

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Sixth Legislature
State of Maine

Daily Edition

First Regular Session
beginning December 5, 2012

beginning at Page 1

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

In Senate Chamber
Tuesday
June 11, 2013

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

Prayer by Senator David C. Burns of Washington County.

SENATOR BURNS: Good morning everyone. Please bow our heads in prayer. Dear Heavenly Father, I humbly come before You today in awe of who You are, Creator and Sustainer of the Universe, and yet You care about what goes on here today in this Chamber. I thank You for the privilege to serve with these men and women You have appointed to help govern this great state. The scriptures clearly say that all government is ordained by You. Father, I ask You this morning to grant each of us the wisdom we need to make the correct decisions before us today. Without Your guidance we are prone to stray from Your will and follow our own prejudices. We must understand that each decision that we make here impacts some or many in our state. It is my prayer that our decisions and votes will have a positive impact on Your people. I pray today for our leaders; President Obama, Governor LePage, President Alfond, and Speaker Eves. Please give them the discernment, wisdom, and courage to lead in spite of all the pressures on them. Protect them and their families and bless them for their service. I ask Your blessing on this Body and may what we do here today bring honor and glory to You. In Jesus' name I pray. Amen.

Pledge of Allegiance led by Senator Garrett Paul Mason of
Androscoggin County.

Reading of the Journal of Monday, June 10, 2013.

Doctor of the day, Joel Kase, DO, MPH. of Lewiston.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Clarify the Law Concerning the Threatening
Display of Dangerous Weapons"

H.P. 255 L.D. 380
(C "A" H-204)

In Senate, May 30, 2013, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-204)**, in
concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-204) AS
AMENDED BY HOUSE AMENDMENT "B" (H-410)** thereto, in
NON-CONCURRENCE.

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

Non-Concurrent Matter

Bill "An Act To Help Small Farmers in Selling Raw Milk and
Homemade Food Products"

S.P. 444 L.D. 1282
(C "A" S-195)

In Senate, June 5, 2013, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-195)**.

Comes from the House, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-195) AS
AMENDED BY HOUSE AMENDMENT "A" (H-427)** thereto, in
NON-CONCURRENCE.

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

COMMUNICATIONS

The Following Communication: S.C. 456

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

June 10, 2013

The Honorable Justin L. Alfond
President of the Senate of Maine
126th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule
505 of the Maine Legislature, the Joint Standing Committee on
Education and Cultural Affairs has had under consideration the
nomination of Kevin P. McCarthy of Falmouth, for reappointment
to the University of Maine System, Board of Trustees.

ROLL CALL (#219)

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Millett of Cumberland, Johnson of Lincoln, Langley of Hancock
	Representatives	9	MacDonald of Boothbay, Daughtry of Brunswick, Hubbell of Bar Harbor, Johnson of Greenville, Kornfield of Bangor, Maker of Calais, McClellan of Raymond, Nelson of Falmouth, Rankin of Hiram
NAYS		0	
ABSENT		1	Rep. Pouliot of Augusta

Rep. Soctomah of Passamaquoddy Tribe was absent.

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Kevin P. McCarthy of Falmouth, for reappointment to the University of Maine System, Board of Trustees be confirmed.

Signed,

S/Rebecca J. Millett
Senate Chair

S/W. Bruce MacDonald
House Chair

READ and ORDERED PLACED ON FILE.

The Chair noted the absence of the Senator from York, Senator **TUTTLE** and further excused the same Senator from today's Roll Call votes.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

YEAS: Senators: None

NAYS: 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

EXCUSED: Senator: TUTTLE

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Kevin P. McCarthy** of Falmouth for reappointment to the University of Maine System, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 455

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

June 10, 2013

The Honorable Justin L. Alfond
President of the Senate of Maine
126th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Ronald M. Bancroft of Cumberland, for appointment to the Maine Public Broadcasting System, Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Millett of Cumberland, Johnson of Lincoln, Langley of Hancock
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Representatives 9 MacDonald of Boothbay, Daughtry of Brunswick, Hubbell of Bar Harbor, Johnson of Greenville, Kornfield of Bangor, Maker of Calais, McClellan of Raymond, Nelson of Falmouth, Rankin of Hiram

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Ronald M. Bancroft** of Cumberland for appointment to the Maine Public Broadcasting System, Board of Trustees was **CONFIRMED**.

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

NAYS 0

ABSENT 1 Rep. Pouliot of Augusta

Rep. Soctomah of Passamaquoddy Tribe was absent.

The Following Communication: S.C. 457

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Ronald M. Bancroft of Cumberland, for appointment to the Maine Public Broadcasting System, Board of Trustees be confirmed.

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

June 5, 2013

Signed,
S/Rebecca J. Millett
Senate Chair

The Honorable Justin L. Alfond
President of the Senate of Maine
126th Maine State Legislature
State House
Augusta, Maine 04333-0003

S/W. Bruce MacDonald
House Chair

Dear Mr. President:

READ and ORDERED PLACED ON FILE.

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of John V. Romei of Roque Bluffs, for appointment as an Active Retired District Court Judge.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

YEAS	Senators	3	Valentino of York, Burns of Washington, Tuttle of York
	Representatives	10	Priest of Brunswick, Beaulieu of Auburn, Crockett of Bethel, DeChant of Bath, Guerin of Glenburn, Monaghan-Derrig of Cape Elizabeth, Moonen of Portland, Moriarty of Cumberland, Peavey Haskell of Milford, Villa of Harrison

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#220)

YEAS: Senators: None

NAYS: 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, WHITEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

NAYS 0

ABSENT 0

Rep. Mitchell of Penobscot Nation was absent.

EXCUSED: Senator: TUTTLE

Thirteen members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of John V. Romei of Roque Bluffs, for appointment as an Active Retired District Court Judge be confirmed.

Signed,

S/Linda M. Valentino
Senate Chair

S/Charles R. Priest
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#221)

YEAS: Senators: None

NAYS: 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

EXCUSED: Senator: TUTTLE

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **John V. Romei** of Roque Bluffs for appointment as an Active Retired District Court Judge was **CONFIRMED**.

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

The Following Communication: S.C. 458

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

June 5, 2013

The Honorable Justin L. Alfond
President of the Senate of Maine
126th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of David J. Mitchell of Calais, for appointment as a District Court Judge.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Valentino of York, Burns of Washington, Tuttle of York
	Representatives	10	Priest of Brunswick, Beaulieu of Auburn, Crockett of Bethel, DeChant of Bath, Guerin of Glenburn, Monaghan-Derrig of Cape Elizabeth, Moonen of Portland, Moriarty of Cumberland, Peavey Haskell of Milford, Villa of Harrison
NAYS		0	
ABSENT		0	

Rep. Mitchell of Penobscot Nation was absent.

Thirteen members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of David J. Mitchell of Calais, for appointment as a District Court Judge be confirmed.

Signed,

S/Linda M. Valentino
Senate Chair

S/Charles R. Priest
House Chair

READ and ORDERED PLACED ON FILE.

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 very quickly speak about this nomination. I jumped the gun on the last one, the previous one, so with your indulgence I'll just mention Judge Romei. Washington County is very fortunate to have had the services of Judge Romei and we're going to continue to have those services as the results of your action that you just took as an Active Retired Judge. He, hopefully, is going to be replaced by David Mitchell, who is also a long-time resident of Washington County. Born and brought up in Washington County. I first became aware of the Mitchell family back in the early 1970's when I transferred there with the State Police. His dad, John Mitchell, was the County Attorney at that time. I kind of followed Attorney Mitchell's career all along. It was quite an honor to have him come in front of the Judiciary Committee for his nomination and appointment to the bench. Washington County is going to be well served, both with the Active Retired Judge John Romei and hopefully with the confirmation of David Mitchell. Folks who came to speak on his behalf couldn't say enough good about Mr. Mitchell and how much he is respected and how much he has contributed to the community. I'm really looking forward to this confirmation. Thank you very much, Mr. President.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#222)

YEAS: Senators: None

NAYS: 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

EXCUSED: Senator: TUTTLE

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **David J. Mitchell** of Calais for appointment as a District Court Judge was **CONFIRMED**.

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

The Following Communication: S.C. 459

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

June 10, 2013

The Honorable Justin L. Alfond
President of the Senate of Maine
126th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of William P. Logan of Augusta, for appointment to the Maine Commission on Indigent Legal Services.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	1	Burns of Washington
	Representatives	9	Priest of Brunswick, Beaulieu of Auburn, Crockett of Bethel, Guerin of Glenburn, Monaghan-Derrig of Cape Elizabeth, Moonen of Portland, Moriarty of Cumberland, Peavey Haskell of Milford, Villa of Harrison
NAYS		0	
ABSENT		3	Sen. Valentino of York, Sen. Tuttle of York, Rep. DeChant of Bath

Rep. Mitchell of Penobscot Nation supports the Committee's recommendation.

Ten members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of William P. Logan of Augusta, for appointment to the Maine Commission on Indigent Legal Services be confirmed.

Signed,

S/Linda M. Valentino
Senate Chair

S/Charles R. Priest
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#223)

YEAS: Senators: None

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

EXCUSED: Senator: TUTTLE

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **William P. Logan** of Augusta for appointment to the Maine Commission on Indigent Legal Services was **CONFIRMED**.

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

The Following Communication: S.C. 460

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

June 6, 2013

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

Dear President Alfond and Speaker Eves:

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

- L.D. 219 An Act To Establish a Long-term Funding Source for the Department of Inland Fisheries and Wildlife
- L.D. 247 An Act To Amend the Law Governing Appeals of Final Agency Action on Applications Concerning Wind Energy Development
- L.D. 863 Resolve, To Reduce Greenhouse Gases and Consumer Energy Costs
- L.D. 1145 An Act To Help Homeowners Reduce Heating Costs through Energy Efficiency
- L.D. 1187 An Act To Create the Maine Energy Cost Reduction Authority
- L.D. 1386 An Act To Allocate Net Revenue from Energy Corridor Leases on the Maine Turnpike for Purposes of Energy and Environmental Conservation
- L.D. 1471 An Act Authorizing the Board of Environmental Protection To Modify a License for a Wind Energy Development

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

Sincerely,

S/Sen. John J. Cleveland
Senate Chair

S/Rep. Barry J. Hobbins
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: H.C. 197

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

June 10, 2013

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

Dear Secretary Grant:

The House voted today to insist on its previous action whereby An Act To Provide Increased Opportunities on the Allagash Wilderness Waterway (S.P. 102) (L.D. 269) Failed of Passage to be Enacted.

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

Off Record Remarks

ORDERS

Joint Resolution

On motion by Senator **MILLETT** of Cumberland (Cosponsored by Senators: President **ALFOND** of Cumberland, **BOYLE** of Cumberland, **BURNS** of Washington, **CAIN** of Penobscot, **CLEVELAND** of Androscoggin, **COLLINS** of York, **CRAVEN** of Androscoggin, **CUSHING** of Penobscot, **DUTREMBLE** of York, **FLOOD** of Kennebec, **GERZOFISKY** of Cumberland, **GOODALL** of Sagadahoc, **GRATWICK** of Penobscot, **HAMPER** of Oxford, **HASKELL** of Cumberland, **HILL** of York, **JACKSON** of Aroostook, **JOHNSON** of Lincoln, **KATZ** of Kennebec, **LACHOWICZ** of Kennebec, **LANGLEY** of Hancock, **MASON** of Androscoggin, **MAZUREK** of Knox, **PATRICK** of Oxford, **PLUMMER** of Cumberland, **SAVIELLO** of Franklin, **SHERMAN** of Aroostook, **THIBODEAU** of Waldo, **THOMAS** of Somerset, **TUTTLE** of York, **VALENTINO** of York, **WHITTEMORE** of Somerset, **WOODBURY** of Cumberland, **YOUNGBLOOD** of Penobscot, Representatives: **AYOTTE** of Caswell, **BEAR** of the Houlton Band of Maliseet Indians, **BEAUDOIN** of Biddeford, **BEAULIEU** of Auburn, **BEAVERS** of South Berwick, **BECK** of Waterville, **BENNETT** of Kennebunk, **BERRY** of Bowdoinham, **BLACK** of Wilton, **BOLAND** of Sanford, **BOLDUC** of Auburn, **BRIGGS** of Mexico, **BROOKS** of Winterport, **CAMPBELL** of Newfield, **CAMPBELL** of Orrington, **CAREY** of Lewiston, **CASAVANT** of Biddeford, **CASSIDY** of Lubec, **CHAPMAN** of Brooksville, **CHASE** of Wells, **CHENETTE** of Saco, **CHIPMAN** of Portland, **CLARK** of Easton, **COOPER** of Yarmouth, **COTTA** of China, **CRAFTS** of Lisbon, **CRAY** of Palmyra, **CROCKETT** of Bethel, **DAUGHTRY** of Brunswick, **DAVIS** of Sangerville, **DeCHANT** of Bath, **DEVIN** of Newcastle, **DICKERSON** of Rockland, **DILL** of Old Town, **DION** of Portland, **DOAK** of Columbia Falls, **DORNEY** of Norridgewock, **DUNPHY** of Embden, **DUPREY** of Hampden, **ESPLING** of New Gloucester, **EVANGELOS** of Friendship, Speaker **EVES** of North Berwick, **FARNSWORTH** of Portland, **FITZPATRICK** of Houlton, **FOWLE** of Vassalboro, **FREDETTE** of Newport, **FREY** of Bangor, **GATTINE** of Westbrook, **GIDEON** of Freeport, **GIFFORD** of Lincoln, **GILBERT** of Jay, **GILLWAY** of Searsport, **GOODE** of Bangor, **GRAHAM** of North Yarmouth, **GRANT** of Gardiner, **GUERIN** of Glenburn, **HAMANN** of South Portland, **HARLOW** of Portland, **HARVELL** of Farmington, **HAYES** of Buckfield, **HERBIG** of Belfast, **HICKMAN** of Winthrop, **HOBBINS** of Saco, **HUBBELL**

