivers on its promises, where we will be facing some significant cost increases. I know that's not the amendment before us and I need to be careful, Mr. President, because I'll call myself out of order. Certainly I would hesitate to take action on this today, knowing full well that the Administration is, indeed, engaged in ongoing negotiations. Thank you.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to this amendment because I think this makes a terrible bill worse. To allow people, or to pay for or to provide health insurance for people for three years and then to yank the rug out from under those people is probably the worst possible thing that we could do. You can't let people become dependent on this and then take it away. Once people have this they need to be able to keep it. We need to make up our minds if we want to do this or not. I'd like to just quickly talk about a conversation I had with a doctor the other day. He works in a major hospital in Maine and he has two sons getting ready to go to college. He says, "I'm going to recommend that they become electricians, car mechanics, plumbers, because you can't pay back the debt that these kids are going to have at the reimbursement rates if you guys pass this bill." Thank you.

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

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm in that unenviable position of standing up and speaking against leadership, but I rise. Today on the calendar item 5-20, Resolve Directing the Department of Health and Human Services to Amend the MaineCare Benefits Manual. We're requesting more money be spent because we are not reimbursing at a rate where psychiatric treatment can be taken care of. Item 5-18 on today's calendar, Establish a Commission to Study Long-Term Care Facilities. Ladies and gentlemen of the Senate, not this Legislature, not the 126<sup>th</sup>, and

probably not the 127<sup>th</sup>, but we're looking at the 128<sup>th</sup> Legislature, you are going to be seeing nursing homes closing throughout this state. We have 7,000 beds. Why? Not enough money. The reimbursement rate is not adequate for the nursing homes to continue to operate. We are in financial trouble, ladies and gentlemen of the Senate. I know I'm speaking empty words here. We are in deep trouble, financially. We cannot afford this. Two dollar co-pays. Three dollar co-pays, as the amendment calls for, is not going to bail this out. Don't do this. We're in trouble. Face the reality. We cannot afford to do this. 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 want to talk about a couple of things and then I'll take my seat. I think we know where this is going, but I think it's important to note that we already have about 1 in 4 Mainers currently enrolled on our MaineCare program. That's about 330,000 people. Compared to our neighbors next door, New Hampshire, they have about 118,000 on their Medicaid rolls. This means that we already have almost three times as many people enrolled as our neighbors to the west do. I think another point that bears repeating is that we currently have 3,100 people on Section 21 and 29 wait lists. People with cognitive disabilities that are unable to feed themselves and unable to function. They get services when they are in K-12 education, then when they get out of the education system they sit in front of their televisions and wait for us to find the money to be able to help them. We still have these people on waiting lists. They've been on there for years. Even with the amendment that's in front of us, we're still putting able bodied adults in front of these people. I think that that borders on insane.

We've heard a lot of talk about this 100% coverage, free coverage, for the first three years of this program. That is not true. Only some of the expansion is covered at 100% for the next three years. DHHS, in the fiscal note of this bill, said that they need 93 new full-time employees just to administer the newly enrolled people. This will cost our taxpayers \$14 million; 50% of that cost will be paid for by tax dollars and 50% will be covered by Maine taxpayers. Any way you slice it, 100% of the cost is paid by us. It doesn't matter which pocket you take it out of, it's all our money. This means that right away we would need to cover \$7 million just in administrative costs. The actual price tag in the next biennium is \$24 million because some of the expansion will only be matched at 61.5%, not 100% free.

Some of the Governors mentioned in my very good friend, the Senator from Kennebec, Senator Katz's testimony are lucky. They didn't do the early expansion that Maine did and, therefore, will get benefits that Maine will not get. We were an early expander state. We are not going to get the reimbursement that other states, like Texas, Florida, Alabama, or other states, will get. We are being punished for doing what the federal government wants us to do now, but we did it 10 years ago. The price tag for this does not remain flat. It inflates. It expands, more than doubles. When the free deal runs out, so-called free deal, it will cost us \$150 million per biennium. We're having trouble finding the money that we need right now for our current healthcare costs. How are we going to find \$150 million every biennium in perpetuity? I don't think we can. We've been made a lot of promises by the federal government over the past 10 years

and we've seen that those promises don't always come true. We've been promised the same things now that we were promised back then. Fewer emergency room visits, less charity care, and people would have better relationships with their primary care physicians, but we didn't see that happen. We saw emergency room usage go up. We saw the amount of people with coverage remain flat. We spent \$1 billion more on Medicaid over the past 10 years and charity care has grown tremendously. Mr. President, I would suggest that the reason that we're in the mess that we're in right now with our back payment to hospitals is because of this very scheme that we were promised by the federal government, except we did a 10 year precursor to it already. Mr. President, men and women of the Senate, I will be voting in opposition to this amendment. It's a bad deal. As a matter of fact, we don't even know what the deal is. I would urge the members to oppose the amendment. Thank you, Mr. President.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I doubt that I can add anything to this discussion. I sat here through many discussions and said absolutely nothing about this issue, but for one time. I am going to speak on it today. I really do appreciate the effort of my good friend, the Senator from Kennebec County, for bringing forth this amendment. Unfortunately, from my perspective, this is an effort to make a very bad bill a little less bad. I've heard it said here, and it is difficult, that is difficult to speak against your leadership. There comes a time, I think, when you have to speak up and I'm trying to do that right now. A moment ago somebody said don't bring your philosophical differences to this and try to work out something. All of us are here on one philosophy or another. My philosophy is that to make a bad situation worse is not a good philosophy. The last thing in the world I want to do is create more dependency in this state. I would rather have us spend our efforts in being smarter about how we distribute these funds to people that are truly in need. We've just heard about many of those people; the 3,100 that are waiting on those two lists. We've got many people that deserve this coverage. We've got many people that do not. We need to put our efforts into trying to sort that out, rather than increasing this by 50,000, 60,000 or 70,000 people. If we put as much effort into creating jobs and improving our economy in the state of Maine as we have into this discussion since I've been here this winter, we wouldn't have to worry about coverage for these people. They would be able to go out and work. They would be able to have a job, if they so choose. The argument that if we don't take it another state will doesn't wash with me either. There is no such thing as free care. I don't care whether it comes from our state, a neighboring state, or the federal government. We're headed for a cliff. I know many of you don't believe that. I do believe that. I have many grandchildren. I don't want to see those grandchildren go over that cliff. If we don't stop thinking of this as free care we're going to go over the cliff. There is no question in my mind. The federal government can't pay for what they've extended themselves for now and neither can this state. It's time that we were smarter about what we're trying to do. It's time that we helped people get jobs. It's time that we encouraged those people that don't need to receive this coverage to get off of it. I would ask you to vote against this pending motion. Thank you, Mr. President.

