

# 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  
Monday  
June 10, 2013

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

Prayer by Senator Rodney L. Whitemore of Somerset County.

**SENATOR WHITEMORE:** Good morning everyone. What a beautiful one it is. Let us pray. Father in Heaven, on this day we pray for patience and endurance. Many of us are growing weary with all the hearings, readings, and debates. We all have our own ideas about what should be said and how to say it. We all know whether a bill should be tabled, approved, or defeated. Today we pray for Your help to guide us in putting forward Your will in these matters. Let us be patient with each other, but not to the point where the people of Maine suffer. Make us uncomfortable as long as the people are suffering and we have the power to alleviate that suffering. Lord, continue to guide us through Your spirit so that we may do Your will. We ask this through Christ, the Lord. Amen.

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

Reading of the Journal of Friday, June 7, 2013.

Doctor of the day, Paul Berkner, DO of Rome.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

HOUSE REPORTS - from 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  
(C "B" H-305)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-304)** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-305)** (4 members)

In House, June 5, 2013, 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)**.

In Senate, June 6, 2013, the motion by Senator **BOYLE** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-304)** Report **FAILED**. Subsequently, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-305)** Report **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-305)**, in **NON-CONCURRENCE**.

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

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

**Non-Concurrent Matter**

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

H.P. 1127 L.D. 1558

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

In Senate, June 6, 2013, on motion by Senator **TUTTLE** of York, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

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

**Joint Orders**

The following Joint Order:

H.P. 1130

**ORDERED**, the Senate concurring, that the Task Force To Study the Creation of a State of Maine Partnership Bank or Other Maine Financial Structures is established as follows.

1. Task Force To Study the Creation of a State of Maine Partnership Bank or Other Maine Financial Structures established. The Task Force To Study the Creation of a State of Maine Partnership Bank or Other Maine Financial Structures, referred to in this order as "the task force," is established.

2. Membership. Notwithstanding Joint Rule 353, the task force consists of 17 members appointed as follows:

1. Four members of the Senate, appointed by the President of the Senate;
2. Five members of the House of Representatives, appointed by the Speaker of the House;
3. The Chief Executive Officer of the Finance Authority of Maine, or a designee;
4. The Treasurer of State, or a designee;
5. The Superintendent of Financial Institutions, or a designee;
6. Three representatives of Maine-based community banks, appointed by the President of the Senate as follows:

A. One representative of a Maine-based community bank with \$1 billion or more in assets that is recognized for its significant support of Maine businesses and service to its community;

B. One representative of a Maine-based community bank with assets ranging from \$500 million to \$1 billion that is recognized for its significant support of Maine businesses and service to its community; and

C. One representative of a Maine-based community bank with assets up to \$500 million that is recognized for its significant support of Maine businesses and service to its community;

7. One representative of a Maine-based credit union that is recognized for its significant support of Maine businesses and service to its community, appointed by the Speaker of the House; and

8. One representative of a community development financial institution, appointed by the Speaker of the House.

3. Task force chairs. The first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the task force.

4. Appointments; convening of task force. 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 completed. After the appointment of all members, the chairs shall call and convene the first meeting of the task force. 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 task force to meet and conduct its business.

5. Duties. The task force shall explore the possibility of establishing and operating a State of Maine Partnership Bank or other financial structures, which must be specifically designed to:

1. Support and partner with financial institutions that are headquartered in the State or are locally owned, or both, in order to provide access to capital for small businesses and family farmers in the State;
2. Enable public and private funds to be retained within the State;
3. Facilitate the increased investment of state resources in high-quality, in-state investments, such as loans to local businesses, family farmers and homeowners; and
4. Enable the State to leverage short-term deposits to facilitate more loans flowing through locally owned financial institutions while retaining within the State the interest payments paid by borrowers.

In carrying out its duties, the task force shall also consult with stakeholders and experts, including, but not limited to, municipalities with municipal bond experience, farmers with recent loan experience, owners of local independent manufacturing and retail or service-oriented businesses with fewer than 25 employees with recent loan application experience and an economist with expertise in the state economy.

6. Evaluation criteria. In studying the possibility of establishing and operating a State of Maine Partnership Bank or other financial structures pursuant to section 5, the task force shall specifically consider and address:

1. Whether funding needs and opportunities in high-quality, in-state investments are not being met and, if so, whether a State of Maine Partnership Bank or other financial structures can meet those needs;
2. The scope of powers to be held by the State of Maine Partnership Bank or other financial structures with respect to the acceptance of deposits; the purchase, holding and sale of loans; and the restrictions on the origination of loans that would provide incentives for partnerships with locally owned financial institutions;
3. How a State of Maine Partnership Bank or other financial structures would be initially capitalized;
4. The ways profits from the State of Maine Partnership Bank or other financial structures could be used to fund the expansion of economic development tools administered by the Finance Authority of Maine to further improve the economy of the State;
5. The establishment of oversight measures to ensure transparency and accountability and insulation from political influence; and
6. Any other issues identified by the task force that are related to the consideration of establishing a State of Maine Partnership Bank or other financial structures.

7. Meetings. The task force shall hold at least 6 meetings and shall meet at least 3 times during each calendar year.

8. Staff assistance. The Legislative Council shall provide necessary staffing services to the task force, except that the Legislative Council staff support is not authorized when the Legislature is in regular or special session.

9. Report. Notwithstanding Joint Rule 353, no later than December 1, 2014, the task force shall submit a report that includes its findings and recommendations with any suggested legislation to the Legislative Council of the 126th Legislature.

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

**READ.**

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

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**SENATE PAPERS**

Bill "An Act To Amend the Charter of the Alfred Water District" (EMERGENCY)

S.P. 601 L.D. 1562

Presented by Senator **TUTTLE** of York.  
Cosponsored by Senator: **DUTREMBLE** of York, Representative: **CAMPBELL** of Newfield.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

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All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

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**ORDERS**

**Joint Order**

On motion by Senator **GOODALL** of Sagadahoc, the following Joint Order:

S.P. 602

WHEREAS, the Joint Select Committee on Maine's Workforce and Economic Future has been frequently advised by leaders from the State's business, labor, education and nonprofit sectors of the importance of a legislative focus on issues related to workforce development, revitalizing downtowns and communities and growing small businesses in Maine; and

WHEREAS, many of these same leaders urged the continuation of the Joint Select Committee on Maine's Workforce and Economic Future beyond its scheduled termination date of July 1, 2013; and

WHEREAS, the members of the Joint Select Committee on Maine's Workforce and Economic Future worked together in a nonpartisan manner with input from dozens of experts throughout the State to unanimously support legislation taking steps to move Maine forward towards stronger economic growth and the preparation of Maine's workers and businesses to compete in the global marketplace; and

WHEREAS, several issues critical to Maine's economic future were identified during the Joint Select Committee on Maine's Workforce and Economic Future's public hearings, panel presentations, work sessions and public meetings that were held across the State; and

WHEREAS, the Joint Select Committee on Maine's Workforce and Economic Future requires additional time to further examine and consider potential legislation to address the challenges related to these issues; now, therefore, be it

ORDERED, the House concurring, that the Joint Select Committee on Maine's Workforce and Economic Future, established by Joint Order 2013, S.P. 27 during the First Regular Session of the 126th Legislature, is authorized to continue its work through the Second Regular Session of the 126th Legislature. The Joint Select Committee on Maine's Workforce and Economic Future is further authorized to meet up to 5 times during the legislative interim to further examine and consider a number of issues related to workforce development, downtown revitalization and small business development. The Joint Select Committee on Maine's Workforce and Economic Future terminates upon adjournment of the 126th Legislature sine die.

**READ** and **PASSED**.

Sent down for concurrence.

Expressions of Legislative Sentiment recognizing:

Team Ogunquit-A-GoGo, Leanne Cusimano and Robert Levinstein; Team Bangor Riverdrivers, Carolanne Ouellette and "Timber" Tina Scheer; and Yarmouth's Team Goin Home, Bill and Valerie Sowles, who have raised awareness of missing children throughout Maine and the Nation by participating in the 2012 Fireball Run Adventurally: Northern Exposure. Teams from all along the East Coast participated, and each team involved in this road adventure, which started in Independence, Ohio and ended in Bangor, Maine, represented a missing child from the team's home region. During the week-long 3,000 mile trip, a total of 1,000 posters of the missing children were distributed. This race is the largest and longest active recovery effort for finding missing and abducted children. We send our appreciation to all the participants in the 2012 Fireball Run Adventurally: Northern Exposure and to the Maine teams on this charitable endeavor;  
SLS 442

Sponsored by Senator HILL of York.

Cosponsored by Senators: GRATWICK of Penobscot, WOODBURY of Cumberland, Representatives: COOPER of Yarmouth, FREY of Bangor, GOODE of Bangor, KORNFIELD of Bangor, McGOWAN of York, SCHNECK of Bangor.

**READ.**

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

Senator **HILL:** Thank you Mr. President. I wish to speak to this item and I would also ask that the Secretary of the Senate read the sentiment when I am done. I have to share with you that Fireball Run was a very exciting adventure game that came to Maine. It started in Independence, Ohio. It is that story of 40 teams, as they embarked on an emotional and epic eight day, 14 city, 3,000 mile interactive adventure, which is like a life-size Trivial Pursuit game, or maybe, I can't think of the name, what do you call it? When you are looking for things. At any rate. Scavenger hunt, thank you. It was very exciting because three teams originated from Maine. The whole trip ended up in Bangor. What I want to share with you is that it's a great way for the recovery of children that are missing in America and bringing attention to them. The Universal Studios, that are headquartered in Florida, filmed the entire event from beginning to end. It was a massive crew of people moving across the roads. They had some of the most exciting and fun cars. All over their cars were the stickers of the children that they were representing. In the course of doing this they handed out over 1,000 fliers on these children. This event has happened several times and has resulted in the recovery of a good number of missing children. It's a great from-the-heart type of thing to get involved in. The Maine teams made us proud. When they came through Maine, which was the last leg of their trip, they stopped in Sanford and they got into the pumpkin float, where they had those massive carved pumpkins that they had to all get into and go on. Many ended up in the water. Then Ogunquit had been chosen as one of their destination cities, which meant they arrived in Ogunquit, they had to do more of the scavenger hunt, and then we had a reception and then a really large dinner with all the officials from the area. The next day they were off and running again. We go to lower the flag, say good-bye to them after they filmed some of the event

and everyone involved at the beach at Ogunquit. Off they were again, through the different towns of Maine, ending up at, I believe it was that evening, in Bangor where they had the ceremonies and they announced the winners. This is one thing where everybody who was involved was a winner. First of all each team contributed a significant amount of money to participate in this event and then, besides helping find missing children and making people more aware of that ever-present problem, they brought many many dollars to Maine, focusing on our wonderful state through film, and through a website that I encourage you to go to, [www.fireballrun.com](http://www.fireballrun.com). You can watch the trip through Maine. You'll get to see a lot of faces of people you probably know. The spirit of these people, day after day after day, to get in the car and drive, go from early morning to night, was amazing. I am very proud in particular of those from Maine; Leanne Cusimano and Robert Levinstein, who could not be with us today because he's in New York. Leanne is from Ogunquit. They are team Ogunquit-A-GoGo. Bill and Valerie Sowles from Yarmouth. They were the team Goin Home. They are here today. There was a third team, which was Carolanne Ouellette and "Timber" Tina Scheer from the Bangor area. I'm just proud of them all. It was fun to be part of it when they landed in Ogunquit. I just think, in so many ways, they did wonderful things for Maine and for children. Thank you very much.