of Bar Harbor, **JOHNSON** of Eddington, **JOHNSON** of Greenville, **JONES** of Freedom, **JORGENSEN** of Portland, **KAENRATH** of South Portland, **KENT** of Woolwich, **KESCHL** of Belgrade, **KINNEY** of Limington, **KNIGHT** of Livermore Falls, **KORNFELD** of Bangor, **KRUGER** of Thomaston, **KUMIEGA** of Deer Isle, **KUSIAK** of Fairfield, **LAJOIE** of Lewiston, **LIBBY** of Waterboro, **LIBBY** of Lewiston, **LOCKMAN** of Amherst, **LONG** of Sherman, **LONGSTAFF** of Waterville, **LUCHINI** of Ellsworth, **MacDONALD** of Old Orchard Beach, **MacDONALD** of Boothbay, **MAKER** of Calais, **MALABY** of Hancock, **MAREAN** of Hollis, **MARKS** of Pittston, **MASON** of Topsham, **MASTRACCIO** of Sanford, **McCABE** of Skowhegan, **McCLELLAN** of Raymond, **McELWEE** of Caribou, **McGOWAN** of York, **McLEAN** of Gorham, **MITCHELL** of the Penobscot Nation, **MONAGHAN-DERRIG** of Cape Elizabeth, **MOONEN** of Portland, **MORIARTY** of Cumberland, **MORRISON** of South Portland, **NADEAU** of Fort Kent, **NADEAU** of Winslow, **NELSON** of Falmouth, **NEWENDYKE** of Litchfield, **NOON** of Sanford, **NUTTING** of Oakland, **PARRY** of Arundel, **PEAVEY HASKELL** of Milford, **PEOPLES** of Westbrook, **PETERSON** of Rumford, **PLANTE** of Berwick, **POULIOT** of Augusta, **POWERS** of Naples, **PRIEST** of Brunswick, **PRINGLE** of Windham, **RANKIN** of Hiram, **REED** of Carmel, **ROCHELO** of Biddeford, **ROTUNDO** of Lewiston, **RUSSELL** of Portland, **RYKERSON** of Kittery, **SANBORN** of Gorham, **SANDERSON** of Chelsea, **SAUCIER** of Presque Isle, **SAXTON** of Harpswell, **SCHNECK** of Bangor, **SHAW** of Standish, **SHORT** of Pittsfield, **SIROCKI** of Scarborough, **SOCTOMAH** of the Passamaquoddy Tribe, **STANLEY** of Medway, **STUCKEY** of Portland, **THERIAULT** of Madawaska, **TIMBERLAKE** of Turner, **TIPPING-SPITZ** of Orono, **TREAT** of Hallowell, **TURNER** of Burlington, **TYLER** of Windham, **VEROW** of Brewer, **VILLA** of Harrison, **VOLK** of Scarborough, **WALLACE** of Dexter, **WEAVER** of York, **WELSH** of Rockport, **WERTS** of Auburn, **WILLETTE** of Mapleton, **WILSON** of Augusta, **WINCHENBACH** of Waldoboro, **WINSOR** of Norway, **WOOD** of Sabattus), the following Joint Resolution:

S.P. 603

**JOINT RESOLUTION
RECOGNIZING SUMMER ARTS FESTIVALS IN MAINE AND
THEIR CONTRIBUTIONS TO OUR
COMMUNITIES AND ECONOMY**

WHEREAS, summer arts festivals in the State serve as centers of creativity and craftsmanship, inspiration and enrichment; and

WHEREAS, summer arts festivals attract residents and nonresidents alike to participate in Maine's creative economy, helping towns and communities throughout the State; and

WHEREAS, summer arts festivals promote arts and crafts and a sense of community as they also entertain and educate; and

WHEREAS, the arts are a universal language transcending borders and conflicts and informing individual and collective identities; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, recognize Maine summer arts festivals; and be it further

RESOLVED: That we extend our appreciation to those who organize, perform in, participate in and sustain these festivals and recognize the contributions they make toward enriching our communities and supporting our local economies.

READ and **ADOPTED**.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Relating to Exemption from Immunization for Schoolchildren"

H.P. 464 L.D. 672

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-400)**.

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln

Representatives:

MacDONALD of Boothbay
DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
KORNFELD of Bangor
NELSON of Falmouth
RANKIN of Hiram

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

Signed:

Senator:

LANGLEY of Hancock

Representatives:

JOHNSON of Greenville
MAKER of Calais
McCLELLAN of Raymond

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought Not To Pass** 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-400)**.

Reports **READ**.

Senator **MILLETT** of Cumberland 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 Hancock, Senator Langley.

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, I'd just like to explain my opposition to this bill. First of all, I've immunized myself and my children and certainly believe wholeheartedly that in my own mind every child should be immunized, but there are folks in our midst, our citizens, that feel differently and decide not to do that. This bill would bring into the school another sort of intervention of having a parent receive more information from the school health provider, care provider, or the nurse regarding the benefits and risks of immunization and then sign a statement that that information has been provided to them. The opponents came in front of us were school nurses that suggested parents and the health care providers who provide the vaccines should be the ones to discuss the risks and benefits and that we should not be interfering with a parent's choice regarding immunizations. Also health care providers support giving parents evidence based information on immunizations, but, again, these conversations should happen in a child's medical home and between the parents and the physicians. It could be duplicative since pediatricians already provide information on risks and benefits and parents must sign a form if they ought not to immunize a child. Lastly, this bill adds another burden to the already overburdened school health providers and school nurses. In our estimation, it's not needed at this juncture and certainly gets taken care of between the doctor and the parents. Thank you very much.

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 express my support of L.D. 672. Health care providers, including the bill's sponsor, tells us that immunizations not only provide protection for the vaccinated but the greater population. It inhibits the spread of infectious illnesses. This bill does not change or limit current exemptions from school children vaccination but would simply require that a school health advisor provide factual information regarding the benefits and risks of immunization consisting of vaccine information statements prepared by the United States Department of Health and Human Services Centers for Disease Control and that a signed statement that the immunization information was provided to the parent. In no way does this interfere with the parent's choice. In 2012 Maine saw a drastic increase in the number of Whooping Cough cases and the U.S. saw the highest number of cases since 1959. The illness can be fatal for young children and it is frequently transmitted by family members. Ensuring that families are informed about the benefits of vaccinations is simple commonsense. Studies have shown that the CDC recommended childhood immunization series prevents approximately 10.5 million cases of infectious illnesses a year and 33,000 deaths in the United States. There is much

misinformation circulating about the effects of vaccinations. L.D. 672 will simply ensure families receive factual, unbiased information. I ask that you please 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 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 (#224)

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

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

EXCUSED: Senator: TUTTLE

20 Senators having voted in the affirmative and 14 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** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-400) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Develop Young Readers" H.P. 808 L.D. 1143

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-381)**.

Signed:

Senators:
MILLETT of Cumberland
JOHNSON of Lincoln

Representatives:
MacDONALD of Boothbay
DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
KORNFELD of Bangor
NELSON of Falmouth
RANKIN of Hiram

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

Signed:

Senator:
LANGLEY of Hancock

Representatives:
JOHNSON of Greenville
MAKER of Calais
McCLELLAN of Raymond

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-381)**.

Reports **READ**.

Senator MILLETT of Cumberland 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 Hancock, Senator Langley.

Senator LANGLEY: Thank you Mr. President. Men and women of the Senate, it looks like I'm standing up to oppose this motion. I'd like to give you a little bit of the reasons why. In the last session, in the 125th, there was a bill that I sponsored, L.D. 1422. In the midst of that bill this very same piece of legislation was in that bill. Upon further research we stripped it from the bill because of the progress that is being made across the state to get full-day kindergarten in all the districts. In 2004 71% of the school districts had full-day kindergarten and in 2012 it's up to 90%. Districts are doing this as they can and as they can afford it. We're making great progress. In my belief, we don't need to mandate this. The school systems that can do it do it and will meet the needs. There are only 19 school districts right now without full-day kindergarten. One or two of those are island communities that may not even have any kindergarteners on the island. People of the state are making great progress. We stripped it out of the last bill because we were looking to make gains of 10% a year and it's been going better than that. It looks to me that if we keep up on this road within four years we'll hit 100%. I think we should allow the communities to do it as they can. I'm not against the full-day kindergarten. I wholeheartedly believe in it, but I believe that are communities are working

towards that in the manner that they can do it. 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, the information sheets from the Maine Children's Growth Council that we have been receiving are clear in the overarching message. Investment in early childhood education is sound policy. By logical extension, making sure that Maine's children have equal and full access to full-day kindergarten is equally important. In January 2012 the Children's Defense Fund reported that full-day kindergarten boosts children's cognitive learning, creative problem solving, and social competence. As was stated by the good Senator, a majority of Maine's school administrative units provide full-day kindergarten, but not all. Roughly 10% of our schools are not providing full-day kindergarten to their children. Unequal access to publicly funded full-day kindergarten leaves too many young children missing an important opportunity to develop and strengthen skills necessary for success and lifelong learning. Children in 45 other states have this step up. It's time that we make sure that all of Maine's children do so as well. This bill is a gentle nudge. It sets a realistic implementation date of 2016-2017 academic year to allow the remaining districts to make necessary arrangements. Again, the evidence is clear that there is an economic and societal benefit to providing early and strong learning opportunities. Please support the motion before us. Thank you.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, during my tenure in the Legislature I have never seen an issue outside of this building that has been so bi-partisan, one that has crossed so many different philosophical divides, than early childhood education. Whether it is a Chamber of Commerce meeting or an educational policy meeting, whether it's a school board, or whether it's someone you're talking to at a coffee shop about the future of public education, everyone almost always talks about early childhood education. This is a key component. We set the policy for the entire state. We talk a lot about educational policy in this building. It has consumed many many lines of ink in newspapers this year. This is one step we should take together. This is one step we know the statistics prove will strengthen the opportunities for our children, will reduce costs in the future, and have great outcomes for our educational system and overall economy. We should think long and hard about this bill, which we have done in committee, and now is the time to take a step forward together and pass this. There are only a few schools left. We need to make sure that we put the right roadmap forward. That's what this bill is about, folks. It's about strengthening our economy and opportunities for our kids. This is a major issue. Let's take advantage of it. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Millett to Accept the Majority Ought to Pass 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 (#225)

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

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

EXCUSED: Senator: TUTTLE

20 Senators having voted in the affirmative and 14 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** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-381) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Encourage School Administrative Units To Increase Their Energy Savings" H.P. 966 L.D. 1348

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-353)**.