**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, feel that there has been thoughtful debate on this issue, but I rise today in opposition to the amendment. I don't do it without some concern and respect for the people who today have weighed this issue. We were told this was about choices. It is. In my mind, it's a choice of whether we continue to embolden the federal government plan of trying to offer more than they can. Here in this state, we've made choices. We've made choices as it relates to the payment of hospital debt. We've made choices about payment of what our state has said they want education to get. We've made choices when it comes to State employees and whether they deserve merit and longevity pay. I think it's a matter of priorities. To say that 70,000 able bodied people need to be included when there are over 1.2 million people who are struggling in this state, I think, is an incorrect choice to make at this point. We have ways that we're now dealing with many of these situations. I think we need to make the choice that is right, not the one that is convenient. 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, governing is challenging. Decisions are hard. We do it with utmost respect for one another. We have to understand the facts that we're dealing with in front of us at the time we're voting. We have an opportunity to move the state ahead. An opportunity to provide healthcare, funding 100% through the Affordable Care Act, that will automatically stop in three years. This decision is not looking further than three years. We speak about dependency. We speak about fiscal responsibility. We make assumptions that this will put us back into the place where we are. Let's make sure we consider all the facts. This amendment allows the State to forward in a fiscally prudent manner. It actually addresses a key issue in why we have a debt owed to our hospitals. We have too much emergency room use, folks. That is one of the critical components that this amendment will help address if we adopt it. It will arrange for an opportunity for Mainers, those 70,000 of them, that do not have a doctor to develop a relationship with one, instead of developing a relationship, or having an ongoing relationship, with an emergency room. It actually incentivizes the relationship with a primary care doctor. We use words that often are so frustrating to me around healthcare. It may bankrupt our country, our state. The leading cause of bankruptcy for individuals is often healthcare costs. We are an old state. We are dependent upon an aging workforce. We need a healthy workforce. If you think our challenges are hard now, if you think we're facing a demographic cliff, I can't imagine if that's a sick demographic cliff. You go ask the businesses in your districts what they do with a sick workforce. They are very worried about an old workforce, I can guarantee you that. This amendment is more than just talking points. It's more than just assumptions. It's about addressing reality, the reality that we have an opportunity to move forward on a compromise that's in the best interest of our state, and Mainers, that will make them healthier and put our state in a stronger financial position. It is a deal that is provided to us for

**ROLL CALL (#167)**

100%. Why would we turn that down if we approve this amendment? Why? We all have roles in business in some shape or form. Some of us own them. Some of us consult with them. Some of us work for them. Would you turn down 100% opportunity? That's what this amendment allows us to do, for three years. If, in fact, it's not working, men and women of the Senate, in three years, we don't even have to vote to have it go away. It is repealed. Is that exactly what I would want, or the folks on this side of the aisle? I guarantee you, no. This is about governing together. This is about addressing concerns. That's what the good Senator from Kennebec has done. We need to be focusing on what is pending in front of us in this amendment. Let's deal with the facts, men and women of the Senate. This is a great opportunity. It's a fiscally prudent opportunity and will provide healthcare to 70,000 Mainers. Now is the time to approve this amendment. Thank you, Mr. President.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just wanted to rise and say that it is a lot about philosophy in this Chamber and, quite honestly, my philosophy is that everyone should have health insurance and everyone should be able to afford to have health insurance and not have to worry about things happening to them or things happening to their family. This bill doesn't go as far as I'd like to see it go, but it is at least an attempt to cover some of them. We heard a lot about abled bodied. I think that if I wasn't in this Chamber I would be one of the people that would be covered under this act. I assure you that I am abled bodied. Without health insurance I would be 100% ruined at this point. The last operation I had, I believe, the bill was \$102,000. I won't make that in five years. I won't make that in six years. I don't know, really, what I would do if I didn't have health insurance. I just can't forget the people that have these issues. That didn't ask for them. They never saw it coming. These are working poor people. They are abled bodied, but they just can't make it. You can't blame anyone that gets a sickness or disease or something that causes them to have payments. I don't know how anyone can do it. While the amendment is not as far as I would go, I think a lot of the arguments that we heard earlier, this amendment takes care of them. It's 100% funding for three years and then it stops. I believe in those three years people will see that it's a good thing and maybe we can have this discussion in three years to expand it. At least at this point, it's going to stop in three years. I'm willing to take the chance that, with 100% funding, it's good for the people of the state of Maine.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Kennebec, Senator Katz to Adopt Senate Amendment "A" (S-221) to Committee Amendment "A" (H-286). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

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

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

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **KATZ** of Kennebec to **ADOPT** Senate Amendment "A" (S-221) to Committee Amendment "A" (H-286), **PREVAILED**.

Committee Amendment "A" (H-286) as Amended by Senate Amendment "A" (S-221) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-286) AS AMENDED BY SENATE AMENDMENT "A" (S-221)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/5/13) matter:

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

H.P. 1127 L.D. 1558

Tabled - June 5, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **REFERENCE**

(In House, June 4, 2013, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.)

On motion by Senator **TUTTLE** of York, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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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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Senator **CLEVELAND** of Androscoggin was granted unanimous consent to address the Senate off the Record.

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Senator **PATRICK** of Oxford was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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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,  
**RECESSED** until 3:00 in the afternoon.

After Recess

Senate called to order by the President.

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Off Record Remarks

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#### **ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later Today Assigned 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 - June 6, 2013, by Senator **GOODALL** of Sagadahoc

Pending - motion by same Senator to **RECEDE** and **CONCUR**

(In Senate, June 4, 2013, motion by Senator **TUTTLE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **FAILED**. Subsequently, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.)

(In House, June 5, 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" (S-148)**, in **NON-CONCURRENCE**.)

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

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

Senator **PATRICK:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I'm not going to expound too much about this. I said about as much as I could last time around. I hope you stick with me and vote against this motion so we can go on to the Adhere position. This is a bill that comes before us every year. Someone wants a carve out here, a carve out there. There are 50 small businesses in Portland who are eligible to have a liquor license. We're looking to put two more in. Who is going to be the winner? Is it going to be a small business? Is it going to be another Hannaford's? I'm not sure. I really think that we don't need any more agency stores other than the 17 that are still open that could go into communities that aren't putting them on. I just ask you to follow my light and vote against the Recede and Concur. Thank you.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, it's rather unique that my seatmate and I are disagreeing, but we always have disagreed respectfully. Mr. President, I would hope that we would accept the motion to Recede and Concur. As I had mentioned, this bill authorizes the licensing of ten agency liquor stores for the population of over 45,000. I think the present situation is hindering a number of small businesses in our larger cities. As the good Senator from York, Senator Collins, said, this is where it should be done. I mentioned to you that the state of New Hampshire will be implementing eleven new state liquor stores this summer, all along the Maine border. From a competitor perspective, from a business perspective, we need to run our liquor business like a business. We've done positive things in the last decade. I think this is a step in that right direction and I would ask for your vote to Recede and Concur. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Sagadahoc, Senator Goodall to Recede and Concur. 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 (#168)**

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

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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **GOODALL** of Sagadahoc to **RECEDE** and **CONCUR**, **PREVAILED**.

Senator **PATRICK** of Oxford moved the Senate **RECONSIDER** whereby it **RECEDED** and **CONCURRED**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECONSIDER** whereby the Senate **RECEDED** and **CONCURRED**.

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

An Act To Amend the Law Pertaining to Staff in the Office of the Attorney General

S.P. 350 L.D. 1025

Tabled - June 6, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **CONSIDERATION**

(In Senate, May 23, 2013, **PASSED TO BE ENACTED**.)

(In Senate, June 6, 2013, Veto Communication (S.C. 425) **READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#169)**

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFSKY, 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, and 20 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

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

An Act To Require Students To Receive Instruction in Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator prior to Graduation

H.P. 974 L.D. 1366

Tabled - June 6, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **CONSIDERATION**

(In House, June 5, 2013, **VETO OVERRIDDEN** and the Bill **PASSED TO BE ENACTED**, notwithstanding the objections of the Governor.)

(In Senate, June 6, 2013, Veto Communication (H.C. 187) **READ** and **ORDERED PLACED ON FILE**.)

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

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, I am victim of a double overtime win. My wife and I went to the Bruins' game last night and got back at 3 o'clock this morning. Whether or not that is an excuse, it was a nice time and it was a really hopping ice rink last night.