At the request of Senator **HILL** of York, Sentiment **READ.**

**PASSED.**

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber Leanne Cusimano of Team Ogunquit-A-GoGo and Bill and Valerie Sowles of Team Goin Home of Yarmouth. They are here as the guests today of the Senators from York and Cumberland, Senator Hill and Senator Woodbury. Will they all please rise and accept the warm greetings of the Maine State Senate.

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#### Joint Resolution

On motion by Senator **JACKSON** of Aroostook (Cosponsored by Representative **THERIAULT** of Madawaska and Senators: President **ALFOND** of Cumberland, **GOODALL** of Sagadahoc, **PATRICK** of Oxford, **SAVIELLO** of Franklin, Representatives: **AYOTTE** of Caswell, **CRAY** of Palmyra, **GIFFORD** of Lincoln, **WILLETTE** of Mapleton) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.), the following Joint Resolution:

S.P. 600

#### JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO OPPOSE SECTION 8 OF H.R. 1919, AN ACT TO AMEND THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

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

WHEREAS, Section 8 of H.R. 1919, "An Act to Amend the Federal Food, Drug, and Cosmetic Act," allows prescription drug manufacturers to decide to supply drug information labels only by electronic means, as opposed to the paper labels currently accompanying prescription drugs upon receipt; and

WHEREAS, a similar provision is not contained in the United States Senate's version of the bill; and

WHEREAS, the United States Congress addressed electronic labeling in 2012 and directed the United States Government Accountability Office to study the potential advantages and associated risks of this labeling and the results of the study are due to be released in July 2013; and

WHEREAS, Congress should await the results of the study it ordered to be undertaken before passing legislation that would require critical medical information, such as information on dangerous side effects and contraindications, to be made available to health care professionals and prescription drug consumers only by electronic means; and

WHEREAS, Maine would be disproportionately negatively affected by Section 8 of H.R. 1919; and

WHEREAS, as of 2011, 16.3% of Maine's population was over 65 years of age, compared to only 13.3% for the nation as a whole; and

WHEREAS, due to its geography, climate and highly dispersed and rural population, significant areas of Maine do not have reliable access to the Internet; and

WHEREAS, Maine relies on the forest products industry to create and maintain jobs and sustainably manage Maine's forests, and that industry would be negatively affected by Section 8 of H.R. 1919 without further study of the effects; now, therefore, be it

RESOLVED: That We, your Memorialists, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to urge and request that Section 8 of H.R. 1919 not be passed until the Government Accountability Office study on the effects of required electronic-only labeling for prescription medications is published, reviewed and considered; and be it further

RESOLVED: That We urge and request that this section of the bill not become law without further consideration and mitigation of the disproportionate negative effects on Maine's elderly, rural and highly dispersed population; and be it further

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

**READ.**

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, very quickly. From what I understand, Congress has passed a study to look at using electronic means to take away the inserts that are given whenever people are given prescription drugs. A group of people in Congress has decided to try and push to have that happen before the study. This Resolution asks Congress to wait for the study to be done. I think it's important to a state like Maine, where we don't have internet access throughout the state, that people continue to get their hard copy of dangerous side effects that prescription drugs may give to them. On a lesser note, obviously Maine being a papermaking state, this is going to certainly have some effect on some of the mills in the state that won't have that paper produced for these things. Most importantly, it's to make sure that people clearly know what the side effects are of prescription drugs they are taking. That's why I put the Joint Order in. Thank you very much.

On motion by Senator **JACKSON** of Aroostook, the Joint Resolution was **ADOPTED**.

Sent down for concurrence.

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## REPORTS OF COMMITTEES

### House

#### Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding Special Education Requirements for School Administrative Units That Do Not Operate Any Schools" H.P. 828 L.D. 1184

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-399)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-399)**.

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

**READ ONCE.**

Committee Amendment "A" (H-399) **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 **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Promote the Production of Maine Beverages"

H.P. 793 L.D. 1121

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-397)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-397)**.

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

**READ ONCE.**

Committee Amendment "A" (H-397) **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 Eliminate the Requirement That an Address Be Provided in Disclaimers on Political Radio Advertisements" H.P. 646 L.D. 922

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-403)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-403)**.

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

**READ ONCE.**

Committee Amendment "A" (H-403) **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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The Chair noted the absence of the Senator from York, Senator **TUTTLE** and further excused the same Senator from today's Roll Call votes.

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**Divided Report**

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Clarify the Laws Establishing the Department of Agriculture, Conservation and Forestry" (EMERGENCY)

H.P. 588 L.D. 837

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-339)**.

Signed:

Senators:

JACKSON of Aroostook  
SHERMAN of Aroostook

Representatives:

DILL of Old Town  
BLACK of Wilton  
CRAY of Palmyra  
HICKMAN of Winthrop  
MAREAN of Hollis  
NOON of Sanford  
SAUCIER of Presque Isle  
TIMBERLAKE of Turner

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

Signed:

Representatives:

JONES of Freedom  
KENT of Woolwich

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-339) AS AMENDED BY HOUSE AMENDMENT "A" (H-354)** thereto.

Reports **READ**.

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

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

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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Regulate and Tax Marijuana" H.P. 868 L.D. 1229

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

Signed:

Senators:

GERZOFISKY of Cumberland  
DUTREMBLE of York



Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-324)**.

Signed:

Senator:

PLUMMER of Cumberland

Representatives:

KAENRATH of South Portland  
WILSON of Augusta

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

Reports **READ**.

Senator **GERZOFSKY** of Cumberland 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 PRESIDENT:** The Chair recognizes the Senator from York, Senator Valentino.

Senator **VALENTINO:** Thank you Mr. President. Members of the Senate, although I'm the Chair of the Judiciary Committee, I rise today because of my experience that I have had over the last eight years on the Veterans and Legal Affairs Committee. During my tenure on that committee I've seen the regulations of the liquor, the lottery, and the gaming, including the casinos. This led me to see things first hand, which leads me to believe that this bill to send out to the people of the state of Maine whether or not they want to regulate and tax marijuana is a good idea. First, this year, in particular, has highlighted how valuable the sale of liquor is to our state. It has been one of the most highly profiled issues of the session. It is a product that has been prohibited in the past, but it is now tightly regulated. In fact, it is so tightly regulated that Maine is a controlled state. The controlled state model ensures that we both have control over where the product is given at any point in the manufacturing, the distribution, or the retail process, but also ensures that we get the most value for every citizen in the state of Maine.

The second major point on my time on VLA is as it relates to casinos. How does marijuana relate to casinos? Easy. How many referendums have we had on casinos? Year after year after year after year after year, we constantly have had a referendum on casinos. The citizens of Maine got together and

they formulated these referendums with people who wanted them; people who put money in for themselves, instead of money for everybody in the state of Maine. They kept going and they wrote the rules instead of us writing the rules. I've advocated for years to get ahead of the casino issue. Every time it seems like there was a citizen initiative out there and we can't do it, we can't change it. The same thing applies to the marijuana issue. There is talk now of a citizen initiative going forward. Why are we going to let them write the rules like we did on the casinos? Why can't we take the initiative and write the rules and make sure it benefits everybody in the state of Maine, if there is revenue to be had by this? We did not get ahead of the casino issue and the regulations and the money have ended up in the statute before us the way they wanted it, not the way we necessarily would have written it. As you know, once it's passed by the citizens it is extremely difficult to change anything. That's why I'm saying we need to be the leader on this.

It is harder now for our youth to get cigarettes, alcohol, and to gamble. Why not then to buy pot or marijuana or whatever it's called? Why? Because these others are regulated. They are regulated. You need to be 21 years old in order to drink. You need to be 21 years old in order to gamble. You need to be 18 years old to buy a pack of cigarettes. If you want to buy any of these substances, which are addictive, which are bad for you, it's harder. We have made it harder because we control it. We do not control marijuana, so it's easier just to go buy it in school in the bathroom than it is to have to go down to the store to do it and have it illegal. We can see the writing on the wall. Let's not put ourselves in the same position of retroactively setting up a regulatory framework like Colorado and Washington have. They voted for it and now are in that position of having to set up the regulatory framework that the voters have already voted for on it. Let's put our referendum out there and see whether or not the people want it. This bill gives us the opportunity to learn from our mistakes in the past. If we wait and deal with the citizen initiative our hands will be tied. I think that if this goes out to the voters in November than we can have a year to work on the rules, the regulations, and have it come back to the 127<sup>th</sup> and see whether or not we're going to do it. That way we'll have plenty of opportunity to see what happens in Colorado, to see what happens in Washington, to get a fiscal note on this, to find out how much revenue it's going to be, how much it's going to take for a regulatory agency, and how to do it. We need to get ahead of the issue. We can't be standing here and ten years from now, like we've done on gambling, and say, "Oh, gee, maybe we should have done something because the people wanted it." We didn't do it and we've paid those consequences. Gambling and alcohol are addictive, but we allow them in the state of Maine and we regulate them. I'm saying the same should true with marijuana. Thank you.