Signed:

Senators:
CLEVELAND of Androscoggin
JACKSON of Aroostook
YOUNGBLOOD of Penobscot

Representatives:
HOBBINS of Saco
BEAVERS of South Berwick
GIDEON of Freeport
RUSSELL of Portland
RYKERSON of Kittery
TIPPING-SPITZ of Orono

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

Signed:

Representatives:

DUNPHY of Embden
HARVELL of Farmington
NEWENDYKE of Litchfield

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-353)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-353) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Resolve, To Study Climate Change and Implement the Recommendations of the Department of Environmental Protection Report on Climate Change
H.P. 576 L.D. 825

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-374)**.

Signed:

Senators:

BOYLE of Cumberland
GRATWICK of Penobscot
SAVIELLO of Franklin

Representatives:

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

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

Signed:

Representatives:

AYOTTE of Caswell
LONG of Sherman

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-374)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-374) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Protect Maine's Environment and Natural Resources Jeopardized by Mining"
H.P. 752 L.D. 1059

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

Signed:

Senators:

BOYLE of Cumberland
GRATWICK of Penobscot
SAVIELLO of Franklin

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-375)**.

Signed:

Representatives:

CHIPMAN of Portland
HARLOW of Portland

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Repeal the Maine Certificate of Need Act of 2002"

H.P. 137 L.D. 162

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

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
STUCKEY of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-366)**.

Signed:

Senator:

HAMPER of Oxford

Representatives:

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

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Help Maine Residents Receive Private Health Care Insurance"

H.P. 356 L.D. 537

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

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-367)**.

Signed:

Senator:

HAMPER of Oxford

Representatives:

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

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve MaineCare Nursing Home Reimbursement To Preserve Access and Promote Quality"

H.P. 652 L.D. 928

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-365)**.

Signed:

Senators:

CRAVEN of Androscoggin
HAMPER of Oxford
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
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:

Representatives:

DORNEY of Norridgewock
GATTINE of Westbrook

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-365)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-365) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve Law Enforcement Access to Prescription Monitoring Program Data"

H.P. 712 L.D. 1014

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-343)**.

Signed:

Senators:

CRAVEN of Androscoggin
HAMPER of Oxford

Representatives:

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

SIROCKI of Scarborough

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

Signed:

Senator:

LACHOWICZ of Kennebec

Representatives:

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

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

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

Reports **READ**.

On motion by Senator **CRAVEN** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "A" (H-343) **READ** and **ADOPTED**.

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

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

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-343)**, in **NON-CONCURRENCE**. (Roll Call Ordered)

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Direct the Department of Health and Human Services To Convene a Task Force To Study the Incidence of Cancer in the State

H.P. 727 L.D. 1032

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-344)**.

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:
FARNSWORTH of Portland
GATTINE of Westbrook
McELWEE of Caribou
PRINGLE of Windham
STUCKEY of Portland

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

Signed:

Senator:
HAMPER of Oxford

Representatives:
MALABY of Hancock
SANDERSON of Chelsea
SIROCKI of Scarborough

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-344)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-344) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Hold Harmless a Municipality For Volunteer or Unpaid Labor"
H.P. 510 L.D. 759

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

Signed:

Senators:
VALENTINO of York
TUTTLE of York

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-386)**.

Signed:

Senator:
BURNS of Washington

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

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

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#226)

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Lengths of Terms of Members of the Legislature

H.P. 339 L.D. 489

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-390)**.

Signed:

Senator:
COLLINS of York

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

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

Signed:

Senators:
LACHOWICZ of Kennebec
GERZOFKY of Cumberland

Representatives:
GRAHAM of North Yarmouth
BOLAND of Sanford
HAYES of Buckfield

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-390)**.

Reports **READ**.

Senator **LACHOWICZ** of Kennebec moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending the motion by Senator **LACHOWICZ** of Kennebec to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Promote Tourism and Foster Economic Development" (EMERGENCY)

H.P. 1005 L.D. 1409

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-401)**.

Signed:

Senator:
MILLETT of Cumberland

Representatives:
BENNETT of Kennebunk
BROOKS of Winterport
JACKSON of Oxford
KNIGHT of Livermore Falls
MAREAN of Hollis
MOONEN of Portland
STANLEY of Medway
TIPPING-SPITZ of Orono

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

Signed:

Senators:
HASKELL of Cumberland
THOMAS of Somerset

Representatives:
GOODE of Bangor
LIBBY of Lewiston

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-401)**.

Reports **READ**.

Senator **HASKELL** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

Divided Report

Eleven members of the Committee on **JUDICIARY** on Bill "An Act To Amend the Laws Governing Public Records"
H.P. 86 L.D. 104

Reported in Report **"A"** that the same **Ought to Pass as Amended by Committee Amendment "A" (H-387)**.

Signed:

Senators:

VALENTINO of York
BURNS of Washington
TUTTLE of York

Representatives:

PRIEST of Brunswick
BEAULIEU of Auburn
CROCKETT of Bethel
DeCHANT of Bath
GUERIN of Glenburn
MONAGHAN-DERRIG of Cape Elizabeth
MOONEN of Portland
VILLA of Harrison

One member of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass**.

Signed:

Representative:

MORIARTY of Cumberland

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

Signed:

Representative:

PEAVEY HASKELL of Milford

(Representative MITCHELL of the Penobscot Nation - of the House - supports Report "A", **Ought To Pass as Amended by Committee Amendment "A" (H-387)**.)

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-387)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-387) **READ** and **ADOPTED**, in concurrence.

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

Senate

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Establish the High-efficiency Biomass Pellet Boiler Rebate Program and the Home Heating Conversion Fund"

S.P. 542 L.D. 1468

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-253)**.

Signed:

Senators:

CLEVELAND of Androscoggin
JACKSON of Aroostook
YOUNGBLOOD of Penobscot

Representatives:

HOBBINS of Saco
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 Not To Pass**.

Signed:

Representatives:

BEAVERS of South Berwick
RUSSELL of Portland

Reports **READ**.

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

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Abolish the Inland Fisheries and Wildlife Advisory Council"

S.P. 49 L.D. 128

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-256)**.

Signed:

Senators:

DUTREMBLE of York
HASKELL of Cumberland

Representatives:

SHAW of Standish
BRIGGS of Mexico
ESPLING of New Gloucester
EVANGELOS of Friendship
KUSIAK of Fairfield
MARKS of Pittston

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-257)**.

Signed:

Senator:
BURNS of Washington

Representatives:

CRAFTS of Lisbon
DAVIS of Sangerville
SHORT of Pittsfield
WOOD of Sabattus

Reports **READ**.

Senator **DUTREMBLE** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-256)** Report.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#227)

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 TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-256)** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-256) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Prohibit the Placement of Cameras and Electronic Surveillance Equipment on Private Property without the Written Permission of the Landowner"

S.P. 354 L.D. 1040

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-260)**.

Signed:

Senators:
VALENTINO of York
TUTTLE of York
BURNS of Washington

Representatives:

PRIEST of Brunswick
BEAULIEU of Auburn
DeCHANT of Bath
MONAGHAN-DERRIG of Cape Elizabeth

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-261)**.

Signed:

Representatives:

CROCKETT of Bethel
GUERIN of Glenburn
MOONEN of Portland
MORIARTY of Cumberland
PEAVEY HASKELL of Milford
VILLA of Harrison

Reports **READ**.

Senator **VALENTINO** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-260)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-260)** Report.

Divided Report

Seven members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding School Administrator Effectiveness"

S.P. 469 L.D. 1350

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-258)**.

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln

Representatives:

DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
KORNFIELD of Bangor
NELSON of Falmouth
RANKIN of Hiram

Five members of the same Committee on the same subject reported in Report "B" that the same **Ought Not to Pass**.

Signed:

Senator:

LANGLEY of Hancock

Representatives:

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

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-259)**.

Signed:

Representative:

MacDONALD of Boothbay

Reports **READ**.

Senator **MILLETT** of Cumberland moved the Senate **ACCEPT Report "A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-258)**.

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 Hancock, Senator Langley.

Senator **LANGLEY:** Thank you Mr. President. I promise this is the last time I'll stand up today. I rise in opposition to the pending motion. Actually I was a co-sponsor of the original bill which had intended to take a look at performance evaluations for administrators, in such a way as we did last session for teacher

evaluations and effectiveness. The amendment before us that was passed is in regards only to superintendents. I think it puts it on very interesting ground. The evaluation, the amendment reads, of Superintendent performance and effectiveness beginning next January. Each school board shall develop a system to evaluate the performance and effectiveness of a Superintendent and must include the following elements: standards of professional practice and, in the case of an ineffective rating, a professional improvement plan. Those are almost word-for-word, in a sense, out of the teacher effectiveness legislation that we passed last session. Unfortunately, it's a little bit different. Superintendents and school boards have a different relationship than the teachers and their school boards. There is a contract between the Superintendent and a school board. Oftentimes school boards hire superintendents for different reasons. Some hire them to be effective managers of a district. Some hire them to be educational leaders. Those of us who voted in opposition of this feel that that is a relationship best left between the school board and the Superintendent. Putting these standards in here, especially, for example, putting in one that there must be a professional improvement plan, some view may open it up to litigation, contract litigation, in case someone is let go. Right now the school board can let a Superintendent go. They have a contract. They can buy out a contract. This relationship is pretty well set and we believe that it ought to be left alone. Thank you.

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

Senator **MILLETT:** Thank you Mr. President. Ladies and gentlemen of the Senate, it is common sense that if we are going to regularly review teachers and principals than the same should be true of superintendents. This bill, as amended, simply states that school boards shall implement a system to annually evaluate the performance and effectiveness of superintendents. The systems established by school boards must be consistent with nationally recognized principles and standards of professional practice. As the good Senator from Hancock has described, the original bill attempts to utilize the same language for teacher/principal evaluations for superintendents. Teacher evaluation legislation reflects collective bargaining rights and continuing contract provisions that apply to teaching staff. Superintendents have no such protections. When a superintendent's contract is up for renewal their performance is evaluated and the consequence of that evaluation is immediate. Their contract is either renewed or terminated. The committee was well aware of this and worked hard in its amendment to address these issues. In fact, the amendment strikes most of the language of the original bill. I am afraid I have to disagree with the good Senator from Hancock because I believe that the language, as it stands, addresses the concerns that he raised. It simply says that each school board shall develop a system to annually evaluate and that does need to meet the standards of professional practice. The language around the professional improvement plan simply states that it must be written and developed by the school board, with input from the superintendent, that outlines the steps to be taken over the coming year to improve the performance and effectiveness of the superintendent. We worked hard with the stakeholders to come up with language that would avoid any sort of issues that were

raised earlier. I would urge you to support the motion before us. Thank you.

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

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, this is my bill. This bill, in my approach to this, is a logical extension of the bi-partisan work that was done in the prior session to ramp up and create a more rigorous system of evaluation and improvement for Maine educators. This bill takes a very small step in that direction for school administrators and, specifically, school superintendents. It's true. The original bill was much more complicated. The original bill did extend the language as currently applied to teachers to superintendents. That's not what's before us today. What's before us today is local control. What's before us today is requiring school boards across the state to develop the assessment that is best for them by incorporating what are best practices for superintendents and what are best practices for administrators. At the end of the day, the local school board will make that decision about what will be their evaluation system for their superintendent. This is about doing the right thing for Maine students and Maine communities, making sure we hold our administrators to the high standards that they expect us to hold them to and by making this something that is required every year simply puts us on a path towards the same type of evaluation and expectations that we have for everyone that works with kids in our schools. Again, this is a logical extension of the work that we started together last session and I think it's a reasonable first step in what is really an accountability movement in our schools. We need to make sure that we are holding everyone to the highest standards. Again, I think this is a reasonable first step in that direction for Maine school administrators. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Millett to Accept Report "A", Ought to Pass as Amended by Committee Amendment "A" (S-258). 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 (#228)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFSKY, 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 **MILLETT** of Cumberland to **ACCEPT** Report **"A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-258), PREVAILED.**

READ ONCE.

Committee Amendment "A" (S-258) **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.

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act To Reduce Obesity among Schoolchildren"

S.P. 397 L.D. 1160

Had the same under consideration, and asked leave to report:

That the Senate **Recede** from **Passage to be Engrossed as Amended** by Committee Amendment "A" (S-81) **as Amended** by Senate Amendment "A" (S-121) thereto. **Recede** from **Adoption** of Committee Amendment "A" (S-81) as Amended by Senate Amendment "A" (S-121) thereto and **Indefinitely Postpone** same. **Read** and **Adopt** Committee of Conference Amendment "A" (S-255) and **Pass the Bill to be Engrossed as Amended by Committee of Conference Amendment "A" (S-255) in Non-Concurrence.**

That the House **Recede** and **Concur** with the Senate.