As I started to say a minute ago, this bill came in front of us, in front of the 125<sup>th</sup>, as a mandate for high school graduation, that every student know how to use an automatic defibrillator and CPR. Those were really great goals, but to mandate that was a little bit out of our reach, we felt. We told those folks to come back to the drawing board and that they did two years later. A stripped down version of what they felt were the most essential parts of actually a new way of doing CPR. I hadn't known myself that it had changed since even a couple of years ago when I stopped working with my Boy Scout troop. It has been stripped down to just be included in the learning results, mostly in the

health delivery of the curriculum. Really down to even just seeing it on a video. We had some young folks come, volunteer firefighters and high school folks, that were demonstrating out in the hallway the new technique, done to the beat of "Staying Alive" by the Bee Gees. It's different. All you really have to do is see it once to really understand it. If you had to save someone's life, I think you could do it. Most people could do it. This may look like a mandate, come across as a mandate. There are a lot of things in the health curriculum. I think most people would find that if I was in the classroom, and were provided the materials, that I could find the 20 minutes or so that it would take to show this. Even if you had just seen it I think you would feel comfortable if you had to, in an emergency, you would be able to do that. I'll be pushing the green light today. Thank you.

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

Senator **MILLETT:** Thank you Mr. President. Members of the Senate, recognizing that it is National CPR Week, it feels appropriate to rise and speak in favor of overriding the Governor's veto. Sudden cardiac arrest is a leading cause of death. Nearly 400,000 out of hospital cardiac arrests happen each year in the United States. When a teen or an adult has a sudden cardiac arrest survival depends on receiving CPR within five minutes. Sadly, 89% of people who suffer out of hospital cardiac arrests die because they don't receive immediate CPR. This bill seeks to change this awful statistic and it does it in a simple, cost free way. Most Americans, 70%, feel helpless to act during a cardiac emergency because they don't know how to administer CPR. They are afraid to do mouth-to-mouth or they are afraid of hurting the victim. The new hands-on CPR works to lessen the fear and helplessness. It empowers ordinary people to save lives. I know, I was one of that 70%, but after being trained by a Greeley High School teacher and her amazing students I feel much more confident that I would know what to do in an emergency. For that I am so very grateful. This teacher and her students trained me in less than five minutes. In fact, they trained the entire committee. This just might have been the most important lesson of the entire session. The science behind Cardiopulmonary Resuscitation, or CPR, has changed quite a bit over the past 250 years and the bill you have in front of you reflects current science and recommendations.

You may remember CPR bills from the past. This bill is very different. Students no longer need take a three to four hours CPR certification course in order to understand CPR. They just need the very basics. With hands-only CPR learning this lifesaving skill has never been faster or easier. It takes about 20 minutes and entails watching free on-line videos that are geared towards kids and practicing compressions at 100 beats per minute to some of our favorite tones. I won't sing them for you. The compressions can be done on a partially deflated soccer ball or, if it's available, a CPR dummy. It is important to note that teachers do not have to be certified or trained to show the video or lead the instruction. It could be done as part of physical ed or health class or even music, using a metronome as a teaching tool. The best news is that this can be done at no cost. There is no fiscal note and there is no mandate on this bill. Our committee worked very hard to amend the original bill to guarantee this would be the case. This was a unanimous committee report and our entire committee stands behind it. Again, at its very basic level, students could view and American Heart Association public service

announcement for hands-only CPR and practice compressions on a partially deflated soccer ball, something all schools have. Many schools have CPR dummies already and many local EMS and firefighters are willing and able to come to schools with their equipment to train students. EMS knows that without bystander CPR they probably won't be able to save a life. Twenty minutes to save a life of someone you love. Twenty minutes to feel empowered. This bill is about empowering our youth to recognize an emergency, call 911, and push hard and fast in the middle of the chest until help arrives. That, combined with the simple instructions on what an automated external defibrillator does and where they can be found, is all that is necessary. In less than one class period over the four years of high school students can learn how to save a life. Since 88% of cardiac arrests happen at home, the life these students save will probably be someone they know and love. Thank you, Mr. President.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today in support of the override on the Governor's veto. I've been a paramedic firefighter for 26 years. There is nothing more disheartening than going to someone's house, a shopping center, a ball field where a child is playing, and getting there and having to perform CPR and defibrillation on somebody that has been down and all the bystanders saying, "No, we didn't do anything. We didn't know how. We were afraid to." We come and we take over. Realistically, those five, eight, or whatever minutes it is that that person was down, your chances of reviving them have dropped dramatically. It would be the firefighter's, the EMT's, the paramedic's, and the doctor's wish that everybody knew CPR and defibrillation. I see it firsthand on a daily basis. This is definitely a step in the right direction. This has nothing to do with politics. It has to do with saving people's lives. It's very simple and very easy to do. I would hope that you would join me in pushing the correct light. Thank you.

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

Senator **GRATWICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, I also wish to support this. Cardiopulmonary resuscitation has a long and very noble history here in Maine, in as much as it was invented by Dr. Bernard Lown. He comes from the Lown family from Bangor and Old Town. They had the Lown Shoe Company there. He's a cardiologist in Boston. He invented this technique. Before, I think, 1954 it didn't exist. Dr. Lown is still around. Extraordinarily distinguished man. He got a Nobel Prize for a quite unrelated thing in 1984. I think this is something that Maine should be very proud of and sign onto. Thank you.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I won't spend time repeating some of the things already said, and said very well, by the Senator before me. I have to believe, however, that had our Chief Executive had the opportunity to participate in the same training we, on the

Education Committee, had I think he would have had a different opinion of just how easily this can be done and at what sort of expense. It's very appropriate and this is something all of our children should know. I think that it's a good thing for us to teach how to save lives. There are lots of things we teach in school. That is one that only takes 20 minutes out of the entire school year. I hope you will join me in supporting this. Thank you.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, believe it or not, this is probably the first bill that I put in back in 1979. Back then we had the state of Oregon, the state of Washington, and a number of states around the country that had already implemented legislation like this. That was 25 years ago. We find ourselves 25 years later still debating this issue. I think that as the bill has been amended, taking away the mandate, that is probably going to put us in a pretty good situation. I remember a gentleman that had worked for me as a Senate Aide before. He told me that as a young man when he and his father were walking on the beach his father had a sudden heart attack and died in front of the young man. It was something that he remembered for the rest of his life. I think that if he would have had CPR at the time, in his Boy Scout uniform, he might have been able to save his father. I think that the time has come. I do understand the concerns the Governor, the Executive, has, but as somebody has said, I think evaluating the situation and taking the mandate away, it is very appropriate that we finally do pass this bill. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, certainly we've heard a lot about the importance of this training. I've had this training myself. As a matter of fact, the town of Prospect, where I had a concrete plant years ago, didn't have one of these defibrillators and they came to me and asked me if I would be willing to help them with a fundraiser. We purchased that defibrillator because we believed it was absolutely imperative that the community have one. I don't think anybody here in this Chamber thinks that it is a bad idea. I think that the question becomes; do we really need to tell our local schools what to do and don't do? I certainly don't think that it's a big deal. I think they can make that decision on their own. I'd encourage them to do it, but I don't think I'd tell them through legislation. 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 just wanted to say that I do think that this is an important issue that should be taught to our kids. I would have to say that it has to be very very frustrating to be anywhere and have somebody go into cardiac arrest and not be able to do anything to help them and stand there and probably watch them die. I think the ability to maybe show some people how important this is and the more people that we have trained in this, I think, is better overall for the public. I'm struck by how yesterday we had a bill about ASVAB tests. We were okay about

mandating schools to do that, but today we're against, or at least some people in the building are against, mandating a lifesaving procedure like CPR.