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

Senator **PLUMMER:** Thank you Mr. President. Men and women of the Senate, I rise today to agree with much of what the good Senator from York, Senator Valentino, just said. In fact, I've been able to scratch out about two-thirds of what I planned to say because she said it so eloquently. I know many of my constituents and colleagues are probably surprised that I rise to oppose the Ought Not to Pass report on this referendum. Before I talk about marijuana, and I'll resist the temptation to go through

the routine that those who were in the other Body with me last year have heard other than to say that when I was in high school hard cider was our drug of choice, so I know little about marijuana and the effects of marijuana. This bill does not legalize marijuana. This bill only asks the people: do you want to legalize marijuana? I can skip the parts about regulation that the good Senator from York, Senator Valentino, covered so well. I'm not even sure that I would vote for the bill, but I think it's important to ask people their opinion. The police did come out against legalization of recreational marijuana. If I recall, they also came out against the legalization of medical marijuana. One of their concerns was being able to identify marijuana as opposed to alcohol. The system already exists. If the people decide that they want to legalize marijuana I am confident the police will rise to the occasion and be able to identify when a person is driving under the influence of marijuana. I've also been told that this is against the federal law. Well, so was medical marijuana, or is medical marijuana, against the federal law. I think we're in a position where we do have an advantage if the people decide they would like marijuana legalized to see what happens in the other states that legalized it before we write the rules and regulations. I've also heard the argument that marijuana is a gateway drug. Over the years I've come to the conclusion that it's a gateway drug because the same people who are selling it are selling the other drugs. Not that I have full confidence in our government to regulate things, I would have more confidence in our government than I would a drug dealer. I would conclude my remarks by taking a line from the good Senator from Cumberland, Senator Gerzofsky, who likes to talk about driving the bus as opposed to riding on the bus. My concern is we may be faced with neither one of those, that the people's referendum, if it comes forward, may throw us under the bus. Thank you, 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, I understand this bill today to really be about one subject. That is; do the people of the state of Maine get an opportunity to make a decision at the ballot box on this subject of whether marijuana should be legalized or not be legalized? I, for one, frankly, trust the voters to make the correct decision. We trust them to make the decisions about all of our elected officials. We trust them to make decisions about referendum issues. We trust them to make decisions in regard to marriage equality and many other things. I think we can fully trust the people of Maine to make this decision. I think the question we need to ask ourselves is: why don't we trust them? What are we afraid of? What do you think the outcome would be if we trust people to make an informed decision? I'm very confident that they will make the decision that's appropriate at the time. I think we should give them the opportunity to do that. I think it's also important to recognize the question isn't whether or not at some point the people of Maine will get to decide this by referendum. The question is simply: when and in what format will it be? I would much prefer if the voters of Maine made the decision that they thought it was appropriate that the Legislature retains control on drafting the laws and rules and regulations that would govern its use. Too often, when we allow the special interest groups who have something to gain by this to draft referendums on gambling and on many issues in the state, we wind up with laws that are

difficult to change and not, quite frankly, properly drafted. I don't think that's in the best interest of the people of Maine, to allow that to happen, simply because we may be concerned in what the people of Maine might decide.

I raised two sons with my wife. They are now young adults. Both my wife and I were concerns, as all parents are, about all of the temptations that are out there in society. Marijuana was one and alcohol was another and other drugs were another. We had serious and frank conversations with them regarding all of these matters, which I think all parents have and should do. Simply by not allowing it to a vote or allowing it to be legal doesn't change the conversation. In fact, the situation that we now have is that we have drugs in a criminal activity, in a criminal supporting criminal activity which may be for more drugs or more criminal activity. That is far more dangerous to my children, and the children of this state, if people who have no regard for the law, and are out for their profit, are controlling it. I find that far more dangerous to the children of this state than allowing an opportunity, if it's the choice of the people, to have it regulated and government controlled. You have no idea who they are associating with. No idea what the content of the substance is that they may be purchasing or the environment in which it's being sold. I believe that's far more dangerous to the children of this state and, frankly, to anyone who participates in illegal activities. We've certainly seen the results of hundreds of millions and billions of dollars going into the illegal drug trade and the kind of crime and murder and devastation. It is promoted not only in this society but in other societies in foreign countries as well.

I trust the people of Maine to make the right decision on this. I would much rather that we control the outcome of that, should they make the decision to proceed, rather than to allow a situation where we allow someone else to draft the terms and conditions on how it would be governed and managed and regulated. I would ask you to seriously consider what the better outcome is. What's better for the children of this state and for the people in our society? Frankly, I would ask you simply to trust the people of Maine to make a reasonable decision on this issue.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm trying to be a little bit more mellow on this debate than I have been in some of my past ones, especially last Friday on ranked voting. This bill, which I was actually a co-sponsor of and sat through hours of debate in my committee, went from the far left to the far right and back again. I'd like to clear up some misconceptions. The voters sent us a bill once, a referendum, about term limits. I sat in the other Chamber when we attempted to change those, make them longer, make them shorter, or make them different. We could have done that here in the Legislature. The people sent it to us. We get to change laws. That's what the Legislature's all about, changing referendums here and there and regulate them. We chose not to change the term limit law. That was the conscience decision of the Legislature. When the people sent us medical marijuana, of course, I served on two task forces dealing with how to regulate it and how do you make it work. We're still trying to figure that one out. We're still trying to make it work better than we do. You can't charge a tax on something that's federally illegal. The State of Maine can't charge a tax on that. You can't make money on this. Who's going to say if what I have in a pouch came from my

backyard or it came from somebody else's backyard or I bought it in a store? You can't really do that. People, I'm sure, are going to send us a referendum. They will say either they want or they don't want marijuana to be legal in the state of Maine. It's only a civil offense now. You can have 2-1/2 ounces of marijuana with you. It's only a civil crime. You pay a fine. I think people will send us that and if they do then we are going to have to sit in Criminal Justice and Public Safety, not in Health and Human Services, and figure out how to regulate it. We're not going to sit and try to figure out how to tax something that the federal government has said is illegal and the Supreme Court said is going to stay illegal. Until you have a change in Washington that's the way it's going to be.

In committee we were very concerned about how this is going to impact our medical marijuana laws. That also is federally illegal. The federal government has said that if you are regulating it, and if the Legislature is passing it and the people are voting for it, they are not going to impact you. As soon as you do this, as soon as the Legislature sends this out, the federal government is going to send us a letter and they are going to be very concerned about what we're doing in a lot of other areas dealing with marijuana. That is what pretty much got me on the other side of Ought Not to Pass. I'm more concerned about the unintended consequences of sending a referendum out and, in my case, assuming the people will send it back to us in a positive way and then being a mess on everything else, knowing full well that those same people will probably go out and create a petition drive, and the people will probably sign it, and they will probably send it to us. If they do, we're going to have the time to sit down and we're going to look at it. We are going to say: how old are you when you can buy a joint? Are you 18 or 21? We are going to sit down and say: what are the ramifications of driving while you're stoned? Same thing as driving as you're intoxicated? We're going to sit down and figure out all those laws in Chapter 17A, or wherever we go, on how this is done. We're not giving up anything. The people will speak. They will vote. We will deal with it. Don't think that we're going to be able to tax any more than during prohibition we could tax alcohol. We couldn't do that. The federal government is going to figure out sooner or later that this is a war that they've lost. The gateway drug, in my estimation, is tobacco, period. That's the most addictive drug we have and it's perfectly legal and we tax it. I think that we have to give some time to see what happens in Washington, Colorado, Oregon, and everywhere else out west, because I don't want to jeopardize what we do have for people that need it very badly when dealing with cancers and other diseases that medical marijuana seems to have a very strong effect, no matter what the Supreme Court says. We're being allowed to do that because we're regulating it and we're dealing with it. We're not doing this. Ladies and gentlemen, I think we're going to have to talk about this again. Mr. President, I think it's going to come back and will demand our attention. Let the people send it to us. Let's get a clear message from the people and then we will deal with it as any Legislature will, by regulating and trying to make it make sense. Please follow my motion of Ought Not to Pass. You've heard the expression, not ready for prime time. This is as clear an example I know of not ready for prime time. Thank you very much.

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

Senator **MILLETT:** Thank you Mr. President. Ladies and gentlemen of the Senate, I understand on an intellectual level the arguments that are being made in support of this legislation. In fact, I have been back and forth on this issue many many times. Recently, with the passing of the law in Washington, my husband and I found ourselves in a very awkward situation, trying to explain to our two 14 year olds what the means for us, as a family, and the fact that the state has said it's perfectly fine to consume marijuana. We were not prepared for that. In the end, we said, "Thankfully, it's not legal in Maine and you will not consider the consumption of marijuana in your personal habits or future behavior as you go out into the world as a pre-adult." I am not ready to condone the consumption of another drug. I think, as a society, we are struggling with alcohol consumption with our children. Yes, it's regulated, but I'm here to tell you there are many many problems in our communities, with our children, around this drug. It has very serious consequences and continues to be the number one topic of discussion among parents, school administrators, law enforcement officers, and substance abuse counselors. At this point, I cannot possibly add one more drug to that conversation. I urge you to support the Majority Ought Not to Pass. 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 trust the people of Maine to make an informed decision. I don't believe they can make an informed decision in this environment with all the misinformation that's floating around out there. I've seen too many of my family members addicted to this drug to give my endorsement to the use of the drug. I believe a vote to pass this bill is an endorsement. It's us endorsing the use of dangerous drugs. That's why I'll be voting for the current motion. Thank you.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, it's really so good to be able to stand up and agree with some of my colleagues on the other side; the good Senator Gerzofsky and Senator Millett. That tells you where I'm going. We seem to be hearing something that I would call a foregone conclusion here that people of this state are going to automatically condone the legalization of marijuana. I don't believe that's the case. Nobody knows for sure until that happens, but I'm not going to go on that assumption. I was sent here to represent my constituents and to be a leader in the community. I intend to do that. The last thing in the world I intend to do is give my stamp of approval by voting to put this out and regulate it and tax it because that's exactly what I'd be doing, ladies and gentlemen. I would be giving my stamp of approval to do that. I think that, from my perspective, would be irresponsible.