On the Part of the Senate:

Senator MILLETT of Cumberland
Senator JOHNSON of Lincoln
Senator SAVIELLO of Franklin

On the Part of the House:

Representative KUSIAK of Fairfield
Representative PRINGLE of Windham
Representative WILSON of Augusta

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

The Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-81) AS AMENDED BY SENATE AMENDMENT "A" (S-121)** thereto.

The Senate **RECEDED** from whereby it **ADOPTED COMMITTEE AMENDMENT "A" (S-81) AS AMENDED BY SENATE AMENDMENT "A" (S-121)** thereto and **INDEFINITELY POSTPONED** same.

Committee of Conference Amendment "A" (S-255) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (S-255), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

ENACTORS

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

Act

An Act Concerning the Removal of Municipal Employees
S.P. 394 L.D. 1133
(C "A" S-141)

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

Resolves

Resolve, To Require the Department of Health and Human Services To Study the Effectiveness of Professional Development Services Provided to Child Care Providers and Referral Services Provided to Parents in Need of Child Care
H.P. 503 L.D. 752
(C "A" H-271)

Resolve, Requiring the Department of Health and Human Services To Amend the Rules Regarding Child Care Facilities and Family Child Care Providers
H.P. 554 L.D. 803
(C "A" H-268)

Resolve, To Establish MaineCare Eligibility for Parents Participating in Reunification Activities
H.P. 633 L.D. 909
(C "A" H-248)

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 (6/3/13) matter:

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Ensure Safe School Grounds"

H.P. 675 L.D. 961

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-285)** (6 members)

Tabled - June 3, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 3, 2013, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-285).**)

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

Senator **GOODALL** of Sagadahoc moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On motion by Senator **JOHNSON** of Lincoln, 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 (#229)

YEAS: Senators: BURNS, CLEVELAND, COLLINS, CUSHING, DUTREMBLE, FLOOD, GERZOFKY, GOODALL, GRATWICK, HAMPER, JACKSON, KATZ, LANGLEY, MASON, MAZUREK, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, VALENTINO, WHITTEMORE

NAYS: Senators: BOYLE, CAIN, CRAVEN, HASKELL, HILL, JOHNSON, LACHOWICZ, MILLETT, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

EXCUSED: Senator: TUTTLE

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **GOODALL** of Sagadahoc to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Delayed Birth Registration"

S.P. 446 L.D. 1284

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-205)** (7 members)

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

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

Pending - **ACCEPTANCE OF EITHER REPORT**

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

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

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

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

Senator **CRAVEN:** Thank you very much Mr. President. Men and women of the Senate, the little mantra that I've been saying in caucus for a while is, "It's the 21st Century." If you have a child you need to register it. The intent of this legislation is to tighten the requirement for acceptable documents used to establish a delayed birth certificate by the Department of Health and Human Services, State Registrar of Vital Statistics, thereby helping to reduce the incidents of birth certificate fraud. Delayed birth certificates may be requested by any person born in Maine when no record of the birth can be found at the Maine CDC data research and vital statistics office or at the municipality where the birth occurred. An applicant looking for their birth record must submit an application and documentary evidence in support of the fact of birth in order to have a delayed birth certificate created. Supplementary documents used as evidence may include census, hospital records, church records, healthcare records, or

the school records. Maine currently also permits the use of an affidavit of personal knowledge. I will read what our analysis gave us in committee. I support this bill because, this is not what she wrote but I support the bill because I think that in this day and age there is security everywhere. People really really need, the registrar, really needs to be sure that they are registering people without any kind of fraudulent intent. The National Center for Health Statistics, NCHS, and the National Association for Public Health Statistics and Information Systems both recommend affidavits not be accepted as evidence to establish a late certificate of birth and delayed means after 15 years of age. Until you are 15 you can have an affidavit. You can say, "This is my child, or my nephew, or whatever," and that will be recognized. A variety of documents can be used for delayed birth certificates. I just went over that. The person from the CDC came to our committee and said that she had an entire folder of requests that were fraudulently filed and I think that this is an issue and that we do need to be more careful in our issuance of delayed birth certificates. Thank you very much.

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues, I have the greatest respect for my colleague. There is no question about that. This bill gives me kind of a queasy feeling when I begin to think about the rulemaking process that is to go on within the department. I believe that it's quite broad, based on the language in the bill. This gives an extraordinary amount of rulemaking latitude. I do have concerns about setting a strict age limit. When we think about folks who have come from other places and perhaps take a little while to get integrated into what the system might be or might not be. I am concerned about this bill and believe that we ought not to put up any barriers that are unnecessary. The fact that, indeed, the file exists which shows that the department is able to identify fraudulent claims and is able to keep those from getting birth certificates tells me that they are doing an adequate job. It would appear to me that they are doing an adequate job of finding those because of the affidavits that they found that are fraudulent. For those reasons I will be voting in opposition to this motion. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#230)

YEAS: Senators: CAIN, COLLINS, CRAVEN, GRATWICK, HAMPER, HILL, JACKSON, KATZ, PATRICK, SAVIELLO, THIBODEAU, VALENTINO

NAYS: Senators: BOYLE, BURNS, CLEVELAND, CUSHING, DUTREMBLE, FLOOD, GERZOFISKY, GOODALL, HASKELL, JOHNSON, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PLUMMER, SHERMAN, THOMAS, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

EXCUSED: Senator: TUTTLE

12 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

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

Sent down for concurrence.

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

An Act To Ensure That the Standard of a Student's Best Interest Is Applied to Superintendent Agreements for Transfer Students
H.P. 349 L.D. 530
(C "A" H-316)

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

Pending - **ENACTMENT**, in concurrence (Roll Call Ordered)

(In Senate, June 4, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-316)**, in concurrence.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#231)

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.

The Chair laid before the Senate the following Tabled and Later Assigned (6/10/13) matter:

JOINT ORDER - Establishing the Task Force To Study the Creation of a State of Maine Partnership Bank or Other Maine Financial Structures

H.P. 1130

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

Pending - **PASSAGE**, in concurrence

(In House, June 7, 2013, **READ** and **PASSED**.)

(In Senate, June 10, 2013, **READ**.)

Senate at Ease.

Senate called to order by the President.

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/10/13) matter:

An Act To Ensure Student Access to Postsecondary Military Options

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

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

Pending - **ENACTMENT**, in concurrence

(In Senate, June 5, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-311)**, in concurrence.)

(In House, June 7, 2013, **PASSED TO BE ENACTED**.)

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/10/13) matter:

HOUSE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-398)** (12 members)

Minority - **Ought Not to Pass** (1 member)

Tabled - June 10, 2013, by Senator **CRAVEN** of Androscoggin

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

(In House, June 10, 2013, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-398)**.)

(In Senate, June 10, 2013, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#232)

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

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

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

READ ONCE.

Committee Amendment "A" (H-398) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/10/13) matter:

HOUSE REPORTS - from 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

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

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

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

Pending - **ACCEPTANCE** of the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

(In House, June 10, 2013, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.)

(In Senate, June 10, 2013, Reports **READ**. Motion by Senator **PATRICK** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS** Report, in concurrence, **FAILED**.)

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/10/13) matter:

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)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, June 5, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-163)**.)

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today to urge my colleagues to consider the actions we would be asked to take here in Enactment. This bill changes dramatically what would occur in relationship to implanted medical devices and certain

pharmaceuticals. Currently, as I understand it, a law which has been in place for many years allows you six years from the time that you identify that there may be a problem with the implanted device to find remedy to that. This would extend that out from the point of when the cause of the potential injury or failure of the defective pharmaceutical would be identified. That is a considerably broader case and I think it would open us up to considerable liability concerns here which could put some of these devices in a realm that would financially impact people who may need them. Thank you for your consideration, Mr. President.

THE PRESIDENT: The pending question before the Senate is Enactment, 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 (#233)

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

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

EXCUSED: Senator: TUTTLE

20 Senators having voted in the affirmative and 14 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.

The Chair laid before the Senate the following Tabled and Later Assigned (6/10/13) matter:

Emergency Measure

An Act To Establish a Moratorium on the Approval and Operation of Virtual Public Charter Schools

S.P. 340 L.D. 995

Tabled - June 10, 2013, by Senator **JACKSON** of Aroostook

Pending - **ENACTMENT**, in **NON-CONCURRENCE**

(In Senate, June 4, 2013, **PASSED TO BE ENGROSSED**.)

(In House, June 10, 2013, **FAILED ENACTMENT**.)

Senator **MILLETT** of Cumberland moved the Senate **SUSPEND THE RULES** for the purpose of **RECONSIDERING** whereby the Bill was **PASSED TO BE ENGROSSED**.

Senator **KATZ** of Kennebec **OBJECTED** to **SUSPENSION OF THE RULES** for the purpose of **RECONSIDERING** whereby the Bill was **PASSED TO BE ENGROSSED**.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending the motion by Senator **MILLETT** of Cumberland to **SUSPEND THE RULES** for the purpose of **RECONSIDERING** whereby the Bill was **PASSED TO BE ENGROSSED**.

The Chair laid before the Senate the following Tabled and Later Assigned (6/10/13) 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, 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 Katz.

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I rise in opposition to the pending motion. Back in 2009 the then Labor Committee unanimously approved the current law, which appears in Title 26. It requires employers of any size, with any number of employees, whether it's a tiny Mom and Pops store or a largest corporation, to provide to its workers adequate break time to allow women to nurse their children or to express breast milk at the workplace. At the time Maine was one of a handful of states to do this. We were a real leader in making that kind of accommodation. Mr. President, I would like now to ask my colleagues to listen very carefully as I list all the problems that have developed since this landmark bill. There have been no problems. There is not a single incident where this bill has been shown not to be completely adequate. Enforcement is through the Department of Labor and there are provisions for minimum and maximum fines. I was not at the hearing, Mr. President, but I

understand that there was not a single bit of testimony claiming there was any problem with the existing law or with the adequacy of the penalties for breaking it.

L.D. 777, now before us, changes all that and would create in the law an entirely new cause of action under the Maine Human Rights Act for violation. It would result in individual actions versus the employers. The current law requires businesses to make reasonable efforts to provide location and time for their employees. This can mean very different things, obviously, given the size and the nature of the employer. There might be a large company with lots of floor space. That's one thing. It might be a construction site. What's good under one circumstance might not be good under another. I find it hard to believe that I am standing here, Mr. President, advocating a new cause of action that attorneys can pursue, but I am. This is a solution in search of a problem. Maine is a national leader right now and there is every indication that employers are complying with the law and every indication that employees are happy with the law. This L.D. will only add cost and further litigation for our small businesses. I think we can all agree, Mr. President, that we should not be passing new laws unless there is a showing that they are really needed. There is no need here and I ask my colleagues to vote no against the pending motion. Thank you, Mr. President.

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

Senator **VALENTINO:** Thank you very much Mr. President. Members of the Senate, this was a very strong Majority Report coming out of the Judiciary Committee. All three Senators were in support of the bill. The bill passed Ought to Pass. It was not even Ought to Pass as Amended. We had extremely strong testimony during the public hearing on this bill. It was very lengthy with many many people testifying, from a wide variety, including the Maine Human Rights Commission, the Maine's Women's Lobby, the Maine Right to Life Committee, the March of Dimes, the Roman Catholic Dioceses of Maine, the ACLU, and the Maine Osteopathic Association. It went on and on. Maybe there were no complaints filed because they are not filing them at this time with the agency. We did have complaints at the public hearing. We sat and we listened to complaints at the public hearing. We heard of one woman who was forced to use her breast pump in a port-a-potty, which is a very unsanitary condition to do that. We did hear testimony from people at the public hearing on this, that this was definitely needed to do that. Admittedly, we did pass accommodations in statutes in 2009 and that's why this bill was brought forward. We felt that this was something that was not being adhered to. I would say, in addition to this bill, the Judiciary Committee also sent a letter to the Executive Director of the Legislature saying that we were extremely concerned that in this State House there was not an area designated for breast feeding and for pumping and that we hope that this will be taken into consideration here in this public building and that there will be signs available on this. We also have in there that this would be something that you would take circumstances into consideration. I was very concerned about what if you didn't have a bathroom? What if you didn't have a screened area? These are reasonable accommodations that could be made. As I said, this had wide support on both sides of the aisle. We heard from a lot of people. We do feel that this is something to make reasonable accommodations. This is not for special accommodations. This is not for extraordinary

accommodations. This is reasonable accommodations to give a nursing mother the privacy that she needs in a clean area to express breast milk, which has been proven to help the child. I would urge all of my colleagues to follow my light and to support this bill. Thank you.