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#170)

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

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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, and 22 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

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

An Act To Reduce Energy Costs, Increase Energy Efficiency, Promote Electric System Reliability and Protect the Environment  
H.P. 1128 L.D. 1559

Tabled - June 6, 2013, by Senator **KATZ** of Kennebec

Pending - **SUSPENSION OF THE RULES** for the purpose of giving this Bill its **SECOND READING**

(In House, June 5, 2013, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-350)**.)

(In Senate, June 6, 2013, Report **READ** and **ACCEPTED**, in concurrence. **READ ONCE**. House Amendment "A" (H-350) **READ** and **ADOPTED**, in concurrence.)

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

On motion by Senator **YOUNGBLOOD** of Penobscot, Senate Amendment "A" (S-222) **READ.**

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

Senator **YOUNGBLOOD:** Thank you Mr. President. Ladies and gentlemen of the Senate, this is a very very good bill that we are looking at today that a lot of people put a lot of time into. It is always easy to oppose something. In fact, it's very easy sometimes to oppose things and very difficult to spend the time necessary to do the compromising necessary to get out a piece of major legislation. There is a change that I would like to have you consider. Current law specifically states the commission may not increase any assessment under this subsection until the Legislature has approved the Efficiency Maine Trust budget. That's in today's legislation that we've operated on from way way back. It's as clear as day. The language explicitly states that as the Legislature it's our job, and inherent in making our own decisions, as to what should happen to our constituents, the people who bear the brunt of these higher prices and the benefits that go along with the efficiency programs, which are enormous. It needs the approval of the Legislature to increase or to give taxes to our constituents. The language from this bill, as we have it in front of us and that we are voting on today, actually states that raising prices to fund Efficiency Maine is completely the PUC's discretion, without approval of the Legislature. The language states the cost of procurement of cost effective electric energy efficiency resources is a just and reasonable element of rates. The commission may issue any appropriate orders to transmission and distribution utilities necessary to achieve the goals of this subsection. What does appropriate orders mean? Appropriate orders means more money from ratepayers, increased electric rates, and continuing to put Maine at a disadvantage in attracting new businesses to the state because of our high electrical costs. We should continue to maintain the current process where we, as elected officials, determine whether it is time to increase electric rates and not outsource this decision to a commission that's further away from the households that are going to ultimately be affected by these decisions.

What is the bottom line? Currently, households in the state pay roughly \$9 a year to fund Efficiency Maine. The PUC has already determined that with this new authority they would increase that amount to \$21 a year. That's an increase of 126.6% in a three year period. For industrial consumers, the bill would go from \$8,700 a year to \$19,714 a year. It is not like we aren't funding Efficiency Maine with this bill. We're increasing the Efficiency Maine Trust by about \$27 million over the next three years. Shouldn't we be sure that additional funding increases on the backs of the ratepayers get approved by us, the Legislature? We should attain this authority and we would do that if you support this amendment. Thank you very much, Mr. President.

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

Senator **CLEVELAND:** Thank you Mr. President. Men and women of the Senate, the bill that you have before you is a process of five months' worth of work that was done in a bi-

partisan way with the Republican Leads fully involved in drafting the language and the Director of the Energy Office fully involved in the language that was being drafted. It was reviewed extensively at the public hearing. It was worked for days in work sessions. The bill that came out was a compromise. There are a number of things in the bill, because it's bi-partisan and because, incidentally, it is a 12-1 report, that were compromises between those who participated. This was one of them. The committee talked about this specific section for hours and came to a compromise. Let me just explain to you that we did not take lightly, nor does this bill, and willy-nilly open up an assessment on ratepayers that is not very restricted. First of all, the Efficiency Maine Board, which is appointed completely by the Governor, has to review the plans in regards to the programs in which it wishes to serve and it has to meet all of the criteria, that is it has to save much more money than it costs. They have to approve it by a two-thirds vote of the board. That board then has to submit that plan to the Public Utilities Commission. In an adjudicatory process, open to the public and open to any interveners, they make a determination on the part of the Public Utilities Commission on whether the criteria set out in statute by the Legislature is being met. In fact, it has the authority, and has in the most recent triennial plan, to reduce the request by 25%. We have, in addition to that, which had existed before, put a cap, that those rates cannot be more than 4% of the rates charged, which, incidentally, is the next to the lowest in the New England area. Most other states are 5%, 6%, or 7%. We took a very conservative number that is required to be put in. Currently in this bill, and in the budget, there is no increase in the benefit charge, zero, for two years. That was part of the compromise, that we would use other funds to fund efficiency programs. That was part of the give and take. Additionally, the way the program currently operates, the funds that are raised for this purpose by the Public Utilities Commission comes to the Public Utilities Commission, and because they are a sub-agency of the State, they are deposited in the State Treasury. Those funds exist in the State Treasury. In the Constitution, in Article 5, Part 3, Treasurer, subsection 4, it reads, "No money drawn except on appropriation or allocation, no money shall be drawn from the Treasury except in consequence of appropriations or allocations authorized by law." It's in the Constitution. Currently the practice is that it comes to the Public Utilities Commission, goes into their account, and, therefore, must be allocated to do that going forward. We further, to make sure that the Legislature was not cut out of the process, put into the bill specific language that says that the Energy, Utilities and Technology Committee has the authority on their own to create legislation if it disapproves with the action of the Public Utilities Commission in regards to anything, but also specifically in regards to whether it is the opinion of the committee, and ultimately the Legislature, that some other number should be chosen.

I would argue to you that we have put a fence around this in many different ways. We have protected the ratepayer and we have put in safeguards to do that. It was an agreed-to compromise by all 13 members of the committee. I know there are others in the other branch of government who have a different opinion, and I appreciate that difference of opinion. It is the consensus of that committee, on a 13-0 vote on that provision, that that is what we agreed to. I would ask this Body to continue with the agreement that we had, recognize we have all kinds of protections in there, and Indefinitely Postpone this amendment.



Senator **JACKSON** of Aroostook moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-222).

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 (#171)**

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFISKY, 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 **JACKSON** of Aroostook to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-222), **PREVAILED**.

On motion by Senator **YOUNGBLOOD** of Penobscot, Senate Amendment "B" (S-223) **READ**.

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

Senator **YOUNGBLOOD:** Thank you Mr. President. Ladies and gentlemen of the Senate, this past Friday the University of Maine launched the first floating concrete wind turbine in the world. I was there. A big crowd, wonderful. Makes you wonder how cement is going to float on the ocean. Lots of people in the crowd said, "I came down because I want to see that thing sink when they set it in the water." It, in fact, was a one-eighth sized version of the ultimate windmill that the University of Maine would propose putting together, which will be 600 feet tall and 50 miles out there in the ocean. One of many, they would hope. The event was covered by national papers. A reflection of the hard work and the great work of the engineering department at the University of Maine. The University competed for federal grants to support the project. It has been identified by the Department of Energy as one of the seven best wind projects in the country and can significantly reduce the price of off-shore wind because of the technology of how they would build it and then tow it out to the ocean. The University is confident that with their innovated concrete technology, as opposed to steel, they can significantly drop the price to a competitive level.