I always think back to the 1970's, when I was sent for my very first drug training school as a police officer. I remember them talking about the pursuit of the perfect drug. It seems like, at least in recent history, we've constantly been on that pursuit of the perfect drug for society. Look where that has gotten us. Look at the substance abuse. Look at the addiction. Look at the carnage. Look at the traffic fatalities and the many other things that have come out of our pursuing the perfect drug. I think we

need to turn around and start moving away from the pursuit of the perfect drug because that's what this is all about. Marijuana, I can guarantee you from my perspective and my experience, is a gateway drug. I don't have the scientific evidence to support that, but I've seen it anecdotally many many many times. I've never dealt with an addicted person or a drug dealer that didn't start off with pot, with marijuana, exclusively. I can't think of a single one that hadn't started out with pot. I think about the complications that legalizing marijuana would have in this state as far as the enforcement of OUI in this state. We haven't come to the point and, as one good Senator mentioned, we might be able to adapt to it, but why do we want to? Why do we need to? There is enough carnage on the highways. I certainly agree that somebody that's under the influence of marijuana is a different type of individuals once you encounter them face-to-face. When you are following them down the street, and they are going from one sidewalk to the other, they are just as dangerous to me as somebody that's got a 4.0 blood test for alcohol. I agree that the writing is on the wall, but the writing that's on the wall to me is that if I put my stamp of approval on this, and this Legislature puts their stamp of approval on this, we're saying bring it on and there will be more problems for the state of Maine. I would urge you to support the pending motion. Thank you, Mr. President.

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

Senator **GRATWICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, I wish to speak about this from a medical point of view. Marijuana is very complex. If we pass this we are making a very complex message simple and I think that is not appropriate. Three things. One, the adolescent brain, I'm sure we all know from both our personal experience from having all been adolescents at one time and having kids and others that we know, is very malleable. It's changing and it's very very responsive to different outside chemicals and structures. There is no question that marijuana, tetrahydrocannabinol, can have a major effect on the developing brain. Number two, there are definite psychiatric effects that are well documented by the use of marijuana. Studies both here in the United States, Portugal, Holland, Australia, and Sweden shows the instances of psychosis; psychosis being major mental changes such as schizophrenia, depression, and delusional disorders. The psychosis can increase significantly, two to four times more, than you would expect. I think, therefore, it is a very dangerous drug. It is a drug. It's not just for entertainment. Third, for a personal response to this, I had a classmate at college. When we were in Ratcliffe College she got summa cum laude. An incredible woman. She also smoked, this is early early on in this whole era, a great deal of marijuana. A year after college she had a schizophrenic break. Her life has been an extraordinarily sad life since that time. Does it make a correlation? Is it absolute? The answer is no. There was such a dramatic change from before to after that it is certainly very sobering to me. Therefore, I'm going to be supporting the Ought Not to Pass and I would urge others to do so as well because of the medical consequences and the message we send. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Cumberland, Senator Gerzofsky to Accept the Majority Ought Not to Pass Report, 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 (#207)**

**YEAS:** Senators: BURNS, CAIN, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFSKY, GOODALL, GRATWICK, HAMPER, HILL, KATZ, LANGLEY, MAZUREK, MILLETT, PATRICK, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: BOYLE, CLEVELAND, HASKELL, JACKSON, JOHNSON, LACHOWICZ, MASON, PLUMMER, SAVIELLO, VALENTINO

**EXCUSED:** Senator: TUTTLE

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **GERZOFSKY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED.**

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**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict the Voting Privileges of Persons Incarcerated for Murder or Class A Crimes  
H.P. 392 L.D. 573

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

Signed:

Senators:  
TUTTLE of York  
PATRICK of Oxford

Representatives:  
LUCHINI of Ellsworth  
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 To Pass as Amended by Committee Amendment "A" (H-267).**

Signed:

Senator:  
MASON of Androscoggin

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

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

Reports **READ**.

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

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**Senate**

**Ought to Pass As Amended**

Senator **PATRICK** for the Committee on **LABOR, COMMERCE,**  
**RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act  
To Amend the Labor Laws as They Relate to Payment for  
Required Medical Examinations"

S.P. 559 L.D. 1498

Reported that the same **Ought to Pass as Amended by**  
**Committee Amendment "A" (S-251)**.

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

**READ ONCE**.

Committee Amendment "A" (S-251) **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 **LABOR, COMMERCE,**  
**RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act  
To Amend the Maine Workers' Compensation Act of 1992 To  
Provide Benefits to Seriously Injured Workers"

S.P. 175 L.D. 443

Reported that the same **Ought to Pass as Amended by**  
**Committee Amendment "A" (S-250)**.

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 Not To Pass**.

Signed:

Senator:  
CUSHING of Penobscot

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

Reports **READ**.

Senator **PATRICK** of Oxford 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 **LABOR, COMMERCE,**  
**RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act  
To Encourage Development in the Logging Industry"  
S.P. 385 L.D. 1103

Reported that the same **Ought to Pass as Amended by**  
**Committee Amendment "A" (S-249)**.

Signed:

Senator:  
PATRICK of Oxford

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 Not To Pass**.

Signed:

Senators:

CLEVELAND of Androscoggin  
CUSHING of Penobscot

Representatives:

DUPREY of Hampden  
LOCKMAN of Amherst

Reports **READ**.

Senator **PATRICK** of Oxford 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.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

**ENACTORS**

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

**Act**

An Act To Ensure Student Access to Postsecondary Military Options

H.P. 1077 L.D. 1503  
(C "A" H-311)

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

**Resolves**

Resolve, To Establish the Task Force on Milk Tier Pricing  
H.P. 540 L.D. 789  
(C "A" H-281)

Resolve, To Direct the Department of Economic and Community Development To Adopt Certain Eligibility Requirements Regarding Community Development Block Grants  
S.P. 560 L.D. 1499

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

Ordered sent down forthwith.

Senate at Ease.

Senate called to order by the President.

**ORDERS OF THE DAY**

**Unfinished Business**

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

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

SENATE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Make Technical Changes to the Agriculture, Conservation and Forestry Laws"

S.P. 332 L.D. 987

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-158)** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-159)** (3 members)

Tabled - May 31, 2013, by Senator **JACKSON** of Aroostook

Pending - **ACCEPTANCE OF EITHER REPORT**

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

On motion by Senator **JACKSON** of Aroostook, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-158)** Report **ACCEPTED**.

**READ ONCE**.

Committee Amendment "A" (s-158) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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

SENATE REPORTS - from 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

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-210)** (4 members)

Tabled - June 6, 2013, by Senator **DUTREMBLE** of York

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, this bill is my bill. It was put in at the request from a bunch of constituents from in my district. The bill before you would allow boards and associations of ponds and lakes in the state to be able to buy fish from either the department or from an approved fish stocker in the state of Maine and they would be able to stock their pond with them. The fish would have to be approved by the Department of Inland Fisheries and Wildlife so there wouldn't be any invasive species or anything that isn't appropriate for that ecosystem or that pond. I'm disappointed in the report, the Majority Report, of the committee because we have, from what I understand at the public hearing, about 300 lakes and ponds that don't have public access. The department defines public access as the public being able to put the same sized boat in the water as somebody that lives on the pond or lake. The problem with that is that if a person that lives on the lake wants to helicopter in a yacht but you can still carry in a canoe if you want to fish than you would have to be able to helicopter in or get a yacht in the water somehow. I think the definition of public access needs to be amended, it needs to be looked at, because if you want to fish on a pond a canoe or a little motor boat is more than substantial to be able to fish. Also we heard in the testimony, through some questions asked to the department, that we have 300 lakes and ponds that don't have public access. We're only funding about 1-1/2 to 2 public access ramps in the state. By that count, it would take anywhere between 150 and 300 years before we got public access to all our lakes. All that people that are in my district are asking for is the opportunity to stock their pond. They might not be able to get the public access. The State might not be able to afford it and the association might not be able to afford to get that on-ramp, but in a lot of these examples there are opportunities for the public to get on their pond. I hope that my colleagues, Mr. President, in the Senate will vote to reject this motion so that we can move onto the amended version of the bill. I think it's a good idea for all those boards and associations that would like to stock their ponds but aren't able to because of the nature of the public access law. I would urge my colleagues to vote against this. Thank you.

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues of the Senate, I feel very strongly about this bill, in opposition of the passage of this bill and in favor of the current

motion of Ought Not to Pass. This is not a question of access. This is a question of the fact that the lakes and ponds of this state belong to the people of the state of Maine. We have declared that and we have declared that loud and strong. It's been the law of the state of Maine for a number of years. It's called the Great Ponds Act. That's where a line was drawn in the sand which says that those waters and access to those waters are critical to the people of the state of Maine and that those waters of the great ponds, as they are defined, belong to the people of the state of Maine. It's a tough thing to enforce. There's no question about that. The only carrot that we have here is the ability of the Department of Inland Fisheries and Wildlife to stock those ponds which do create that equitable access. The good Senator from Androscoggin is correct. You have to have equitable access. That means that if on that lake you are running 17', 19', or 21' boats the access has to be able to allow boats of a similar size to be publicly launched into the lake in order for the department to stock that lake. That's a true carrot approach. It's been very effective in the state of Maine. Are there glitches? Every once in a while there is a glitch. There is not a glitch with this particular lake. This is a perennial bill. The fact that these folks can raise the money to stock the pond and buy the fish but can't find the money to create the access, I think, needs to be considered. It's a very important piece of how our state runs the Great Ponds Act and how we enforce it and how we make sure that those waters are available and are not just limited to those people who can afford to buy around a lake, buy up all the property around a lake, and then say, "There, we've got ours. You can't get on that lake and you can't fish here." I sincerely urge folks to support the Ought Not to Pass. I also want to remind folks that, as we looked at the Inland Fisheries and Wildlife budget, they did still have money in order to be able to pay for launches just as soon as they were made available with the appropriate access. I urge you to please consider the Ought Not to Pass Report.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and gentlemen of the Body, the wonderful Senator from Cumberland has pretty much summed up everything I was going to say. I would just continue that a lot of the discussion in the IF&W Committee was around exactly what she stated. All the people, residents of the lakes and ponds, were buying up the access and there was no public access. One of the things we came up with was that if you have the money to stock the fish than why don't you get together and provide access through someone's land and make it available for everyone out there, so that it is available to all the people. That wasn't received very well, so I hope you support my light and vote with the Ought Not to Pass motion today. Thank you.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just want to reiterate, if I could. I'm originally, in fact, on the Majority side of the vote in the committee because we tried to find a compromise here. At least at the time, I could not see that we had a reasonable compromise. I don't understand what the loss is here. These groups are willing to pay for the fish. They are willing to pay for the fish that are approved

by the department. They are willing to provide the boat access, maybe not big enough for your 25 footer, but boat access. To me, this is a win-win opportunity. This is an opportunity to increase more fishing opportunities for anglers in this state. It provides a great opportunity for the people that live on these ponds. It doesn't really prevent anybody. We already have this as a precedent in this state. There is a pond in my area that was stocked by the State that the public has no access to. This isn't a new thing. This is something that has already been done. I would urge you to reject the pending motion and go onto the Minority Report. Thank you.