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 regards to Enactment of this bill. I was very proud to work on the Labor Committee in the 124th Legislature and to come up with the unanimous report that made Maine one of the first in the nation to address this issue. I find it disappointing that we are back within two years, three years now, looking at this issue again and reclassifying people as protected classes under the Maine Human Rights Commission. This is an issue that affects many families now. As we know, the workforce has changed. There is probably no happier time than when somebody introduces a child into their home. Unfortunately, due to the nature of our society now, many times you have two income families where a mother is placed in a position where she may need to go back to work prior to a point where she has completed nursing her child. I think that in today's society we have recognized and we respect the need of mothers to care for their child and try to create an environment in Maine, with its preponderance of small businesses, rural businesses, and businesses, that is giving people a chance to accommodate their needs and their lifestyles by mandating certain issues that many people are trying their best to accommodate and are respecting it, as is shown by the limited response we have had from complainants. I think it's time that we reflect on whether we have given this the opportunity to properly be vetted before we change the status. I would urge my colleagues, respectfully, to follow my light in voting no on Enactment. Thank you, Mr. President.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I, too, was on the Labor Committee in '09 when we enacted this bill. I remember the original bill was quite a bit more stringent than what we enacted. We heard a lot of testimony from people that said that no one would ever stop a mother from doing this at a place of business. It just wasn't an issue that was going to be a problem. We enacted something that wasn't real stringent. It said that they had to give reasonable accommodations. Apparently since then some people still aren't, or haven't chosen to, giving those reasonable accommodations. The Chairman talked about the people that had spoken that had a hard time since we enacted that law. I certainly think that it's a good idea to reinforce the idea that businesses should give reasonable accommodations for mothers. We want them to be in the workforce. I don't see a problem with just reinforcing what we enacted in '09 here today. Thank you.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I remain confused. The current law that exists today says that businesses have to make reasonable accommodations

for nursing mothers. The L.D. before us, as I understand it, makes no change in that duty and that obligation whatsoever. Period. The only thing it changes is the remedy. Right now the remedy is that if there is a violation that businesses are subject to a significant fine from the Department of Labor. Where is the showing that that is not enough of a deterrent? Where is the showing that we needed to create another whole cause of action, create another whole set of litigations with the Human Rights Commission, that already has a huge backlog with trying to handle all the cases they have now? If there were such a showing that these fines aren't enough of a deterrent to people to do the right thing I'd be the first one to vote for this. In the absence of that, I think we are, again, creating a situation of more law, more litigation, where it's just not needed. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Enactment, 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 (#234)

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

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

EXCUSED: Senator: TUTTLE

20 Senators having voted in the affirmative and 14 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.

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

An Act To Ensure Student Access to Postsecondary Military Options

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

Tabled - June 11, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **ENACTMENT**, in concurrence

(In Senate, June 5, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-311)**, in concurrence.)

(In House, June 7, 2013, **PASSED TO BE ENACTED.**)

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

Off Record Remarks

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

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

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

On motion by Senator **GOODALL** of Sagadahoc, **RECESSED** until 2:30 in the afternoon.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

S.P. 601 L.D. 1562

In Senate, June 10, 2013, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in **NON-CONCURRENCE**.

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

Sent down for concurrence.

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

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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Prohibit Sale or Possession of Synthetic Cannabinoids"

H.P. 453 L.D. 661

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-422)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-422)**.

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

READ ONCE.

Committee Amendment "A" (H-422) **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 **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Establish a Pilot Natural Gas Utility District in Maine" (EMERGENCY)

H.P. 1036 L.D. 1442

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-419)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-419)**.

Report **READ**.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Department of Health and Human Services To Reduce and Limit the Adult Developmental Services Waiting Lists by Implementing a More Efficient, Responsive and Individualized Model of Service Delivery (EMERGENCY)
H.P. 683 L.D. 969

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-431)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-431)**.

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

READ ONCE.

Committee Amendment "A" (H-431) **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 **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Strengthen the Fishing Laws"

H.P. 835 L.D. 1191

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-433)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-433)**.

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

READ ONCE.

Committee Amendment "A" (H-433) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Laws Regarding Licensure of Physicians and Physician Assistants"
H.P. 1026 L.D. 1437

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-424)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-424)**.

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

READ ONCE.

Committee Amendment "A" (H-424) **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 **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Increase Ethics and Transparency in Government Service"

H.P. 610 L.D. 859

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-423)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-423)**.

Report **READ**.

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

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Update the Laws Relating to the Tri-state Lotto and the Payment of Prizes to Minors"

H.P. 662 L.D. 938

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-429)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-429)**.

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

READ ONCE.

Committee Amendment "A" (H-429) **READ** and **ADOPTED**, in concurrence.

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

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.

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 **STATE AND LOCAL GOVERNMENT** on Bill "Joint Resolution, Making Application To The Congress Of The United States Calling A Constitutional Convention To Propose An Amendment To The United States Constitution To Resolve The Issue Of Campaign Finance" H.P. 1107

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

Signed:

Senators:

LACHOWICZ of Kennebec
GERZOFKY of Cumberland
COLLINS of York

Representatives:

GRAHAM of North Yarmouth
BOLDUC of Auburn
MacDONALD of Old Orchard Beach
NADEAU of Winslow
PEASE of Morrill

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

Signed:

Representatives:

BOLAND of Sanford
CHENETTE of Saco
COTTA of China
HAYES of Buckfield
NADEAU of Fort Kent

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

Reports **READ**.

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

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

Senator **GRATWICK:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, I wish to oppose the Majority, Ought Not to Pass, and would urge people to support the Ought to Pass motion, the Minority Report. I wish to speak to my Senators.

As I think most of you know, this is a bill about Citizens United and I hold the dubious distinction of having had more

monies spent on my election to this august Body than any in the past. I think it was wrong. I think there is too much money being spent here. I think we're all aware of that issue. This issue has already been brought before this. We sent a Resolution to Congress, but, as I suspect, most of you are aware Congress is not particularly inclined to act on this at this time. This pushes it still further. I've handed out to you all a white sheet, "What is a call for a Constitutional Convention?" I would urge you to read this. You'll have to obviously speed read it before we vote now. The several points are that if we want to change Citizens United, which I think is imperative that we do so for the health and integrity of our democracy, one way is for Congress, by a two-thirds vote in each Chamber, to propose an amendment that is then ratified by three-quarters of the states. This takes a while, but it is very important. This is the way it's usually been done in the past. A second way is for two-thirds of the states to call for a Constitutional Convention to propose an amendment that is then ratified by three-quarters of the states. This is the second way that we're beginning to attempt at this time. There have been ten different instances in which Maine has called upon the federal government, or called out that there be a Constitutional Convention, the last being in 1987. There is a protocol where we'll have a Joint Resolution, public hearings, before the Committee on State and Local Government. The critique of this, of course, is that a Constitutional Convention would be unique in our nation's history. You can certainly put parameters around it so it won't go too far. The focus of this particular thing is to only remove the personhood rights of corporations that interfere and regulate campaign financing. To underline it again, this would be a narrow Constitutional Convention looking to change the personhood rights of corporations that interfere with regulating campaign financing. I think this is obviously a long shot, but I think it's a step in the right direction. It's an indication that we really take the Citizens United threat very seriously. I would urge the Minority, Ought to Pass, and I would ask you to follow me on your votes. Thank you.

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

Senator **LACHOWICZ:** Thank you Mr. President. I sit next to Senator Gratwick and we're great pals, so this is a tough one for me. I actually agree that we probably need to do something against the Citizens United decision. Myself and many members of the committee didn't think that this bill was how to do that primarily because people were concerned about how much it would open up other parts of the Constitution. We were unsure about whether that was a reasonable and mindful thing to do. I also thought I'd give you more time to read Senator Gratwick's handout because I care about him. He did go through the trouble to give it to you. Thank you very much.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Assist Maine Businesses Paying Taxes on Spirits"

H.P. 427 L.D. 608

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-416).**

Signed:

Senators:

TUTTLE of York
MASON of Androscoggin

Representatives:

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

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

Signed:

Senator:

PATRICK of Oxford

(Representative MITCHELL of the Penobscot Nation - 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-416).**

Reports **READ.**

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

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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Eliminate the Constituent Services Allowance for Legislators"

H.P. 273 L.D. 398

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

Signed:

Senators:

LACHOWICZ of Kennebec
COLLINS of York

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-426)**.

Signed:

Representative:

CHENETTE of Saco

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

Reports **READ**.

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

Emergency Measure

An Act To Remove the Requirement That a Person Training Dogs on Sundays Possess a Valid Hunting License

H.P. 119 L.D. 144
(C "A" H-357)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Emergency Measure

An Act To Amend the Laws Governing Hospital and Therapeutic Leave Days for MaineCare Recipients

H.P. 972 L.D. 1364
(C "A" H-370)

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator **CLEVELAND** for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Maintain Competition among Electricity Suppliers Serving Northern Maine"

S.P. 595 L.D. 1553

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

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

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

Ordered sent down forthwith for concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent 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)

In Senate, June 6, 2013, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-234)**, in **NON-CONCURRENCE**.

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

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 **TAXATION** on Bill "An Act To Modify the Mining Excise Tax"

H.P. 624 L.D. 901

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

Signed:

Senators:

HASKELL of Cumberland
MILLETT of Cumberland
THOMAS of Somerset

Representatives:

GOODE of Bangor
BENNETT of Kennebunk
JACKSON of Oxford
KNIGHT of Livermore Falls
LIBBY of Lewiston

MAREAN of Hollis
MOONEN of Portland
STANLEY of Medway
TIPPING-SPITZ of Orono

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-364)**.

Signed:

Representative:

BROOKS of Winterport

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

Reports **READ**.

Senator **HASKELL** 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#235)

YEAS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFOSKY, 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, the motion by Senator **HASKELL** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Assist Maine Businesses Paying Taxes on Spirits"

H.P. 427 L.D. 608

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-416)** (12 members)

Minority - **Ought Not To Pass** (1 member)

Tabled - June 11, 2013, by Senator **PATRICK** of Oxford

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 10, 2013, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-416)**.)

(In Senate, June 11, 2013, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (H-416) **READ** and **ADOPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Promote Industrial Hemp"

H.P. 344 L.D. 525

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-406)**.

Signed:

Senators:
JACKSON of Aroostook
BOYLE of Cumberland

Representatives:
DILL of Old Town
BLACK of Wilton
CRAY of Palmyra
HICKMAN of Winthrop

JONES of Freedom
KENT of Woolwich
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:

Senator:
SHERMAN of Aroostook
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-406)**.

Reports **READ**.

Senator **JACKSON** of Aroostook 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#236)

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

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

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 **JACKSON** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-406) **READ** and **ADOPTED**, in concurrence.

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

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

ORDERS OF THE DAY

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

Emergency Measure

An Act To Amend the Laws Governing Hospital and Therapeutic Leave Days for MaineCare Recipients

H.P. 972 L.D. 1364
(C "A" H-370)

Tabled - June 11, 2013, by Senator **JACKSON** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, June 7, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-370)**, in concurrence.)

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

On motion by Senator **HILL** of York, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in 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, To Review and Make Recommendations on Appropriate Prescribing of Certain Medications for Children with Attention Deficit Hyperactivity Disorder That Are Reimbursed under the MaineCare Program

H.P. 488 L.D. 716
(C "A" H-368)

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

Ordered sent down forthwith.