The University is now competing for a significant federal grant, among seven, of which Maine was one of the ones that I recently referred to, that have been identified throughout the country. One critical aspect of the review is whether there is a contract for their off-shore wind project. Effectively, the Department of Energy looks to see how much additional support

states in the market are providing for this type of technology. However, the Public Utilities Commission has awarded the Norwegian state oil company, Statoil, a \$200 million Maine ratepayer support for a term sheet that puts this multinational company in a much better position to receive the Department of Energy grant. The contract is for 20 years at a price of 27¢ per kilowatt. The average price in Maine per kilowatt is 8¢ per kilowatt. During the evaluation, when the DOE compares the University project to the Statoil project, this will be a key contrast between the two projects. Cost is ultimately very important.

The University doesn't have a term sheet. In an attempt to resolve the issue, the underlying bill that this would change has language in there, but it effectively leaves the University in second place. It would allow PUC to move forward with additional projects only in the event that Statoil decides not to move forward with that particular project. This amendment would allow a full evaluation of all off-shore wind projects from the University and Statoil and other companies that, in fact, may bid for a final contract. We're talking about \$200 million on the backs of Maine ratepayers and discussing the University of Maine, which has made major strides in just over this last week. Couldn't we allow an evaluation to see who has the best deal for Maine? Ultimately, it is not just this \$200 million that we're talking about. If the University of Maine project is, in fact, the one that would be selected, a manufacturing facility in Searsport would be created where all of these wind turbines would be built, on site, in Searsport, and towed out to the site. Significant employment because it not only would provide a base for creating these in Maine, it would be the base for creating multiple, hundreds of these, for the Atlantic coast; off New Jersey, off Maryland, and those areas all being discussed for off-shore wind power. All of those would be built in Maine and then towed to sea, down the coast. That process works very well. This amendment would do nothing to stop the Statoil contract from ultimately being signed. It simply allows more competition to see what can be the best opportunity in the development of off-shore wind for the entire state of Maine. I hope you will give it your very best consideration. Thank you very much, Mr. President.

Senator **CLEVELAND** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-223).

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

Senator **CLEVELAND:** Thank you Mr. President. My good friend and colleague from Penobscot County, Senator Youngblood, is correct. The University of Maine project is very important. They are doing very brilliant and innovative work on off-shore wind power. They have recently just launched a pilot prototype to test their theories and design work. We were very impressed with the dozen or so students, graduate students, designers, engineers, IT people, and graphic folks from the University when they presented to the committee the work they were doing and how excited they were. We couldn't have been prouder of them in how well they represented the state. They are some of the brightest and smartest people we have. The committee was so impressed with them that we decided to put into this bill, specifically for the University of Maine, Part H which provides an opportunity for them to have a second round, to submit an application to the Public Utilities Commission to be considered as a pilot wind project. We have specifically said in the amendment

that that has to be done before December 31<sup>st</sup> of this year. An important date because the Department of Energy contract consideration will be in February 2014. We wanted to ensure that the University of Maine had an opportunity to fully present its proposals to the Public Utilities Commission and to have an opportunity to be considered for the funds that the good Senator Youngblood has talked about for off-shore wind. In fact, the University of Maine's representatives and their attorney participated in the crafting of the Part H that we put into the bill. They have said this is exactly what they want. This does what they need it to do. We accepted it and voted on it unanimously and put it into our bill because we think it's so critically important. In fact, we have asked for an emergency preamble, which is attached to the bill, because we want to make sure that they can start this process immediately with the Public Utilities Commission so that can make that December 31<sup>st</sup> date.

Now the amendment that you have before you has only seen the light of day in the last two or three days. This amendment has other ulterior motives. What it is asking this Legislature to do is to interfere, interject, in an adjudicatory process that has already occurred at the Public Utilities Commission in regards to off-shore wind. It wants to substitute the opinion, the judgment, of this Legislature, who has not heard any of the evidence, who hasn't read the proposals, who haven't looked at the merits of the case, and make a decision and specifically says, "May not award a contract for proposal under this section." That's what it says. That proposal is for Statoil, who currently has a term sheet, an agreement. Often you will hear in this Chamber and in other places that if we really want to attract industry and business and development in this state we have to have consistency. We have to go by the rules. We can't change them in mid-stream. Otherwise we're sending signals to businesses that they can't rely on the rules and regulations and processes that are set up. If this amendment would be adopted, what we would be doing is interfering in that adjudicatory process. Quite frankly, in past times, there is existing case law in a couple of instances where when that was attempted the court said it was inappropriate when it was appealed to the law court. I don't think it's appropriate for us to be doing this. We should not be overturning a decision that already has been made. We've set up a process that the University of Maine says does what they need it to do. It provides an opportunity for their program to be evaluated on its merits and provides an opportunity for them to be offered a term sheet. I would recommend very strongly that we not proceed with this amendment. It is ill advised in that it has not really a purpose, which is to assist the University of Maine, because if you wanted to do that you have the language written by them that's in the bill. The motive here is that there is some who don't like the decision and, therefore, want to take this opportunity to undo it. That is inappropriate. I will hope that you will join me in voting to Indefinitely Postpone.

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 pending question before the Senate is the motion by the Senator from Androscoggin, Senator Cleveland to Indefinitely Postpone Senate Amendment "B" (S-223). 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 (#172)**

**YEAS:** Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFSKY, 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 **CLEVELAND** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-223), **PREVAILED**.

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

Senator **CLEVELAND:** Thank you Mr. President. I wanted to take just a few minutes of time, if I may, men and women of the Senate, because this is really a historic bill. A critically important bill. I know that, not sitting in the Energy and Utilities Committee, there is no particular reason you would know all of the aspects and details. I wanted to share them with you because this is a very important decision we will be making.

First, I think I want to start by beginning to tell you the process because the process was very important. This is a bill that will reduce energy costs, increase energy efficiency, improve the electric system and reliability, and protects the environment of Maine, all incorporated into this bill. We have been working on this bill for five months. It has been an inclusive process. My good friend and colleague, a gentleman who I respect immensely, Senator Youngblood has been involved with it from the beginning, as has the Republican Lead from the House as well as the director of the Energy Office for the Governor, and the Chairs of the committee. We have relied on the resources of the Public Utilities Commission, the Office of Public Advocate, and other authoritative sources. Over this time we have taken 12 bills, the substance of which we have integrated into one bill, recognizing, quite frankly, that probably none of those bills individually would have passed for various political reasons. We would have accomplished nothing at a time when something must be done. We also wanted to make sure that this was a bi-partisan process, that everyone was involved, and everyone had an opportunity to be at the table to discuss it. When the draft was done, we held extensive public hearings. We held days of work sessions. We went through the bill, section by section by section, discussing each of the details and we allowed additional public comments into the bill. Ultimately, this became a 12-1 report, but really in a sense a 13-0 report because the 1 actually voted for every single individual part but, for philosophical reasons, decided at the end not to proceed with the bill. This bill represents real compromise, real bi-partisanship. Actually, for those of you haven't seen this before, this is how consensus, bi-partisan legislation is done. This is how you come to decisions on critically important issues.