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

Senator **MASON:** Thank you Mr. President. I'll rise one more time because I think that the Senator from York and the Senator from Cumberland are comparing apples and oranges. When those options were offered we were talking about a million dollar boat ramp and we were talking about fish stocking. I think that those are two vastly different prices on two things. As the Senator from Washington said, this is an opportunity to increase fishing in the state. They are willing to buy the fish. They are willing to follow the rules. They are willing to work with the department. This is an opportunity. It's an opportunity for the state to increase the access to fishing in the state of Maine. I respectfully disagree with them. I just rise to make those points. Thank you, Mr. President.

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues of the Senate, the question was posed: what do we have to lose? I can tell you what we have to lose. In my opinion, we have to lose access all across this state. This is one of those things that you've got the camel's nose under the tent, slippery slope, or whatever it is. This is a way around for all of these lakes and associations and communities. It's around the Great Ponds Act. It's a way of significantly reducing access to these ponds and lakes for fishermen. I think that's critically important. There is a process. The Senator from Washington is correct. There is a process where you can apply to the department for stocking if you don't have access. There are some ways that the department has been able to work that out. If we open this up to municipalities and associations to be able to stock we lose that access immediately. The efforts to create additional access will disappear because that is the only incentive to create that access that is so important for the rest of us. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#208)**

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

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

**EXCUSED:** Senator: TUTTLE

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **DUTREMBLE** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

**SENATE REPORTS** - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Facilitate the Expansion of the State's Liquor Distribution System"

S.P. 318 L.D. 941

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

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

Tabled - June 6, 2013, by Senator **PATRICK** of Oxford

Pending - motion by same Senator to **RECONSIDER** whereby the Senate **RECEDED** and **CONCURRED**

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

(In Senate, June 6, 2013, on motion by Senator **GOODALL** of Sagadahoc, **RECEDED** and **CONCURRED**.)

Senator **PATRICK** of Oxford requested and received leave of the Senate to withdraw his motion to **RECONSIDER** whereby the Senate **RECEDED** and **CONCURRED**.

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

SENATE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-227)** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-228)** (4 members)

Tabled - June 6, 2013, by Senator **MILLETT** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-227)** Report

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

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

Senator **MILLETT:** Thank you Mr. President. Members of the Senate, I rise today to speak in support of L.D. 1128 as amended. As you consider your vote today I ask you to consider your own community. If a new hospital were to come into town would you want the chance to voice your thoughts about it? Would you want to know who plans to operate it? Would you want to know if it is going to compete with an already existing hospital? Is it going to cause that existing hospital to lay off or let go its employees? Is it going to benefit the community? Will it offer superior care or services compared to what the community already has? This bill gives a voice to those who reside in the community that would be impacted by a proposed new public charter school. L.D. 1128 will ensure that community members have the opportunity to learn about the public charter school, including the anticipated funding plan, student enrollment, and impact on teachers of the existing public school and the charter public school at a public hearing. The public hearing, or public hearings, will be open to the community members and school board members who would each receive invitations to the event. At the hearing organizers with the public charter school would present plans for the schools. Following the presentation of the facts, community members would be informed of their right to submit opinions and concerns to the commission. Just like municipal elected officials may vote on many community matters, school boards could also cast non-binding votes on their stance on the proposed public charter school. All of this will give the commission more information about the sentiment of the effected community or communities regarding a new public charter school. This should be an important consideration in weighing the need and potential impact of a new public charter school. We constantly hear that decisions should be left to school districts and local communities when it comes to education. Well this bill at least gives those very communities more input. When we make changes to the education system it should always be done in best interest of our students. Therefore, we should ensure those students and their parents, teachers, principals, and local school board members

are able to weigh in on a proposed plan. I will be supporting this measure and I urge you to follow my light. Thank you, Mr. President.

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

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, I rise to oppose the current report that is in front of you. Notice that there are two Ought to Pass reports. The first one is really quite prescriptive and probably really quite unworkable with the increase in the public hearings that would be there. Sometimes charter schools could be statewide. To expect that the proposed charter would be able to go to public hearings in all those other districts would be really quite overwhelming to do. It also requires providing estimates of the effect on the funding in each of those school districts. It would make that difficult, if you're going to open a charter school, to really know the inner workings of other school districts' financial situations. It also requires notices to go out to school boards, in which they can then do non-binding votes on whether they would like a charter school to be eligible for their district or catchment area. There is a better alternative in the second report. I would like to defeat this and then go on to the next one. Thank you.

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 Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen, I rise with a difference of opinion about the value of the various reports. Certainly I believe in the pending motion because I believe that the public should have involvement in this process. I think it's not that difficult to assess the impact. You need not know all the finances of the district. It is part of what the charter application, includes their anticipated number of students from different areas. Then you can project that that would be a loss of that money that follows that child from each of the schools that they anticipate children enrolling from in the communities. It's not that difficult. You needn't know the finances of those school districts to estimate that. I think the public really needs to know. One of the things that's been missing from this process in the past is that those advocating for the new charter school, those who are looking to enroll in it, are very aware of the proposed school, but most of the rest of the communities that are impacted are not. That's a serious problem, in my eyes, because I think that the public's concerns, their public's interest, and the public's wishes regarding the nature of the school in their communities should be heard. I think this is a very reasonable Majority Report and I hope you will follow my light. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Cumberland, Senator Millett to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (S-227) 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 (#209)**

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

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

EXCUSED: Senator: TUTTLE

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **MILLETT** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-227)** Report, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (S-227) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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

SENATE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-234)** (8 members)

Minority - **Ought Not to Pass** (3 members)

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

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

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

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

Senator **VALENTINO:** Thank you Mr. President. Members of the Senate, I rise before you today to oppose the motion on the floor, even though I don't think I'm having a very good morning this

morning. I ask you to keep an open mind as you listen to my reasons for supporting this bill. I want you to remember that the committee report is Ought to Pass. Eight people on State and Local Government voted against three Ought to Pass. One thing about this is it certainly has nothing to do with parties. I submitted this bill when the Democrats were in power. I submitted it again when the Republicans were in power. Now I'm submitting it again when power is shared. I really want to call your attention to the green and yellow handouts that I have. Those of you who served in the House during the 124<sup>th</sup> and the 125<sup>th</sup> remember this bill and the lengthy House debates on giving the voters of Maine an opportunity to vote for a unicameral legislature. Now that I am in the Senate, I don't want to be a hypocrite. I have submitted the bill again. I really submitted it to finally be able to have a floor debate on the Senate floor that will be recorded in the Senate Record. You see, I have read every record that has been recorded on this debate going back to 1934. The House always passes the bill and has a lively debate while the Senate lately stays silent. That is why I'm here before you one more time to try and hopefully get somebody to rise out of their seat to talk for or against me. Many will say, and have said, that I'm trying to eliminate the Senate. Just as correctly, you could say I'm trying to eliminate the House and expand the Senate. The truth is that I'm trying to create one Body.

Although Maine allows the citizens to collect signatures for initiatives and to put a people's veto on the ballot, the citizens are prohibited from collecting signatures to place this on the ballot. I will read that again. The citizens are prohibited from putting this on the ballot. The only way people will ever get to vote on this is if we send it to them. This is unlike anything else because it's a Constitutional Amendment.

A unicameral legislature is not a new idea. A bill was first brought before the Maine Legislature in 1935 by Representative LeBelle of Brunswick. It was the floor speech in this Body by Senator Fernald of Waldo County that was remarkable. It is filled with historical research and references but extremely long. He was interrupted six times to yield for other Senators and each time he refused. Even a motion to adjourn was ruled out of order and finally, as a matter of privilege, it was requested that food be brought in to the Senate Chamber for members to eat. I assure you I will not take that long, but I am going to be a little long.

Some of you may say, "Why is she wasting her time on this? We should be tackling healthcare, education, big issues." My first term I was here I ran on the platform of tax reform. Let's do tax reform. I actually remember knocking on a door one time and telling somebody, "Every single member of the Legislature should not be reelected because they have not done tax reform and we are demanding tax reform for years." Well guess what? We still haven't really done a comprehensive tax reform. I was on the Taxation Committee. We passed tax reform. People didn't like it and we did a people's veto. The reality is, though, we work in silos here. Whatever committee you are on tends to be the silo that you work on. If you are on Health and Human Services, you do a lot on that. If you are on Education, you do a lot on that. The silo that I was put into for the last eight years was Veterans and Legal Affairs. That silo is government and government reform. That's why I have been pushing on this issue.

Although Nebraska is the only state to have a unicameral legislature, many of the original states, including Vermont and Pennsylvania, were unicameral after the United States was formed. Benjamin Franklin was an advocate of a unicameral Body and argued for it at the federal level when they were drafting

the Constitution. He did not want to model after the House of Lords and the House of Commons in England. He did not feel that we should have a House of Lords made up of men, at the time, with money and land. He argued for a one Body legislature, a one Body that would be closer to the people. In 1937 Nebraska became unicameral because their citizens were allowed to gather signatures to get this on the ballot. They have been unicameral for 76 years and operate with 49 Senators representing a population of 1.7 million; more than us and twice the geographical area. Nebraska's legislature has safeguards in place to assure that legislation is not made in haste and without thorough examination. Time periods, such as five days from an item appearing on the calendar until a vote can be taken on an issue, are in place. Members are not thrown bills, committee reports, amendments, and supplements on their desks and asked to vote on them in the next few minutes. They have anywhere from 24 hours to five days to read the material, understand the issue, and then vote on the bill. They cannot waive the rules. Can you imagine if we had that? If you had a divided report on your desk and said, "We're not going to do this until later so that you can research it." Sometimes we've had debate, amendments, first reading, second reading, engrossment, and enactment all on the same day. What we consider a safeguard, having a bill be passed back and forth between the two Bodies, often acts to shift the responsibility and the accountability from one Body to the other. We have seen many times after enactment that a bill slipped through and needs to be changed the next session. We need to have one set of eyes that knows that they are the only people responsible for reading and understanding what they are voting for and what they are voting against.