Resolve, Directing the Department of Health and Human Services To Increase Reimbursement Rates for Adult Day Services

H.P. 54 L.D. 62
(C "A" H-372)

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 Regulate Dealers in Secondhand Precious Metals

H.P. 64 L.D. 71
(C "A" H-392)

An Act To Establish Uniform Quorum, Meeting and Chair Requirements for Professional and Occupational Licensing Boards

S.P. 73 L.D. 237
(C "A" S-219)

An Act To Reform Maine's Whitewater Rafting Laws

S.P. 114 L.D. 281
(C "A" S-230)

An Act Relating to Radon Testing and Disclosure to Tenants

S.P. 124 L.D. 328
(C "A" S-226)

An Act To Clarify Solid Waste Policy Relating to State-owned Disposal Facilities

S.P. 243 L.D. 694
(C "A" S-220)

An Act To Extend the Statute of Limitations on Certain Civil Professional Negligence Suits

S.P. 282 L.D. 744
(C "A" S-232)

An Act To Amend the Hunting Laws as They Pertain to the Training of Dogs

H.P. 508 L.D. 757
(C "A" H-358)

An Act To Amend the Tax Laws

S.P. 333 L.D. 988
(C "A" S-214)

An Act Regarding the Buying and Selling of Animal Parts

H.P. 714 L.D. 1016
(C "A" H-359)

An Act Relating to Employee Leasing Company Registration

H.P. 715 L.D. 1017
(C "A" H-382)

LEGISLATIVE RECORD - SENATE, TUESDAY, JUNE 11, 2013

An Act To Increase the Opportunities for Taste-testing Events for On-premises Liquor Licensees

S.P. 359 L.D. 1042
(C "A" S-225)

An Act To Provide Consistency in the Regulation of Motorized Recreational Gold Prospecting

H.P. 800 L.D. 1135
(C "A" H-373)

An Act To Allow County Law Enforcement To Participate in Mutual Aid Agreements

H.P. 804 L.D. 1139
(C "A" H-377)

An Act To Amend the Freedom of Access Act

H.P. 861 L.D. 1216
(C "A" H-389)

An Act Regarding Penalties for Campaign Finance Reporting Violations and Late Filing by Political Action Committees and Ballot Question Committees

H.P. 910 L.D. 1271
(C "A" H-340)

An Act To Amend the Laws Governing Animal Trespass

S.P. 445 L.D. 1283
(C "A" S-237)

An Act To Ensure Maine's Preparedness for Hazardous Oil Spills

H.P. 957 L.D. 1340
(C "A" H-301)

An Act Regarding the Valuation of Certain Vehicles

S.P. 486 L.D. 1379
(C "A" S-215)

An Act To Provide Clarity and Consistency in Routine Public Health Licensing Activities

H.P. 990 L.D. 1387
(C "A" H-371)

An Act To Amend the Laws Governing Mental Responsibility for Criminal Conduct

H.P. 1022 L.D. 1433
(H "A" H-346 to C "A" H-297)

An Act To Grow the Maine Economy by Promoting Maine's Small Breweries and Wineries

S.P. 529 L.D. 1447
(C "A" S-224)

An Act To Revise the Laws Concerning Criminal History Record Information and Intelligence and Investigative Information

H.P. 1070 L.D. 1493
(C "A" H-360)

An Act To Strengthen the Laws Governing Mandatory Reporting of Child Abuse or Neglect

H.P. 1094 L.D. 1523
(C "A" H-388)

An Act To Allow Further Review of the Report Defining Cost Responsibility for Deaf and Hard-of-hearing Students Receiving Services from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf
S.P. 597 L.D. 1560

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

Ordered sent down forthwith.

An Act To Extend and Improve the Maine Seed Capital Tax Credit Program

S.P. 281 L.D. 743
(C "A" S-213)

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

An Act To Allow Ignition Interlock Devices on Vehicles Operated by First-time Offenders of Operating Under the Influence

H.P. 899 L.D. 1260
(C "A" H-369)

On motion by Senator **MAZUREK** of Knox, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

An Act To Sustain Emergency Medical Services throughout the State

S.P. 435 L.D. 1274
(C "A" S-218)

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

An Act To Facilitate Children's Testimony

H.P. 1039 L.D. 1445
(C "A" H-385)

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

An Act To Extend the Statute of Limitations on Certain Sex Crimes

S.P. 556 L.D. 1491
(C "A" S-209)

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Protect Maine Communities by Prohibiting Horse Slaughter for Human Consumption and the Transport of Horses for Slaughter"
H.P. 913 L.D. 1286

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

Signed:

Senators:

JACKSON of Aroostook
BOYLE of Cumberland
SHERMAN of Aroostook

Representatives:

DILL of Old Town
BLACK of Wilton
CRAY of Palmyra
JONES of Freedom
KENT of Woolwich
MAREAN of Hollis
NOON of Sanford
TIMBERLAKE of Turner

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-376)**.

Signed:

Representatives:

HICKMAN of Winthrop
SAUCIER of Presque Isle

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-376)**.

Reports **READ**.

Senator **JACKSON** of Aroostook moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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.

On motion by Senator **KATZ** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **JACKSON** of Aroostook to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**. (Roll Call Ordered)

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Compulsory School Attendance Laws"

H.P. 871 L.D. 1231

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-432)**.

Signed:

Senator:

MILLETT of Cumberland

Representatives:

MacDONALD of Boothbay
DAUGHTRY of Brunswick
JOHNSON of Greenville
KORNFELD of Bangor
MAKER of Calais
McCLELLAN of Raymond
NELSON of Falmouth
POULIOT of Augusta
RANKIN of Hiram

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

Signed:

Senators:

JOHNSON of Lincoln
LANGLEY of Hancock

Representative:

HUBBELL of Bar Harbor

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought Not To Pass** 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-432)**.

Reports **READ**.

Senator **MILLETT** of Cumberland 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#237)

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

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

EXCUSED: Senator: **TUTTLE**

21 Senators having voted in the affirmative and 13 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** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-432) **READ** and **ADOPTED**, in concurrence.

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Protect Maine Communities by Prohibiting Horse Slaughter for Human Consumption and the Transport of Horses for Slaughter"
H.P. 913 L.D. 1286

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-376)** (2 members)

Tabled - June 11, 2013, by Senator **KATZ** of Kennebec

Pending - motion by Senator **JACKSON** of Aroostook to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE** (Roll Call Ordered)

(In House, June 11, 2013, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-376)**.)

(In Senate, June 11, 2013, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#238)

YEAS: Senators: **BURNS, COLLINS, CUSHING, FLOOD, GRATWICK, HAMPER, HASKELL, JACKSON, KATZ, LANGLEY, MASON, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, VALENTINO, WHITTEMORE, YOUNGBLOOD**

NAYS: Senators: **BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFISKY, GOODALL, HILL, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND**

EXCUSED: Senator: **TUTTLE**

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **JACKSON** of Aroostook to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED**.
Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Require Prevailing Wages To Be Paid on All Public Works Projects Receiving State Funding"

H.P. 815 L.D. 1150

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-418)**.

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-418)**.

Reports **READ**.

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

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

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

Senator **CUSHING:** Thank you Mr. President. I know we're busy today, but I just wanted to make some brief comments. I appreciate the work that the committee did in a number of areas, but I'm somewhat disappointed that we took a fairly reasonable statute regarding prevailing wages and we eliminated the \$50,000 per project threshold. This bill will require the State to add more positions in order to inspect at this level. When we're talking about projects at a municipal level on sewerage, roads, and various other projects that we have a short season to complete, particularly with our budget schedule, it just doesn't seem appropriate that we remove this well thought out floor of \$50,000 on municipal projects. It's going to increase costs to municipalities at a time when we are already asking them to

tighten their belts. If the proposed budget were to pass, they will receive less funding from the State. I think we should think long and hard and I ask my colleagues to vote this report down so we can accept the Minority Report. Thank you.

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

Senator **PATRICK:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I disagree with my good colleague about the \$50,000 limit. I actually think that it's a good idea that we pay prevailing wages on \$50,000. There isn't much difference between that \$35,000 or \$40,000 project. I really think that if we pay the prevailing wage on most jobs more money is going to go into the hands of the employees and they are going to have that money to spend locally, in towns and stuff. The bill extends the requirement for the payment of prevailing hourly wage and benefits for all public works contracts to include public works funded by a municipality or school district when the State has transferred any money or funding to the municipality or school district for that purpose. I really think that opens it up to a lot more contractors and I think it's a good idea. I think it's actually a good small business bill for some of the small contractors and I think there is nothing but good that's going to happen out of this bill. Thank you, Mr. President.

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

Senator **CUSHING:** Thank you Mr. President. I am pained to have to rise again to speak to some comments of my good colleague from Oxford. I understand his common sense approach to this, but remember the prevailing wage basis has an impact on many small contractors in Maine who typically are in a position to do some of these public works projects for towns or school districts. We're setting a criteria that is going to create more paperwork for them. It is going to, in fact, inhibit a number of small contractors, our friends and neighbors who do work in many parts of rural Maine, to be able to do this. I urge you to think long and hard about what the complications are and what the message is that we're sending to our municipal officials and our school officials. 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 (#239)

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-418) READ and ADOPTED, in concurrence.

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

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on JUDICIARY on Bill "An Act To Create the Maine Online Privacy Protection Act" (EMERGENCY) H.P. 222 L.D. 313

Reported that the same Ought Not to Pass.

Signed:

Senators: BURNS of Washington TUTTLE of York

Representatives: PRIEST of Brunswick BEAULIEU of Auburn CROCKETT of Bethel DeCHANT of Bath GUERIN of Glenburn MONAGHAN-DERRIG of Cape Elizabeth MOONEN of Portland MORIARTY of Cumberland PEAVEY HASKELL of Milford VILLA of Harrison

The Minority of the same Committee on the same subject reported that the same Ought To Pass as Amended by Committee Amendment "A" (H-435).

Signed:

Senator: VALENTINO of York

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

Reports READ.

On motion by Senator VALENTINO of York, the Majority OUGHT NOT TO PASS Report ACCEPTED, in concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

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

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

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

On motion by Senator GOODALL of Sagadahoc, RECESSED until 7:00 in the evening.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

An Act To Improve Law Enforcement Access to Prescription Monitoring Program Data

H.P. 712 L.D. 1014

Tabled - June 11, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-343)**, in **NON-CONCURRENCE**. (Roll Call Ordered)

(In House, June 10, 2013, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 11, 2013, on motion by Senator **CRAVEN** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**. **READ ONCE**. Committee Amendment "A" (H-343) **READ** and **ADOPTED**. Under suspension of the Rules, **READ A SECOND TIME**.)

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, the prescription monitoring program, the PMP as it is called, was established in 2003 to detect and prevent substance abuse. The PMP is a data base of all transactions of Schedule 2, 3, and 4 controlled substances dispensed in Maine. Forty-one states have a fully operational PMP. In Maine the data base is available on-line to prescribers and dispensers. Registered users of the data base can log onto the PMP website to look up their patients any time. I just wanted to let people know what this program is.

This bill that is in front of us was a recommendation of the program of the prescription drug taskforce, which was convened last year by Executive Order. Anyone dispensing a Schedule 2, 3, or 4 drug in Maine is required to upload data on the drugs they have prescribed to their prescription monitoring program. This data base can be immediately useful in identifying patients who may be engaged in the practice of doctor shopping and obtaining prescriptions that are then diverted for misuse. Men and women of the Senate, someday we're going to have to get a handle on drug abuse in this state. It seems to me that we allow more privilege to people who are breaking the law than business owners and taxpayers who are being robbed and who have no other recourse but to let people get away with the robberies. L.D. 1014 would allow a law enforcement officer to access the PMP only in the course of a bonafide active drug investigation. The State Bureau of Investigation currently employs a similar safeguard to ensure that their sensitive data base is not accessed except in connection with the ongoing investigation and they audit these to ensure compliance. There are serious penalties for law enforcement officers if they violate these requirements. L.D. 1014 would subject access to the PMP to similar requirements because it would require an active case number. The bill also requires the written permission of the Attorney General or the District Attorney before access was given.

I would just like to add one more fact and that is that law enforcement can now go from store to store, if they are investigating a particular investigation, and ask to see the purchases of the individual that's under investigation. I think that

this a very important tool for our law enforcement officers to be able to use to curtail the massive over use of drug abuse here in the state. Thank you, Mr. President.