Let me talk briefly about some of the important aspects of the bill. The first is that our energy costs in this state are way too high. In fact, our electricity costs are particularly high and the reliability of that system is at threat. We have learned that in the December and February of this year, because of the electricity in the state and in New England 52% of it is generated by gas fired electric generating plants, and because there are constrictions in the amount of gas that can come to this New England area to supply those electric generating facilities, at the end of January and beginning of February we were within hours of having rolling blackouts in New England because there was not enough natural gas supply to run the generators. Rolling blackouts in New England. That is a threat that we cannot idly stand by and do nothing about. We also know that because of that constriction, that is those pipelines are fully prescribed, that there isn't enough space in those pipelines for all of the gas that is needed to feed those electric generating plants. What happens is that space has gone out to bid. What is usually \$4 a unit goes to \$40 a unit so that they can get the gas to those generating plants. That's an energy tax for the state of Maine every year of \$200 million that all electric customers in the ISO New England system pay. That's \$200 million a year. That goes to the transmission company and goes outside of the New England area. It comes out of our economy every year. Within five years that's a billion dollars of funding that leaves the state of Maine for those facilities. It's a 1.7¢ tax on the electric bills to pay for that \$200 million. The only existing solution from ISO New England is to order dual fuel plants to buy 1.8 million barrels of oil at very high prices and to burn it, which is far more polluting in the state of Maine. It's because of these and other reasons that we needed to move ahead to solve this problem and not stand idly by.

What we have done in the bill is put in a process by which the State of Maine, with many safeguards, including approval of the Governor, to be able to enter into a contract with a pipeline with others to create more capacity, more ability to have gas in New England, which will make the system reliable and lower the price to the average price of \$4 as opposed to \$40, saving Maine businesses and homeowners \$200 million a year.

The second issue that we developed in the bill was the high cost of heating our homes. We all know that our residents and businesses pay one of the highest costs to heat their homes and businesses. In fact, 70% of the homes in Maine heat by oil, where the national average is only 7%. What we have done is create a program for the first time, funded by \$6.6 million of funding from the REGGI Fund, to help Efficiency Maine help folks choose a less expensive fuel. That will cut those energy costs in half, by about \$1,500 or \$1,600 a year. That will be money in the homeowner's pocket and the business' pocket. That will add up to tens of millions and hundreds of millions of dollars of funds that will stay in this state. The good Senator from Kennebec noted what happens when you keep money in the state. People spend it on businesses. They buy goods. They buy services. They stimulate the economy. This will happen with this kind of program. Tens of millions of dollars, and over the years hundreds of millions of dollars, will stay in the state as opposed to going out of the state for foreign oil. The program knocks down the one barrier that folks, particularly lower and moderately income folks, have, being able to afford changing to a different heating system. This will provide some grants and loans that will help those folks be able to make that change. It also funds Efficiency Maine by not raising a single dime additional in the Service Benefit Fund but by using other funds from a Maine Yankee settlement so that

over the next two years there will be an additional \$23 million available to lower electricity prices, to help with weatherization and efficiency, and conservation without creating any increase. Last year alone, at the lower level, \$76 million in savings were realized through the Efficiency Maine process.

Another area in the bill in which we have taken the direction which we think is appropriate from the other branch of government is that we've provided for \$26 million in rate reductions on our electric rates so that the rates will be lower than they otherwise would be to help reduce the cost. We've also included a municipal street lighting provision. For the first time ever, municipalities will be able to have the opportunity to work with the electric utility companies to choose an option where they can lower their municipal lighting bill by owning the fixtures, maintaining the fixtures, and purchasing their own electric power for it. This has been done in many other areas of the country and what they have found is that those municipalities can save 50% on their street lighting bill. Cut it in half. I can give you an example. Back home, in my home city of Auburn, the municipal street lighting bill is about \$600,000 a year. If they choose this program, they would save \$300,000 a year. This would be similar to communities around the state of Maine.

We've also extended a program for high efficiency fuel pumps, which cut 40% or 50% off the cost of heating, which Bangor Hydro Electric currently is using and Central Maine Power will consider. Again, this saves money for those folks who are trying to lower their heating costs. As I talked about before, we have the language that helps the University of Maine proceed with the Public Utilities Commission to present their project to receive funding for their off-shore wind experiment, a pilot project. This is a bill, ladies and gentlemen, that is critically important. I hope that you will all support it. This is not something that we can ignore. High energy costs are resulting in a tremendous drag on our economy and higher costs both for our businesses and our citizens. This is a realistic compromise solution that makes dramatic changes in that. I hope that you will vote for the bill.

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

Senator **BOYLE:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise in support of L.D. 1559. I submitted an efficiency bill, L.D. 1426, back in April. Many parts of that bill have been incorporated into the omnibus bill. I really applaud the good bi-partisan work of the Utilities Committee over the months. The overall package will result in huge reductions in energy bills for residential and business customers. The gas provisions are part of those. Those have been added. They weren't part of my bill, but they have been brought in and I think they are doing really good things as well. Efficiency is a major component that will lower energy costs. The good Senator described Efficiency Maine's three year plan. As I understand it, it will save energy consumers an additional \$365 million beyond the current savings funding. Using one-third of the Regional Greenhouse Gas Initiative funds for the residential heating programs could help around 5,000 homeowners cut heating bills every year; \$10 million to \$15 million each year. Over the long term these will add up year after year. This is a good thing for us. In addition to weatherization and air sealing, the funds can be used, for example, for high energy heating equipment for people wanting to upgrade or switch to those types of equipment. The bill gives the Efficiency Maine Trust flexibility to do the most cost

effective programs. That was a key element of the bill that I put in. I'm pleased to see that it's still in there. It is very crucial to the success. In addition to using Maine Yankee money to more fully fund Efficiency Maine, the bill would shift the power policy framework so we can set efficiency investment levels based on what is most cost effective and not what is just the most politically feasible, thus putting ratepayers first. Thank you, Mr. President.

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

Senator **YOUNGBLOOD:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm rising to support this very important bill to the state of Maine. It has lots and lots of different segments to it. There is a reason to love the bill. If you are opposed to this kind of thing generally, if you look through the bill you will find some justification for opposing it. There is something in there to love by everyone. There is something in there to dislike by everyone. That's what compromising is all about. I think it's fair to say that all of the constituents that were involved in putting this together all have some bite of the apple, some piece that is really important to them. You've heard a lot about saving \$200 million a year in reduce electrical costs. That's a fact. It also is important to note, we have a number of industries in this state that are hanging by their fingernails, and they are holding their breath, waiting for this to happen. They can get through the next three years or four years or whatever period of time it takes to see the fruits of this effort, knowing that after that they are going to see a substantial reduction in their energy costs.

This kind of got the word around that this is about Maine building a pipeline. It's not about building a pipeline, in my estimation. We've already had a visit from Kinder Morgan, a major, the major, developer. They own and operate in the vicinity of 80,000 miles of pipeline in North America. They are the largest developer. They are interested in bringing a new pipeline into New England. Is our decision on this going to interfere with that? I don't think it will in any way. They are going to build a pipeline. This is about having control of a piece of that pipeline, roughly 10% we would assume. If they build a pipeline to New England, will we get a benefit from it if we don't participate? Yes, because the cost of energy being developed at all of those big plants in New England are running on gas. We're going to get that benefit whether we do this or not. What we aren't going to get is control over how some of that pipeline is used, how we get to ensure that those major manufacturing facilities in Maine that are extremely high energy users are going to survive for the next 10, 15, or 20 years. What we get is the ability to wave the flag for new industry to come to Maine. We keep hearing over and over again that it's difficult to get a company to come to Maine because our energy costs are too high. What a wonderful thing to say that our rates now had dropped substantially and instead of 15¢ or 16¢ per kilowatt we're down to 5¢ or 6¢ a kilowatt. That's what this is really all about. How do we get the economic development effort from what is now determined to be the least expensive method of heating? We here in the United States have the biggest deposits in the world. Every other state is going to be able to take advantage of that. We need to as well. We will only be able to do that if we control a piece of that new pipeline that's coming. Thank you very much, Mr. President.