In the 1960's there were three United States Supreme Court cases ruling that states were not allowed to apportion the House and Senate differently. The court stated that Bodies must be apportioned based on population, not geography. That is why Maine had to change and that is why we cannot have two Senators from each county. We have to be based on population. We can never go back to the two Senators from each county. The rulings raised doubt about the necessity to have two Bodies, both based on population. In Maine, bills were introduced in 1967, 1973, 1977, 1979, 1992, 1995, 2009, and 2011 for a unicameral legislature. None of the bills achieved the two-thirds needed to send the issue to the voters to decide. Many states over the years continue to introduce bills to create a unicameral legislature, but no state has approved the measure. Why? When asked if other states would follow Nebraska in 1937 the Nebraska clerk predicted correctly. He said, "Not too many legislators want to vote themselves out of office."

The majority of the State and Local Government Committee has always supported this bill and every House member, Democrat and Republican, on that committee is on the Majority Ought to Pass. In these tough economic times, while trying to prepare a State budget, proposals for consolidation, downsizing, and belt tightening in all areas have been put forward. We have asked our schools, municipalities, nursing homes, State workers, and others to make sacrifices. There are currently 61 bills on the Appropriations Table as of today. Those bills have had a lot of work done on them. They have had public hearings. They've had meetings and work sessions. None of them got into the budget, maybe one or two. What happens to those 61 bills and all that work we've done? Nothing. It goes away. Funding that we don't have. Isn't it time we reevaluate the way the Legislature should be working in the 21<sup>st</sup> Century? It is no longer 1820. We

don't travel by horse and buggy. We reach out to constituents by e-mail, Facebook, or Twitter. We even drive in our automobiles now. Cost. I ask you, do we really need to spend \$12.2 million every budget for a Senate? Do we really need to spend \$350,000 every budget cycle to support one Senator? One of us.

The citizens in this electronic day and age really need two people to represent them. The basic outline of this bill is to have a part-time citizen Legislature of 151 members. There will be no redistricting. We will use the same 8,800 people. We will be closer to the people versus the 38,000 that we now have to represent. This assures closeness between members and the constituents. The first question most people ask is that we need to preserve the checks and balances of the Constitution. I would say look up what you learned in fourth grade. Separation of powers and checks and balances refers to the three branches of government; Executive, Judicial, and Legislative. It does not refer to the relationship between the House and the Senate. In our system of shared lawmaking authority, quality control does not rest with the Legislature alone. The Executive veto, judicial review, and in Maine we have a citizen's initiative and a people's veto are all protections. I ask you: why is the Legislature the only branch of government divided in two? I contend that a unicameral system corrects the modern day concentration of power and it increases the power of the Legislature and restores the proper balance among the three branches of government. Last month 19 members of this Body voted on a roll call vote to reduce the House from 151 to 101 members and the Senate from 35 to 25 members. Unlike that bill, which would just create larger districts, a unicameral legislature will not hurt rural districts. I have some great maps and visuals on these but props are not allowed. You will see reducing the size hurts a rural district. Unicameral may actually strengthen the voice of rural Maine since the Senate is usually the power base and rural Maine citizens are sparsely represented now because the Senate has one Senator for 38,000 people. In 2009, after I first proposed the bill, one paper wrote, "With this budget," because every year is the worst budget ever, "the Legislature has driven home the new reality that we simply can't afford government like we have had for the last 200 years." Another paper said, "Legislature misses rare opportunity to gain through division as legislative votes go to Maine House decision Tuesday to eliminate itself, deserves some kind of special award, if not a profiles in courage prize at least it's a profiles in common sense." Let's live up to our Dirigo motto. Let's make Maine the first state in 76 years to become unicameral. Let Maine lead the change in the 21<sup>st</sup> Century for more transparent, efficient, and accountable government with savings of \$12.2 million every budget cycle. Please vote against the motion on the floor so that Maine citizens will have an opportunity to vote.

On motion by Senator **VALENTINO** of York, 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 Kennebec, Senator Lachowicz.

Senator **LACHOWICZ:** Thank you Mr. President. Men and women of the Senate, I haven't been here very long. Frankly, I'm not a professional politician. I'm a social worker. If the Senate was to end tomorrow I'd just go back to my job and I'd be just fine. I really believe in the Constitution. I hear people talk about it all

the time. Our Constitution was modeled on the federal Constitution. Whatever you think of the mess that goes on in Washington that people complain about all the time, our Constitution, both federal and statewide, was set up to provide not just checks and balances, as the good Senator from York mentioned, but also a separation of powers and also for there to be a Body closer to the people and a more deliberative Body. I think that's what we have here. In the short time I've been here one of the things I've noticed is that we tend to debate less but also tend to talk more about solutions. Actually, I kind of like that. What I've seen is that it works. I guess we could save money, but if there is only one other unicameral legislature in the country maybe we're doing something that's right. We did set up our original government like this. Our Founding Fathers thought this was a good idea. Like I said, for whatever you think about what's going down in Washington, they also have the same model. I don't have much more to say about that, other than I respect the Constitution and if I didn't have this job tomorrow I would still be fine, as I'm sure most of us would be. Thank you very much.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, my colleague from York County, Senator Valentino, mentioned a few things that I think are important. One is that I think everybody in this Chamber realizes that we've been a state for 193 years, becoming a state in 1820. We put into play a system that seems to work, but towards the end of session sometimes it gets a little contentious, but nevertheless it does work. It's worked fine for 193 years. I don't think we need to change it now. I think it's tried and proved. I would urge you to support the pending motion of Ought Not to Pass and move on with our agenda today. 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'd like to ask three questions of the sponsor, if I may?

**THE PRESIDENT:** The Senator may pose his questions.

Senator **SHERMAN:** Thank you Mr. President. The three questions are these. We had a bill in that wanted to change the way we handled our two year budget. We were talking about the Henry Joy idea. Some of you remember Henry. It was going to cost \$10 million or \$15 million. We couldn't do that very well. Second question is: how would you change the shapes? Would they be squares, rectangles, along High Street, along the river, or a nice circle around the town? How would you change the state to get the apportionment? The last one is: we have three seats, and possibly four seats, for our Native Americans. How would you handle the Native Americans? Would they have to run on a 8,500 seat or would they be granted special status?

**THE PRESIDENT:** The Senator from Aroostook, Senator Sherman poses a series of questions through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator Valentino.

Senator **VALENTINO:** Thank you Mr. President. Members of the Senate, to respond to the questions: the two year budget, changing the budget cycle. I think that's a great idea. I think this unicameral actually is a four-year unicameral. We'd be elected for four years. I've thought about this so much, I can go on and on and on. I would think what I would like to see if that in the first year we do all of the bills. Then we would have an amount on the Appropriations Table. We know what we're doing. Then the second year we could do a budget and figure that out. We would have a long short, long short session. Then you could put in emergency bills. That way there would be stability for a lot of businesses and people, to know that you couldn't submit the same bill each session. That would give some the stability of four years versus two years and knowing everything was going to be changed every single two years on it. I think changing the budget cycle is actually a good idea. Having four years here and having one bill introduced only once in four years, which actually gives an opportunity for an idea to take root and to grow and for people to do changes.

The other thing, I wasn't quite certain about your circles and squares. If you was talking about apportionment. Apportionment would be the same as it is now. I'm not sure if that was a true question or maybe just sarcastic. Apportionment would be the same.

As far as the Native Americans, the Body has to realize the Native Americans are not provided for in the Constitution. Therefore, this would not be in the Constitutional Amendment. Native Americans, their seats are done by statute and by rules. The statutes and rules would stay the same. The Native American seats are not provided in the Constitution. If they were then we would be in violation of the Constitution because the Constitution says we can only have 151 members of the House. Right now there are three Native Americans there. We would have, in essence, by-pass the Constitution, violated the Constitution. That's why they are in statute and that's how we get away with it. In statute. There would be no change for the Native Americans. That's in statute, not in the Constitution.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#210)

**YEAS:** Senators: BOYLE, CLEVELAND, COLLINS, CRAVEN, DUTREMBLE, FLOOD, GERZOFISKY, GOODALL, HAMPER, HASKELL, JOHNSON, KATZ, LACHOWICZ, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: BURNS, CAIN, CUSHING, GRATWICK, HILL, JACKSON, LANGLEY, VALENTINO, WOODBURY

EXCUSED: Senator: TUTTLE

25 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **LACHOWICZ** of Kennebec to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/7/13) matter:

**Emergency Measure**

An Act To Ensure the Continuation of Dairy Farming  
S.P. 148 L.D. 368  
(C "A" S-170)

Tabled - June 7, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **ENACTMENT**, in concurrence

(In Senate, June 3, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-170)**.)

(In House, June 6, 2013, **PASSED TO BE ENACTED**.)

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

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The Chair laid before the Senate the following Tabled and Later Assigned (6/7/13) matter:

**Emergency Measure**

An Act To Make Supplemental Allocations from the Highway Fund for the Expenditures of State Government Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013

H.P. 1117 L.D. 1550  
(C "A" H-292)

Tabled - June 7, 2013, by Senator **MAZUREK** of Knox

Pending - **ENACTMENT**, in concurrence

(In Senate, June 3, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-292)**, in concurrence.)

(In House, June 6, 2013, **PASSED TO BE ENACTED**.)

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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The Chair laid before the Senate the following Tabled and Later Assigned (6/7/13) matter:

**Emergency Resolve**

Resolve, Regarding Legislative Review of Portions of Chapter 17: Rules Regarding Proof of Ownership and Recruitment by Employers Employing Foreign Laborers To Operate Logging Equipment, a Major Substantive Rule of the Department of Labor  
H.P. 893 L.D. 1259  
(C "A" H-257)

Tabled - June 7, 2013, by Senator **JACKSON** of Aroostook

Pending - **FINAL PASSAGE**, in **NON-CONCURRENCE**

(In Senate, June 3, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-257)**, in concurrence.)