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues of the Senate, I oppose the bill. When the PMP, the prescription monitoring program, was put in place it was put in place for physician's use in order to see whether or not they had folks who were doctor shopping, going from one doctor to the other, when they wrote certain types of prescriptions. This is a patient's medical record. This is a patient's medical information. It should be privileged. It should not be open to those who are looking through to see what they might find. Access, I believe, to this ought to be limited to the medical professionals. To do this on a suspicion, or as the language says here, related to, I believe that's what it says, an active criminal investigation is really very loose. That could mean that it is a cohort or somebody who lives with the person that they think might be involved in this. I think this is way overly broad, number one, and, number two, it truly does go directly against the intent, the original intent, and the current intent of the prescription monitoring program. We need to have more doctors participating in it and make sure that they are participating in it and that they can be comfortable when they enter a patient's information that it is privileged as any other medical record is. 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 what the good Senator Craven said. This is a very very important tool to law enforcement and to the fight against drugs in this state. Law enforcement, as well as the medical profession, has worked extremely hard to get this program in place. The primary reason for the program, as I understand it, is to prevent the inappropriate use, diversion, or doctor shopping of drugs. It can be used for a lot of other methods; for over prescribing and doctors checking on their new patients to see if they are going elsewhere. The primary reason is to stop the diversion of prescription drugs. In some parts of the state, and probably most of them, this is one of the most common ways of selling drugs illegally. It's diverting them. Legal prescriptions. Diverting them into the hands of people that shouldn't have them. There is a lot of money to be made. There is a lot of addiction that comes out of it. If we're going to continue to take away the tools that we've put into place to fight this type of abuse and fight this type of result than what are we going to end up with? We're going to end up with a lot more diversion. We're going to end up with a lot more misuse. I just don't understand why. We have something that's been tested and proven to work, and it's something that the physicians are happy to work with. I haven't heard any doctors that have complained about the fact that law enforcement has limited access to some of this information. The biggest complaint that I heard, frankly, in getting doctors involved in using the PMP program was that it takes extra time and a lot of doctors just didn't want to deal with it. More and more are getting on board. We're trying to get 100% compliance. I think that we will. Again, one of the primary purposes is to stop the diversion and misuse of

prescription drugs. We say we have a terrible addiction problem in this state. We say we're having way, way, way too many drug overdoses. Let's keep the tools in place that we need to try to overt that. If you take the tools away we're going to end up with more problems. It really does concern me to hear statements about snooping around to see what they can find. That's not what this bill provides for. It never was the intention. These are drug agents. Just as with a federal DEA, the NVEA, they have to have articulable suspicion. They are going to be in looking for something specific. They are not snooping around. They don't have time to be snooping around. They are looking for the misuse and the diversion of prescription drugs, the things that are killing our young people here and everywhere else in the state. I would ask you to support this motion. 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, is there no limit to the amount of information we're going to allow the government to have about us?

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

Senator **LACHOWICZ:** Thank you Mr. President. Men and women of the Senate, as I've said before, I actually work in healthcare, in mental healthcare and substance abuse. There are pretty high standards for keeping that information private. Many of the medications associated with treating any of those conditions, or any medical conditions such as chronic pain and things like that, people have an expectation that that's going to be private. If a law enforcement official wanted to investigate any other part of their medical record they would be required to get a warrant. Why are we accepting this? We're saying that law enforcement officials will go see the Attorney General. It's not that much more of an expectation that they go through the regular route and ask for a warrant. I think it's incredibly sensitive information. Many of the medications that people abuse, that I see every day in my line of work, usually indicate serious conditions and people have an expectation that that is protected health information. I urge you to not vote for the current motion. Thank you.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, this prescription drug monitoring program is a wonderful tool. It really is. It's going to enable doctors to make sure that their patients aren't doctor shopping. It's going to work well with pharmacies as well. It's a good tool for law enforcement too because all these records are now going to be gathered in one place. Under the appropriate circumstances, law enforcement ought to have access to them. These are the most personal of records. They are narcotic records. Speaking for myself, before law enforcement should be able to go in and get my records, to show what narcotics I may have been under, I think they ought to have a darned good reason. That's called probable cause. It's showing that there is a reason why they need to access my records. Frankly, I'm willing to trust this particular Attorney

General in making that decision. I'm not willing to trust any Attorney General. Again, I think that decision about whether there is a good reason or not, just as in other privacy areas, that decision ought to be made by a neutral judicial officer, not by a prosecutor whose major job it is to prosecute and catch the bad guys and not necessarily to be a partial judge of what's fair or not. I hope that the people will vote against the pending motion here. If there is a good reason for the police to be able to get these records they will be able to get them. As for the argument that the Attorney General doesn't have time to be snooping around people's records, I'm sure we would hear the same thing from the Internal Revenue Service about snooping around in political organizations. We would hear the same thing from the Department of Justice about snooping around in reporter's phone records. The point is that there is going to be good cops and bad cops. There is going to be good prosecutors and bad prosecutors. Most of them are fine, but the minute we let our guard down and we assume that all law enforcement or all prosecutors are going act ethically, I think, we're making a mistake and I hope people will reject the Majority Report. Thank you, Mr. President.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I am thinking this must be last Thursday night. I find myself rising in support of warrants for access to personal information once again. I think that there's nothing more personal than medical records. I don't like our problems we have with drugs and the drug problems in this state. It's a problem that is particularly prevalent in my district as well. I know that if there is a reason to investigate a drug problem and someone's car is going to be inspected or if someone's house is going to be inspected or if someone's phone records are going to be accessed that it requires a warrant. Just because we put together this system to help the medical profession reduce the possibility of certain behaviors around drugs that exacerbate the problem doesn't mean that police have access to that same personal information from that system. I hope you will also join me in opposing the present motion. Thank you.

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed as Amended, in Non-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 (#240)

YEAS: Senators: BURNS, CRAVEN, CUSHING, HAMPER, HILL, JACKSON, THIBODEAU, WHITTEMORE, YOUNGBLOOD

NAYS: Senators: BOYLE, CAIN, CLEVELAND, COLLINS, DUTREMBLE, FLOOD, GERZOFKY, GOODALL, GRATWICK, HASKELL, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THOMAS, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

EXCUSED: Senator: TUTTLE

9 Senators having voted in the affirmative and 25 Senators having voted in the negative, with 1 Senator being excused, **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-343), in NON-CONCURRENCE, FAILED.**

Ordered sent down forthwith for concurrence.

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Lengths of Terms of Members of the Legislature

H.P. 339 L.D. 489

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-390)** (7 members)

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

Tabled - June 11, 2013, by Senator **GOODALL** of Sagadahoc

Pending - motion by Senator **LACHOWICZ** of Kennebec to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

(In House, June 10, 2013, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-390).**)

(In Senate, June 11, 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 (#241)

YEAS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, CUSHING, DUTREMBLE, GERZOFKY, GOODALL, GRATWICK, HAMPER, HASKELL, JOHNSON, LACHOWICZ, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, THOMAS, VALENTINO, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: COLLINS, CRAVEN, FLOOD, HILL, JACKSON, KATZ, LANGLEY, SAVIELLO, SHERMAN, THIBODEAU, WHITTEMORE, WOODBURY

EXCUSED: Senator: TUTTLE

22 Senators having voted in the affirmative and 12 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, in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Inform Persons of the Options for the Treatment of Lyme Disease"

H.P. 416 L.D. 597
(C "A" H-184)

In Senate, May 30, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-184)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-184) AS AMENDED BY HOUSE AMENDMENT "C" (H-453)** thereto, in **NON-CONCURRENCE.**

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

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Increase International Cross-border Partnerships To Benefit Maine's Economy"

H.P. 1122 L.D. 1554

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

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

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

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

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Bail Code, Statutory Post-conviction Review, the Maine Criminal Code and a Related Statute"

H.P. 1032 L.D. 1438

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-456)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-456)**.

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

READ ONCE.

Committee Amendment "A" (H-456) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Change the Process for Approval of Charter Schools"

H.P. 967 L.D. 1349

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-454)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-454)**.

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

READ ONCE.

Committee Amendment "A" (H-454) **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 **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Protect Landlords When Tenants Fail To Pay Utility Bills"

H.P. 176 L.D. 215

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-457)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-457)**.

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

READ ONCE.

Committee Amendment "A" (H-457) **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 **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend the Laws Governing Decision-making Authority Regarding Energy Infrastructure Corridors"

H.P. 1090 L.D. 1517

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-459)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-459)**.

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

READ ONCE.

Committee Amendment "A" (H-459) **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 Bill "An Act To Ensure the Integrity of Neuropsychological Testing Materials"

H.P. 820 L.D. 1155

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-442)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-442)**.

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

READ ONCE.

Committee Amendment "A" (H-442) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act To Create a Gambling Offset To Enhance the Collection of Child Support"
H.P. 696 L.D. 982

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-449)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-449)**.

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

READ ONCE.

Committee Amendment "A" (H-449) **READ** and **ADOPTED**, in concurrence.

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

Senate

Ought to Pass As Amended

Senator MILLETT for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding the Board of Trustees of the Maine Public Broadcasting Corporation"
S.P. 592 L.D. 1551

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-263)**.

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

READ ONCE.

Committee Amendment "A" (S-263) **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.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Ensure Safe School Grounds"

H.P. 675 L.D. 961

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-285)** (6 members)

In House, June 3, 2013, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-285)**.

In Senate, June 11, 2013, on motion by Senator **GOODALL** of Sagadahoc, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

On motion by Senator **JACKSON** of Aroostook, the Senate **INSISTED**.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow a Person To Hunt with a Crossbow during the Archery-only Deer Season"
S.P. 481 L.D. 1374

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

Signed:

Senators:

DUTREMBLE of York
HASKELL of Cumberland

Representatives:

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

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

Signed:

Senator:

BURNS of Washington

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#242)

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

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

EXCUSED: Senator: TUTTLE

20 Senators having voted in the affirmative and 14 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**.

Ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Establish a Resource and Development Coordinating Council"

S.P. 513 L.D. 1427

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

Signed:

Senators:

BOYLE of Cumberland
GRATWICK of Penobscot
SAVIELLO of Franklin

Representatives:

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

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

Signed:

Representatives:

AYOTTE of Caswell
LONG of Sherman

Reports **READ**.

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

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

Ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Eliminate Funding To Reduce Deer Predation"

H.P. 684 L.D. 970

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

Signed:

Senators:

DUTREMBLE of York
BURNS of Washington
HASKELL of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-362)**.

Signed:

Representative:

KUSIAK of Fairfield

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

Reports **READ**.

On motion by Senator **DUTREMBLE** of York, 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

House

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Increase Transparency and Improve Equity in Appeals to Superintendents' Agreements"
H.P. 542 L.D. 791

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-414)**.

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln
LANGLEY of Hancock

Representatives:

MacDONALD of Boothbay
DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
JOHNSON of Greenville
KORNFIELD of Bangor
MAKER of Calais
NELSON of Falmouth
POULIOT of Augusta
RANKIN of Hiram

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-415)**.

Signed:

Representative:

McCLELLAN of Raymond

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended by Committee Amendment "A" (H-414)** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-414)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-414)**.

Reports **READ**.

On motion by Senator **MILLETT** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-414)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-414) **READ** and **ADOPTED**, in concurrence.

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require Notice to and Input from Municipalities in Which Certain Group Homes Are Located"

H.P. 556 L.D. 805

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

Minority - **Ought to Pass** (6 members)

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

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 6, 2013, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, June 7, 2013, Reports **READ**.)

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

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

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I know the hour is getting late, but I just wanted to take a minute to explain this bill from the perspective of someone who lives in our capital city because this is very much about our capital city. A number of months ago a group of forensic patients was moved off the Riverview grounds into a group home in a neighborhood. These were forensic patients, people who had either been found not criminally responsible or not competent to stand trial. For whatever reason, the department made the decision to move these folks into a new group home which was located right in a neighborhood not far from Riverview right here in Augusta; a location which was near homes with children, which was near a daycare center, and which was near a nursing home. As you might imagine, it caused quite a firestorm in our community, not just because of where it was being located but because there had been no notice to or consultation with the community. There are some pretty strict federal laws that limit the ability of a government to say where these things can't go. You can't zone out group homes. You can't say that you can't put them here or you can't put them there. This bill is just a modest effort to say that if the department is intending to place these forensic patients, and they are forensic patients who have been accused for a crime, and often times a very serious crime but maybe have been found not criminally responsible, and put these people in a group home in a community that they must first at least notify the community of their intention to do it and to allow for an opportunity for input from the community. The department

is free to listen and reject all of that ultimately if they decide to, but at least it gives the community a sense that their voice is being appreciated and at least they ought to have some notification of this in advance and some opportunity to point out to the department some special circumstances that might exist and that the department might not be aware of. Again, it does not place any limits on the department's ability, ultimately, to locate these homes. It is limited to forensic patients. It just gives the community a sense that they are at least a partner in this process. I urge the yes vote on the Minority Report. Thank you, Mr. President.