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

Senator **CLEVELAND:** Thank you Mr. President. I'd like to read, for the record, as I was asked by one of the members here in the Chamber, concerning three items in regards to the energy bill. I want to do that at their request.

First, there was some question in regards to whether, for the purchase of capacity on this pipeline, if there should be, there may never be but if there should be, an assessment on utilities to pay for that capacity. I want to read into the record that there will be no charge to any utility that doesn't receive a benefit from this. For example, if you are in Northern Maine and you are not tied into the ISO New England system, you don't receive a benefit and therefore you will not receive a charge. In fact, I have had the Commissioner of the Public Utilities Commission, Mr. Welch, put that in writing and I have provided it this member and would to anyone who like to see it.

Also there was some concern that in the street lighting provisions that it might have some adverse effect for community-owned utilities; that is they are owned by the consumers. This is not intended to do that. There is no mandatory requirement in the bill that any of those community-owned utilities or municipalities participate in that street lighting program. I pledge that should a problem develop I will work with the members to make sure that we solve that and correct that problem.

Finally, for those community-owned utilities, there is a provision in the bill in regards to non-transmission alternatives when new electric transmission lines have to be built. It was not the intent of the bill to capture these community-owned utilities into that provision. I think it's quite unlikely that they would. If they did I am once again pledging that should that create any issue or problem for those community-owned utilities that I will personally work to rectify the problem and to correct it.

**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 commend and thank the hard work of the Utilities and Energy Committee in coming together with so many interests, so many different stakeholders, and so many important issues. Energy is one of the most challenging issues facing our economy and facing homeowners across the state of Maine. By today's action we are taking a significant stride in the right direction. There were many people involved; the Senate Chair and the Lead for the Republicans on the Committee, as well as strong leadership from the other Body. I think everyone deserves credit because we really can accomplish a lot when we work together. I just wanted to rise today and thank them for that hard work and really reassure the people of Maine that we are taking great strides forward in making sure that we address the energy concerns. Real challenges here, not only for homeowners but also for businesses and industrial facilities across this state. This is a very important step. Thank you, Mr. President.

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

**THE PRESIDENT:** The pending question before the Senate is Passage to be Engrossed as Amended, 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 (#173)**

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

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

28 Senators having voted in the affirmative and 7 Senators having voted in the negative, was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

Off Record Remarks

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

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Maintain the Integrity of the Fund for a Healthy Maine"

S.P. 426 L.D. 1232

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-204)** (8 members)

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

Tabled - June 6, 2013, by Senator **CRAVEN** of Androscoggin

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

(In Senate, June 6, 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 Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I filed this bill because I think that when Maine first

was awarded our tobacco settlement money we were very wise in making the decision to build a public health system, invest in tobacco cessation, early childhood services, and drugs for the elderly, just to name a few. The fund was never meant to subsidize the General Fund Budget. It's the only revenue that we have to invest in prevention. It has 70% support from the general public, from the people of Maine. Throwing money into the black hole on the back of needs. When people are sick or when people are already addicted, trying to correct the harm after the damage is done is something that government always does. This fund is the only fund that has the flexibility to address prevention. I know that this is not going to happen in this session because of where we are in the budget and in the process. By 2015, our fund will again be replenished. I would hope that we would go back to having the resolve and the initiative to invest in wellness and to keep our tobacco money for prevention and to help people who have been harmed by the tobacco companies. I would ask for your support in passing this Resolve. Thank you, Mr. President.

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

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, I very much appreciate the Senator from Androscoggin giving me the lead in, referring to the budget as a black hole. Given the debate of earlier in the day, how did we create that black hole? Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Craven 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 (#174)**

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 **CRAVEN** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (S-204) **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 Secretary opened the vote.

**ROLL CALL (#175)**

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

SENATE REPORT - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide a Safe Working Environment for Home Care Workers"

S.P. 166 L.D. 434

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-198)**

Tabled - June 6, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **ACCEPTANCE OF REPORT** (Roll Call Ordered)

(In Senate, June 6, 2013, Report **READ**.)

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

Senator  **CRAVEN:** Thank you Mr. President. Men and women of the Senate, this is a unanimous bill out of my committee. I just wanted to explain what this bill does. It has been turned into a Resolve, actually. There are many many home health workers in this state that work alone, that work in rural areas, and that walk into situations where they have no idea where they are going. I had some actually that contacted me because they had been hurt on the job. They had been assaulted. One woman was sexually assaulted by a person who was on the sex abuse registry. We thought, we imagined, that this would have been known and that there should have been a background check or safety check done in that house. We brought the bill forward and it has turned into a Resolve asking the Department of Health and Human Services to convene a group of stakeholders, a group of providers, healthcare providers actually, in the community to come up with better policies and procedures that would address safety issues for workers going into private homes. The Maine State Labor Agency is also very anxious and volunteered to head up the group and to have some policies come out of the group that would be universal in the state of Maine for healthcare providers. Some of the risks that people take are that workers go into homes with loaded weapons. They go into homes where other folks who may not be the recipient of the care have relatives who are unfriendly or dangerous. They may have animals that are not curtailed and that would bite people, and have had several reports of animals biting healthcare workers that come into their homes when they were not locked in another room. This is an excellent bill. It's without a fiscal note. The healthcare providers volunteered and were very very helpful in coming forward to volunteer their help and their expertise. Thank you very much, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

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  **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-198)** Report **ACCEPTED**.

**READ ONCE.**

Committee Amendment "A" (S-198) **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.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Promote the Financial Literacy of High School Students"

H.P. 594 L.D. 843

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-348)**.

Signed:

Senators:  
MILLETT of Cumberland  
JOHNSON of Lincoln  
LANGLEY of Hancock

Representatives:

MacDONALD of Boothbay  
DAUGHTRY of Brunswick  
JOHNSON of Greenville  
MAKER of Calais  
McCLELLAN of Raymond  
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 "B" (H-349)**.

Signed:

Representatives:

HUBBELL of Bar Harbor  
KORNFELD of Bangor  
NELSON of Falmouth

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended by Committee Amendment "A" (H-348)** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-348)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-348)**.

Reports **READ**.

On motion by Senator **MILLETT** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-348)** Report **ACCEPTED**, in concurrence.

**READ ONCE**.

Committee Amendment "A" (H-348) **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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Senate at Ease.

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**

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve Care Coordination for Persons with Mental Illness"

H.P. 353 L.D. 534

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-341)**.

Signed:

Senators:

CRAVEN of Androscoggin  
HAMPER of Oxford  
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland  
CASSIDY of Lubec  
DORNEY of Norridgewock  
GATTINE of Westbrook  
MALABY of Hancock  
McELWEE of Caribou  
PRINGLE of Windham  
SANDERSON of Chelsea  
SIROCKI of Scarborough

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

Signed:

Representative:

STUCKEY of Portland

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-341)**.

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (H-341) **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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Out of order and under suspension of the Rules, the Senate considered the following:

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing All Relevant Agencies of State Government To Work in Concert with a Plan To End and Prevent Homelessness To Ensure That Resources Are Available To End Homelessness in the State

H.P. 417 L.D. 598

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-342)**.

Signed:

Senators:

CRAVEN of Androscoggin  
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland  
CASSIDY of Lubec  
DORNEY of Norridgewock  
GATTINE of Westbrook  
MALABY of Hancock  
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:

McELWEE of Caribou  
SANDERSON of Chelsea  
SIROCKI of Scarborough

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-342)**.

Reports **READ**.