(In House, June 6, 2013, **FAILED FINAL PASSAGE**.)

On motion by Senator **JACKSON** of Aroostook, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-257)**, in concurrence.

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Senate at Ease.

Senate called to order by the President.

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On motion by Senator **JACKSON** of Aroostook, Senate Amendment "A" (S-246) **READ**.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, this amendment removes the Emergency preamble, emergency clause, from the bill.

On motion by Senator **JACKSON** of Aroostook, Senate Amendment "A" (S-246) **ADOPTED**.

On motion by Senator **HILL** of York, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-257) AND SENATE AMENDMENT "A" (S-246)**, in **NON-CONCURRENCE**.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/7/13) matter:

An Act Regarding Working Waterfront Projects  
H.P. 320 L.D. 470  
(C "A" H-302)

Tabled - June 7, 2013, by Senator **KATZ** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, June 3, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-302)**, in concurrence.)

(In House, June 6, 2013, **PASSED TO BE ENACTED**.)

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 (#211)**

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

NAYS: Senators: None

EXCUSED: Senator: TUTTLE

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

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The Chair laid before the Senate the following Tabled and Later Assigned (6/7/13) matter:

An Act To Expand Crossbow Hunting  
H.P. 713 L.D. 1015  
(C "A" H-274)

Tabled - June 7, 2013, by Senator **JACKSON** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, June 3, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-274)**, in concurrence.)

(In House, June 6, 2013, **PASSED TO BE ENACTED**.)

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

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The Chair laid before the Senate the following Tabled and Later Assigned (6/7/13) matter:

An Act To Facilitate Veterans' and Their Spouses' Access to Employment, Education and Training  
H.P. 802 L.D. 1137  
(C "A" H-321)

Tabled - June 7, 2013, by Senator **KATZ** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, June 3, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-321)**, in concurrence.)

(In House, June 6, 2013, **PASSED TO BE ENACTED**.)

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 (#212)**

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

NAYS: Senators: None

EXCUSED: Senator: TUTTLE

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

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Off Record Remarks

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

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Senator **JACKSON** of Aroostook was granted unanimous consent to address the Senate off the Record.

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

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Senator **SHERMAN** of Aroostook was granted unanimous consent to address the Senate off the Record.

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Senator **THIBODEAU** of Waldo was granted unanimous consent to address the Senate off the Record.

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

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

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On motion by Senator **GOODALL** of Sagadahoc, **RECESSED** until 3:00 in the afternoon.

After Recess

Senate called to order by the President.

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Senator **HASKELL** of Cumberland requested and received leave of the Senate that members and staff be allowed to remove their jackets for the remainder of this Session.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Amend the Laws Governing Secession from a Municipality" (EMERGENCY)

H.P. 1131 L.D. 1561

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

On motion by Senator **LACHOWICZ** of Kennebec, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator **TUTTLE** for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Support Maine Businesses by Authorizing Certain Brewing Partnerships"

S.P. 590 L.D. 1548

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-252)**.

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

**READ ONCE**.

Committee Amendment "A" (S-252) **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**

**House**

**Ought to Pass As Amended**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Allow a Person Who Owns a Slaughterhouse To Slaughter Poultry for Other People" (EMERGENCY)

H.P. 196 L.D. 259

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-407)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-407)**.

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

**READ ONCE.**

Committee Amendment "A" (H-407) **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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish a Veteran-to-farmer Training Pilot Program"

H.P. 284 L.D. 409

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-413)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-413)**.

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

**READ ONCE.**

Committee Amendment "A" (H-413) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

H.P. 613 L.D. 886

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-411)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-411)**.

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

**READ ONCE.**

Committee Amendment "A" (H-411) **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 Concerning Parental Rights in Child Abandonment Cases" H.P. 786 L.D. 1114

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-409)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-409)**.

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

**READ ONCE.**

Committee Amendment "A" (H-409) **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 Regarding the Swans Island Lobster Fishing Zone" (EMERGENCY)

H.P. 718 L.D. 1020

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-408)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-408)**.

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



**READ ONCE.**

Committee Amendment "A" (H-408) **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 **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located in Bangor, Boothbay Harbor and Hallowell

H.P. 668 L.D. 955

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-412)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-412)**.

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

**READ ONCE.**

Committee Amendment "A" (H-412) **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 Bill "An Act To Add Conditions That Qualify for Medical Marijuana Use"

H.P. 755 L.D. 1062

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-398)**.

Signed:

Senators:

- CRAVEN of Androscoggin
- HAMPER of Oxford
- LACHOWICZ of Kennebec

Representatives:

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

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

Signed:

Representative:

- DORNEY of Norridgewock

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED Report READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-398)**.

Reports **READ**.

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

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

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

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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 **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Certain Mechanical Trades

H.P. 763 L.D. 1070

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

Signed:

Senators:

CLEVELAND of Androscoggin  
CUSHING of Penobscot

Representatives:

DUPREY of Hampden  
HAMANN of South Portland  
LOCKMAN of Amherst  
MASON of Topsham  
VOLK of Scarborough  
WINCHENBACH of Waldoboro

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

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast  
CAMPBELL of Newfield  
GILBERT of Jay  
MASTRACCIO of Sanford

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

Reports **READ**.

Senator **PATRICK** of Oxford moved the Senate **ACCEPT** the Minority **OUGHT 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 (#213)**

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

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

EXCUSED: Senator: TUTTLE

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **PATRICK** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS** Report, in concurrence, **FAILED**.

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending **ACCEPTANCE** of the Majority **OUGHT NOT TO PASS** Report, in **NON-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 Establish the Fair Chance for Employment Act" H.P. 822 L.D. 1157

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-402)**.

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 Not To Pass**.

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 TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-402)**.

Reports **READ**.

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

On motion by Senator **KATZ** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **PATRICK** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Senate at Ease.

Senate called to order by the President.

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 **ENERGY, UTILITIES AND TECHNOLOGY** on Resolve, To Place a Temporary Suspension on Permitting of Certain Expedited Grid-scale Wind Energy Developments (EMERGENCY)

H.P. 949 L.D. 1325

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

Signed:

Senators:

- CLEVELAND of Androscoggin
- JACKSON of Aroostook
- YOUNGBLOOD of Penobscot

Representatives:

- HOBBINS of Saco
- BEAVERS of South Berwick
- DUNPHY of Embden
- GIDEON of Freeport
- HARVELL of Farmington
- LIBBY of Waterboro
- NEWENDYKE of Litchfield
- RYKERSON of Kittery
- TIPPING-SPITZ of Orono

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

Signed:

Representative:

- RUSSELL of Portland

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

Reports **READ**.

On motion by Senator **JACKSON** of Aroostook, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in 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 **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Concerning the Ability of Off-premises Liquor Licensees To Dispense Liquor in Sealed Refillable Containers"

S.P. 364 L.D. 1082

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

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 To Pass**.

Signed:

Representative:

- RUSSELL of Portland

Reports **READ**.

On motion by Senator **JACKSON** of Aroostook, 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:

**ENACTORS**

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

**Resolves**

Resolve, Directing the Department of Transportation To Convene a Task Force To Study Issues Concerning Private Railroad Crossings

H.P. 129 L.D. 154  
(C "A" H-331)

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  
(C "A" H-342)

Resolve, Directing the Androscoggin County Commissioners To Make Changes to the Androscoggin County Charter

S.P. 366 L.D. 1084  
(C "A" S-153)

Resolve, Directing the Commissioner of Professional and Financial Regulation To Convene a Stakeholder Group To Review Changes in Federal and State Regulations and Rules Governing Compounding Pharmacies

H.P. 934 L.D. 1315  
(C "A" H-299)

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

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Resolve, To Improve Access to Oral Health Care for MaineCare Recipients

S.P. 109 L.D. 276  
(C "A" S-197)

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

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Resolve, Directing the Department of Health and Human Services To Develop a Process To Provide Additional Home-based and Community-based Services in the MaineCare Program

H.P. 338 L.D. 488  
(C "A" H-325)

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

---

Resolve, To Establish the Commission To Study Long-term Care Facilities

S.P. 331 L.D. 986  
(C "A" S-201)

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

---

Resolve, Directing the Department of Health and Human Services To Amend the MaineCare Benefits Manual

S.P. 467 L.D. 1333  
(C "A" S-206)

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

---

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

S.P. 562 L.D. 1504  
(C "A" S-189)

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

On motion by Senator **KATZ** of Kennebec, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in concurrence. (Roll Call Ordered)

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

**ENACTORS**

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

**Acts**

An Act To Amend Certain Laws Governing the Bureau of Maine Veterans' Services

S.P. 77 L.D. 241  
(C "A" S-181)

An Act To Improve the Quality of the Data Used in the Management of Maine's Fisheries

H.P. 332 L.D. 482  
(C "A" H-335)

LEGISLATIVE RECORD - SENATE, MONDAY, JUNE 10, 2013

An Act To Improve Care Coordination for Persons with Mental  
Illness

H.P. 353 L.D. 534  
(C "A" H-341)

An Act To Amend the Laws Governing the Award of Spousal  
Support in Divorce Actions

H.P. 367 L.D. 548  
(C "A" H-330)

An Act To Facilitate Patient Education

S.P. 260 L.D. 711  
(C "A" S-200)

An Act To Increase Access to Voter Lists

H.P. 519 L.D. 768  
(C "A" H-329)

An Act To Promote the Financial Literacy of High School Students

H.P. 594 L.D. 843  
(C "A" H-348)

An Act To Increase Revenue for the ATV Recreational  
Management Fund

H.P. 635 L.D. 911  
(C "A" H-290)

An Act To Require Public Disclosure of Health Care Prices

S.P. 335 L.D. 990  
(C "A" S-202)

An Act To Amend the Law Regarding Affordable Housing Tax  
Increment Financing

H.P. 863 L.D. 1218  
(C "A" H-307)

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  
(C "A" H-332)

An Act To Streamline the Charitable Solicitations Act

S.P. 438 L.D. 1277  
(S "A" S-165 to C "A" S-145)

An Act To Amend Campaign Finance Laws

S.P. 447 L.D. 1299  
(C "A" S-191)

An Act To Enhance Voter Registration for Persons with  
Disabilities

S.P. 449 L.D. 1306  
(C "A" S-182)

An Act To Amend the Laws Governing Unemployment  
Compensation To Ensure Conformity with the Federal Trade  
Adjustment Assistance Extension Act of 2011

S.P. 454 L.D. 1311  
(C "A" S-183)

An Act To Provide Integrated Community-based Employment and  
Customized Employment for Persons with Disabilities

S.P. 471 L.D. 1352  
(S "A" S-196 to C "A" S-187)

An Act To Update the Maine Insurance Code To Maintain  
Conformance with Uniform National Standards

S.P. 574 L.D. 1519  
(C "A" S-184)

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

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An Act To Require Firearms Used in the Commission of Certain  
Acts To Be Civilly Forfeited to the State and Destroyed

H.P. 497 L.D. 724

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

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An Act To Protect Working Mothers Who Breast-feed

H.P. 528 L.D. 777

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

---

An Act To Provide Transparency in Fund-raising by and Lobbying  
of a Governor-elect

S.P. 347 L.D. 1023  
(C "A" S-179)

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

---

An Act To Ensure State Coordination and Oversight of Health  
Plans

S.P. 376 L.D. 1094  
(C "A" S-185)

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

---

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  
(C "A" S-207)

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

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An Act To Deregulate Face-to-face Transactions between the People and Small Farms and Small Food Producers  
H.P. 914 L.D. 1287  
(C "A" H-326)

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

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An Act To Amend the Law Pertaining to Defective or Unreasonably Dangerous Implantable Medical Devices and Pharmaceuticals

S.P. 462 L.D. 1331  
(C "A" S-163)

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

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An Act To Address Maine's Immediate Workforce Needs  
S.P. 554 L.D. 1489  
(C "A" S-194)

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

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

**ENACTORS**

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

**Emergency Measure**

An Act To Exempt Agriculture, Timber Harvesting and Public Employees from Certain Oversight in Shoreland Areas  
S.P. 231 L.D. 641  
(C "A" S-164)

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 Amend Article 9-A of the Uniform Commercial Code  
H.P. 985 L.D. 1384  
(C "A" H-333)

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 Expand the Authority of Lobster Management Policy Councils To Address Entry into Lobster Management Zones and To Create a Temporary Medical Allowance  
H.P. 1113 L.D. 1544  
(C "A" H-334)

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 Establish a Moratorium on the Approval and Operation of Virtual Public Charter Schools  
S.P. 340 L.D. 995

Comes From the House, **FAILED ENACTMENT**.

On motion by Senator **JACKSON** of Aroostook, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in **NON-CONCURRENCE**.

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**Emergency Resolve**

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  
H.P. 612 L.D. 861

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 Resolve**

Resolve, To Establish Demonstration Projects To Promote Economic Development in the Forest Products Industry  
S.P. 541 L.D. 1467  
(C "A" S-208)

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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**ORDERS OF THE DAY**

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

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Establish the Fair Chance for Employment Act" H.P. 822 L.D. 1157

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-402)** (8 members)

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

Tabled - June 10, 2013, by Senator **KATZ** of Kennebec

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

(In House, June 10, 2014, 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-402)**.)

(In Senate, June 10, 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 (#214)**

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

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

EXCUSED: Senator: TUTTLE

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **PATRICK** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (H-402) **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 **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Concerning Postsecondary Tuition Waivers for Children of Veterans"

H.P. 469 L.D. 677

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-404)**.

Signed:

Senators:  
TUTTLE of York  
MASON of Androscoggin  
PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth  
BEAULIEU of Auburn  
FOWLE of Vassalboro  
GIFFORD of Lincoln  
JOHNSON of Eddington  
KINNEY of Limington  
LONGSTAFF of Waterville  
SAUCIER of Presque Isle  
SCHNECK of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-405)**.

Signed:

Representative:

RUSSELL of Portland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-404)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-404)**.

Reports **READ**.

On motion by Senator **JACKSON** of Aroostook, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-404)** Report **ACCEPTED**, in concurrence.

**READ ONCE**.

Committee Amendment "A" (H-404) **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 **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Ensure Efficiency in the Unemployment Insurance System" H.P. 482 L.D. 690

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-280)**.

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 Not To Pass**.

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 TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-280)**.

Reports **READ**.

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

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

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, for over 75 years the unemployment insurance system has helped to stabilize workers, families, and local economies during difficult economic times. Thankfully so, for each year thousands of Maine workers, particularly low wage workers who live paycheck to paycheck when working, need to rely on unemployment as a lifeline to keep a roof over their heads and food on the table when they lose a job. When these benefits don't come promptly their lives are often thrown into financial crisis. That is why a core long-standing principle of federal unemployment law provides that the unemployment insurance program be administered in a manner that insures payment of benefits with the greatest possible degree of promptness. Federal standards have been established to define the degree of promptness that is acceptable in various kinds of unemployment determinations. The determinations at issue in L.D. 690 are non-monetary ones. They involve a persons' eligibility based on circumstances of their separation



from work or, once eligible, their rights to continuing benefits. With respect to these determinations, the federal department of labor has established core performance measures finding acceptable performance to be that a state is making 80% of non-monetary separation and non-separation decisions within 21 days of the detection of any issue that has a potential to affect a claimant's benefit rights. The department schedules approximately 1,000 of these cases for fact finding each week. When there are delays in this process, thousands of Maine people are impacted and that has been the case for the last several years. Maine has not been meeting this core federal performance standard since 2009. For February 2013, the most recent federal data currently available, we met the promptness standard with respect to non-separation determinations only at 27.3% of these cases, for separation determination only 5.4% of these determinations were timely. That is why the proposal made in L.D. 690 is important and should be enacted into law. It provides insurance to Maine's unemployed workers that they will no longer have to suffer these kinds of unacceptable delays. 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 rise today in opposition to the proposed motion before us and I do so as somebody who had the pleasure of serving with my good friend from Oxford and working with him on many issues before the LCRED Committee, and also as having the experience of serving in the 124<sup>th</sup> Legislature on the Labor Committee when we were in the midst of some of the more difficult times with the downturn in our economy. What I'd like to share with you today is just some brief facts as to how this well-intentioned but unfortunate bill could impact Maine and the vast resources that come to us to assist in unemployment benefits from the federal government.

Currently, the Department of Labor has made very positive and significant progress in addressing the timeliness of those seeking hearings. They are scheduling on average hearings about 13 days out. This is well within the standard. Compared to last November, for example, when the scheduling was still 50 plus days out for these folks. As my colleague said, there are some very uncertain and unsettling times for people when they are cast into the field of being unemployed. The sooner that we can alleviate that and make sure that they are receiving the funds that they need to sustain their family the better. However, we're doing that. We have ramped up the process right now. To give you an example, of the 53 states and territories that are covered through the federal program the numbers that met the minimum requirements for non-monetary timeliness from fiscal year 2007 to 2012 are as follows; in 2007, and Maine was one of those who met their requirement at that point, there were only 23 of those states and territories. It dropped in 2008 to 19. In 2009 to 14. In 2010 to 13. In 2011 to 11 states. In 2012 it started coming back up with 13 states meeting those requirements. Between 2008 and 2012 only one New England state had met timeliness in any year. That was New Hampshire in fiscal year 2011. However, at the same time, New Hampshire failed quality performance in both separation and non-separation adjudications during that year. Although we've not met the performance target for timeliness for the last two years, Maine is one of the few states that have continued to meet both of the quality performance standards in all

six fiscal years. This bill seeks to put into statute a standard that makes Maine an outlier. It puts into statute a standard that puts us out of conformity with federal law with the likely consequences of putting in jeopardy millions of dollars of tax credits and the possibility of losing federal funding we receive to administer the program. That's jobs that are already helping to solve the problem with the backlog. Mr. President, in closing, I just remind people that employers currently pay \$30 million a year in federal unemployment tax. Employers, if we lost those FUTA credits from the federal government, might have to absorb \$210 million, or an increase of \$180 million a year. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Oxford, Senator Patrick to Accept the Majority Ought to Pass as Amended 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 (#215)**

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

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

**EXCUSED:** Senator: TUTTLE

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **PATRICK** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED.**

**READ ONCE.**

Committee Amendment "A" (H-280) **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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**ORDERS OF THE DAY**

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

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

S.P. 562 L.D. 1504  
(C "A" S-189)

Tabled - June 10, 2013, by Senator **KATZ** of Kennebec

Pending - **FINAL PASSAGE**, in concurrence (Roll Call Ordered)

(In Senate, June 5, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-189).**)

(In House, June 10, 2013, **FINALLY PASSED.**)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#216)**

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

NAYS: Senators: None

EXCUSED: Senator: TUTTLE

34 Senators having voted in the affirmative and No Senator having voted in the negative, with 1 Senator being excused, 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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The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

An Act To Require Firearms Used in the Commission of Certain Acts To Be Civilly Forfeited to the State and Destroyed  
H.P. 497 L.D. 724

Tabled - June 10, 2013, by Senator **KATZ** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, June 3, 2013, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, June 10, 2013, **PASSED TO BE ENACTED.**)

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 (#217)**

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

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

EXCUSED: Senator: TUTTLE

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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

An Act To Protect Working Mothers Who Breast-feed  
H.P. 528 L.D. 777

Tabled - June 10, 2013, by Senator **KATZ** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, June 6, 2013, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, June 10, 2013, **PASSED TO BE ENACTED.**)

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

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

An Act To Provide Transparency in Fund-raising by and Lobbying of a Governor-elect

S.P. 347 L.D. 1023  
(C "A" S-179)

Tabled - June 10, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **ENACTMENT**, in concurrence

(In Senate, June 5, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-179).**)

(In House, June 10, 2013, **PASSED TO BE ENACTED.**)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#218)**

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

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

EXCUSED: Senator: **TUTTLE**

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator **PATRICK** for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve Professional Training for Licensed Mental Health Clinicians"

S.P. 432 L.D. 1238

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-254).**

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

**READ ONCE.**

Committee Amendment "A" (S-254) **READ** and **ADOPTED.** Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED.**

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

Off Record Remarks

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

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

On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED** to Tuesday, June 11, 2013, at 10:00 in the morning.