On motion by Senator **CRAVEN** of Androscoggin, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require Health Insurers To Provide Coverage for Nutritional Wellness and Illness Prevention Measures and Products"

H.P. 474 L.D. 682

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

Signed:

Senators:

GRATWICK of Penobscot  
WOODBURY of Cumberland

Representatives:

TREAT of Hallowell  
COOPER of Yarmouth  
FITZPATRICK of Houlton  
McCLELLAN of Raymond  
MORRISON of South Portland  
PRINGLE of Windham  
WALLACE of Dexter

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-347)**.

Signed:

Senator:

WHITTEMORE of Somerset

Representatives:

BECK of Waterville  
DOAK of Columbia Falls

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

Reports **READ**.

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

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Protect Working Mothers Who Breast-feed"

H.P. 528 L.D. 777

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



Signed:

Senators:

VALENTINO of York  
BURNS of Washington  
TUTTLE of York

Representatives:

PRIEST of Brunswick  
DeCHANT of Bath  
MONAGHAN-DERRIG of Cape Elizabeth  
MOONEN of Portland  
MORIARTY of Cumberland  
VILLA of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-295)**.

Signed:

Representatives:

BEAULIEU of Auburn  
CROCKETT of Bethel  
GUERIN of Glenburn  
PEAVEY HASKELL of Milford

(Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought To Pass** Report.)

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

Reports **READ**.

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

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

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Resolve, Regarding Legislative Review of Portions of Chapter 2: Rules Concerning the Processing of Applications and Other Administrative Matters, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)  
H.P. 612 L.D. 861

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

Signed:

Senators:

VALENTINO of York  
TUTTLE of York

Representatives:

PRIEST of Brunswick  
DeCHANT of Bath  
MONAGHAN-DERRIG of Cape Elizabeth  
MOONEN of Portland  
MORIARTY of Cumberland  
VILLA of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-277)**.

Signed:

Senator:

BURNS of Washington

Representatives:

BEAULIEU of Auburn  
CROCKETT of Bethel  
GUERIN of Glenburn  
PEAVEY HASKELL of Milford

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

Reports **READ**.

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

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

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Reform Employer-provided Benefits"  
H.P. 690 L.D. 976

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

Signed:

Senators:

PATRICK of Oxford  
CLEVELAND of Androscoggin

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-328)**.

Signed:

Senator:

CUSHING of Penobscot

Representatives:

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

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

Reports **READ**.

Senator **PATRICK** of Oxford moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** 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.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#176)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFISKY, 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 **PATRICK** of Oxford to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

#### REPORTS OF COMMITTEES

##### Senate

##### Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Provide for Greater Public Input and Local Control in the Chartering of Public Schools"  
S.P. 389 L.D. 1128

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-227)**.

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  
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 "B" (S-228)**.

Signed:

Senator:

LANGLEY of Hancock

Representatives:

JOHNSON of Greenville  
MAKER of Calais  
McCLELLAN of Raymond

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended by Committee Amendment "A" (S-227)** Report.)

Reports **READ**.

Senator **MILLETT** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-227)** Report.

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 BY COMMITTEE AMENDMENT "A" (S-227)** Report.

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

**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Protect Maine's Loons by Banning Lead Sinkers and Jigs"

S.P. 268 L.D. 730

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-231)**.

Signed:

Senators:

DUTREMBLE of York  
HASKELL of Cumberland  
BURNS of Washington

Representatives:

SHAW of Standish  
BRIGGS of Mexico  
CRAFTS of Lisbon  
DAVIS of Sangerville  
ESPLING of New Gloucester  
EVANGELOS of Friendship  
KUSIAK of Fairfield  
MARKS of Pittston  
SHORT of Pittsfield

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

Signed:

Representative:

WOOD of Sabattus

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (S-231) **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.

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

**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That the Attorney General Be Elected by Popular Vote

S.P. 278 L.D. 740

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

Signed:

Senator:

LACHOWICZ of Kennebec

Representatives:

GRAHAM of North Yarmouth  
BOLAND of Sanford  
BOLDUC of Auburn  
HAYES of Buckfield  
NADEAU of Winslow  
PEASE of Morrill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-236)**.

Signed:

Senator:

COLLINS of York

Representatives:

CHENETTE of Saco  
COTTA of China  
MacDONALD of Old Orchard Beach  
NADEAU of Fort Kent

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#177)**

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **LACHOWICZ** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Support Maine Businesses through State Purchasing"

S.P. 476 L.D. 1357

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

Signed:

Senators:  
LACHOWICZ of Kennebec  
GERZOFKY of Cumberland  
COLLINS of York

Representatives:  
BOLAND of Sanford  
COTTA of China  
HAYES of Buckfield  
MacDONALD of Old Orchard Beach  
NADEAU of Fort Kent  
NADEAU of Winslow  
PEASE of Morrill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-235)**.

Signed:

Representatives:  
GRAHAM of North Yarmouth  
CHENETTE of Saco

Reports **READ**.

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

Sent down for concurrence.

---

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

**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Unicameral Legislature  
S.P. 538 L.D. 1454

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-234)**.

Signed:

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

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

Signed:

Senators:  
LACHOWICZ of Kennebec  
COLLINS of York  
GRAHAM of North Yarmouth

Reports **READ**.

Senator **LACHOWICZ** of Kennebec moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Relating to Radon Testing and Disclosure to Tenants"

S.P. 124 L.D. 328

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-226)**.

Signed:

Senators:

TUTTLE of York  
PATRICK of Oxford  
MASON of Androscoggin

Representatives:

LUCHINI of Ellsworth  
BEAULIEU of Auburn  
FOWLE of Vassalboro  
GIFFORD of Lincoln  
JOHNSON of Eddington  
KINNEY of Limington  
LONGSTAFF of Waterville  
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:

Representative:

RUSSELL of Portland

(Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (S-226) **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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Out of order and under suspension of the Rules, the Senate considered the following:

**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Increase the Opportunities for Taste-testing Events for On-premises Liquor Licensees"

S.P. 359 L.D. 1042

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-225)**.

Signed:

Senators:

TUTTLE of York  
MASON of Androscoggin

Representatives:

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

PATRICK of Oxford

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (S-225) **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.

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

**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

Nine members of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Amend the Mandatory Shoreland Zoning Laws"

S.P. 555 L.D. 1490

Reported in Report "**A**" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-211)**.

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

Three members of the same Committee on the same subject reported in Report "**B**" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-212)**.

Signed:

Representatives:

AYOTTE of Caswell  
CAMPBELL of Orrington  
REED of Carmel

One member of the same Committee on the same subject reported in Report "**C**" that the same **Ought Not to Pass**.

Signed:

Representative:

LONG of Sherman

Reports **READ**.

On motion by Senator **BOYLE** of Cumberland, Report "**A**", **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-211) ACCEPTED**.

**READ ONCE**.

Committee Amendment "A" (S-211) **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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**ORDERS OF THE DAY**

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing All Relevant Agencies of State Government To Work in Concert with a Plan To End and Prevent Homelessness To Ensure That Resources Are Available To End Homelessness in the State

H.P. 417 L.D. 598

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-342)** (9 members)

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

Tabled - June 6, 2013, by Senator **CRAVEN** of Androscoggin

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 6, 2013, the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-342)**.)

(In Senate, June 6, 2013, Reports **READ**.)

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

On motion by Senator **JACKSON** of Aroostook, 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 (#178)**

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

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

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (H-342) **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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Senator **GOODALL** of Sagadahoc 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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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 Friday, June 7, 2013, at 10:00 in the morning.