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

Senator **LACHOWICZ:** Thank you Mr. President. Men and women of the Senate, up until last September I worked in Augusta in this neighborhood. I think that Augusta bears a disproportionate share of the burden of having group homes with forensic patients in them. This bill, like the good Senator from Kennebec said, just really requires input from the community. I think any community would want to do that. I think it doesn't ban them. It doesn't ban the department from putting a group home anywhere. It just asks them to work with the community. I think that's something most people, most of our communities, would appreciate. I urge you to vote with the current motion. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#243)

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

NAYS: Senators: GERZOFISKY, HASKELL, JOHNSON, PATRICK

EXCUSED: Senator: TUTTLE

30 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **LACHOWICZ** of Kennebec to **ACCEPT** the Minority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

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

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

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Implement Managed Care in the MaineCare Program"

S.P. 552 L.D. 1487

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-217)** (1 member)

Tabled - June 7, 2013, by Senator **CRAVEN** of Androscoggin

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 7, 2013, Reports **READ**.)

On motion by Senator **CRAVEN** of Androscoggin, Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Facilitate the Licensing of International Mail Order Prescription Pharmacies by the Maine Board of Pharmacy"

S.P. 60 L.D. 171

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-241)** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-242)** (4 members)

Tabled - June 7, 2013, by Senator **PATRICK** of Oxford

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-241)** Report

(In Senate, June 7, 2013, Reports **READ**.)

On motion by Senator **THOMAS** of Somerset, 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 Somerset, Senator Thomas.

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise to support the current motion. This bill will allow over 500 people in my district that are covered

by Hardwood Products in Guilford to get their medicine for about half price again. Those employees have gotten thousands of prescriptions filled over the last six and a half years without one problem until they were stopped last year because of the way the law is interpreted. This bill changes that state law and allows them to afford their medicine again. Employees at Hardwood Products, employees of the City of Portland, and employees of the state of Maine can start saving millions of dollars again, millions of dollars that can stay right here in Maine to help grow our economy. We're told this is against the federal law, but this plan is operating in 14 states as we speak. Some are worried about safety. There is really nothing to worry about. This bill allows only licensed retail pharmacies located in Canada, Great Britain, Northern Ireland, Australia, and New Zealand to sell to us, pharmacies that have rules that are strict or stricter than our own. These medicines will come shipped in packages that are sealed from the same factories that American pharmacies get their medicines from. They are probably American pharmaceutical companies. Most of them have tracking numbers on the outside so that you can keep track of the chain of custody. They are places where our own federal government has found that their rules regarding safety are as good as our own. The company that has facilitated this for the people I mentioned has filled thousands of prescriptions all over the United States without one problem. They've been doing it for almost a decade. Please vote for the current motion so that people who can't afford the medicine they need to maintain their health will be able to maintain it again. Thank you.

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

Senator **GRATWICK:** Thank you Mr. President. Men and women of the Senate, it's getting late so my tongue is getting a little garbled here. I have a medical license here in Maine and I prescribe medicines that are available here. These medicines are made, many in the United States, in Japan, in Germany, and in Singapore. In other words, we already have many medicines that come into this country. I also have a Canadian license. Bangor is considered a borderline city in terms of medicine and how you figure that one is a different question. I have prescribed many prescriptions from Canadian pharmacies because they are less expensive. I, too, have not had a problem with that. I think I've served my patients well by doing so. I have relationships with pharmacies in Canada that I think have worked out very well. There are some arguments against this particular bill which I will just briefly touch on. First I will start with the premise that the drug costs in the United States are outrageous. They are obscene. I think that anything we can do to bring down the cost of medicine in the United States is appropriate; particularly if we can make sure they are safe. I do not think that patient safety will be jeopardized by getting less expensive medicines from abroad. Patient health is jeopardized primarily by their not having medicine, by their not being able to afford them, and by having to cut back on what they take. I think the question of legality of the federal government has been raised. I think this is appropriate to challenge that. I see this as an appropriate thing to do. Finally, some of the arguments here is, "FDA approved drugs are available at low cost or at no cost to qualifying uninsured patients." I find that almost laughable because, while there are some low cost drugs here, nonetheless, drugs in America are

exceedingly high and there is a great deal of profit that goes in. I, too, will be supporting this. Thank you.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, just briefly. I know that we struggle through the budget we have looked for ways that we could, within the constraints of our finances, look out for our State employees and try to help them, given the fact that they have not had a raise for many years. This is one way that we can help them because our State employees are served, or have been served, through the CanaRX program which not only saves them significant money in terms of co-pays and deductibles but also saves the State of Maine, as I understand it, about \$10 million. As we look for ways to save in our healthcare costs, we are a big consumer of healthcare costs ourselves in state government. This will save us money as well. 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, regretfully in some respects, to oppose the current motion. I do that with great respect for my colleague from Somerset and the good doctor and my colleague from Penobscot because I know of his reputation and I know the compassion he has for his patients. I think he speaks on an issue with the passion he brings to many issues. There is also a factor here, Mr. President, that I'd like us to consider before we press the button. The choice we'll make here will set this state on a new course. It may, in certain cases, be of value to some, hopefully to many, who are struggling with the cost of some of their prescription drugs. There is more to the story than price. There is the question of process, safety, and how we treat the relationship between patients and healthcare providers. I have heard from many on this issue. I have heard from a number who have used CanaRX previously and have been very satisfied with that result. I can appreciate their concern when they lost that source. However CanaRX, which appears for all intentional purposes to be a very reputable company who takes care of the people that they serve and has done well by our State employees and our communities and some of our businesses, is not the real question here. The question is that we will not just be opening up an opportunity for people to get their prescriptions provided by CanaRX. They will open up a place in the distribution where the door will be open very wide for others who may not respect the trust or the process that this bill offers. It also sends a message to dozens of licensed Maine businesses, many in our neighborhoods, and the pharmacists who serve in those businesses that they will no longer be the trusted advisor and the local contact for many people who depend upon them as part of their healthcare team. This process is more of a customer-distributor relationship; a patient-caregiver relationship is no longer the primary concern. Then there is the question of where this stands in the realm of law. Our previous State Attorney General issued an opinion that we were not in alignment with federal law, a position that has not changed under the current Attorney General. I also ask you to consider that a previous Legislature sought to address this issue in 2005 and in Title 5 it clearly lays out the manner in which we could go forward with this

program. It says, in Section 254C, "The department shall establish a prescription drug program when permitted by federal law or the granting of a waiver by the United States Secretary of Health and Human Services to provide access to prescription drugs from out of the country to residents of the state." I ask you, ladies and gentlemen, why is it that this waiver has not yet been issued? The question I must ask is; what are we doing here? Before you take that vote, I ask you to dwell on whether we are making the right decision or the popular one. When you find that answer then please press your button. Thank you, Mr. President.

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

Senator **PATRICK:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, this bill has been introduced in part to allow the three participants of the suspended CanaRX program to resume the use of mail order programs of brand named prescription drugs. The good Senator from Penobscot brought up Hardwood Products of Guilford, but there was also the City of Portland and the State of Maine. They are all citizens of the state of Maine that would benefit under this and I hope many others will follow. It's hard to say but with big PhRMA in the United State of America, our prescription drugs in America are the highest in the world. The second highest prescription drug prices in the world, ladies and gentlemen, is in Canada. They are 40% or 50% lower than America. Canada has the second highest drug prices in the world. We're looking to try to get something with Canada. I'm willing to challenge the law for the citizens of the state of Maine. The amendment deletes the provision of the bill on the practice of pharmacies and inserts the amendment to the current law on pharmacy licensure. The amendment clarifies wording allowing a Maine resident to order or receive prescription drugs from retail pharmacies licensed in Tier 1 countries, which are Canada, the United Kingdom of Great Britain, Northern Ireland, Australia, or New Zealand, from the entities that contract to dispense and facilitate the provision of prescription drugs from those pharmacies from outside the United States by mail or carrier. The amendment allows those retail pharmacies that dispense the entities that contract to provide or facilitate the provision of prescription drugs to a resident of the state, to dispense, provide, or facilitate the provision of prescription drugs from outside the United States by mail or carrier for the resident's personal use. Ladies and gentlemen, there are a lot of issues that we have in Maine. There are a lot of issues that we have in America. Big PhRMA in America spends more money on advertising than it does research. The federal government gives them our tax money for research as well. Who takes it on the chin? The taxpayers of the United States of America and those in Maine. A lot of times we hear that we shouldn't challenge this because of that and we shouldn't challenge this because of this. This is one challenge I'm willing to take for those three entities that we named and for countless entities that may benefit from this. Ladies and gentlemen, I hope you overwhelmingly support the Majority Ought to Pass as Amended Report. Thank you.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise to respond to some of those suggestions about things that we think about before voting on

this. I rise in support of the Ought to Pass as Amended Report. I'm not voting on this because it's the popular thing to do. I'm voting on it having heard from exactly two people about this bill, e-mails. One was someone from PhRMA just today, raising the sorts of cautions that I've already heard answers to. One was a constituent that wrote to me months ago and spent the time discussing with me exactly what it meant to her. As a State worker, she had lost access to this program. She and her husband both had medical issues, had difficulties making ends meet and paying the bills. That's when I started looking into this issue and found out that these are only Tier 1 nations that have as carefully managed pharmacy licensing as we do in the U.S. and get their drugs from the same places, whether it be here or Canada or some other nation. I find it easy to make this decision on its merits. I'm supporting the Ought to Pass as Amended Report. Thank you.

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 by Committee Amendment "A" (S-241) 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 (#244)

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

NAYS: Senators: COLLINS, CUSHING, FLOOD, HAMPER, THIBODEAU

EXCUSED: Senator: TUTTLE

29 Senators having voted in the affirmative and 5 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 BY COMMITTEE AMENDMENT "A" (S-241) Report, PREVAILED.**

READ ONCE.

Committee Amendment "A" (S-241) **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 Today Assigned matter:

JOINT ORDER - Establishing the Task Force To Study the Creation of a State of Maine Partnership Bank or Other Maine Financial Structures

H.P. 1130

Tabled - June 11, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **PASSAGE**, in concurrence

(In House, June 7, 2013, **READ** and **PASSED.**)

(In Senate, June 10, 2013, **READ.**)

Senator **KATZ** of Kennebec moved to **INDEFINITELY POSTPONE** the Joint Order, in **NON-CONCURRENCE.**

On motion by Senator **JOHNSON** of Lincoln, 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 of the Senate, for me the key objectives of this study are two things: looking for a way to retain within the Maine economy the interest payments paid by borrowers instead of tens of millions of dollars a year leaking out of our economy and looking for a way to have the capacity to provide countercyclical funding of Maine's economic development loan activity; the Department of Agriculture's agricultural development funds, low interest loans, and related programs. I say countercyclical because in a down economy is when these programs are most needed, yet it's when the State's revenue picture is least able to support such investments. There must be a better way. I know some believe a state bank is part of the solution and others do not, particularly within the banking industry. This is a study and the study has been broadened to consider other financial structures which could further these aims. This is the opportunity for people to come together and talk not just about what won't work but also what will work and find a way to achieve these objectives. The bankers talk about the percentages of loans that are held in-state and their unleveraged capital and see the glass mostly full. That's not wrong, but I look at all the essential natural resource industries with narrow profitability in hard times that could improve their business efficiency or economy and scale if only they had access to that capital. Meanwhile interest leaks out of our economy, which I see as a lost opportunity to do better things with it. We just have to find a way. That's what this study will look at because it looks not only at the possibility of a state bank but also other financial structures. I urge you to support this moderate effort to look seriously at the big problem. 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 will be supporting the motion to Indefinitely Postpone. I perhaps could be considered someone

from within the banking community. Although I don't work at a bank I do sit on a bank board. I also had the opportunity to work at the Finance Authority of Maine. I've had a relationship and an understanding of business finance in the state of Maine, perhaps from a slightly different perspective. I am not a fan of having a study done here to show us many of the things that we already know. First of all I think one of the questions that has been asked has been about the Treasurer's cash pool and whether or not that holds any state money. I had an opportunity to take a look at the list. I apologize, Mr. President, I'm not using a prop. This is like 2-point type, so I really need to get it close to read it. In the list here of about 20 places where the current cash pool is located are Camden National, Bangor Savings Bank, Bath Savings, Bar Harbor Bank and Trust, Androscoggin Bank, and Biddeford Savings. Folks, these are Maine banks. These are smaller Maine banks. One larger, but many of these are not huge operations. I believe that the retention of Maine capital, the Treasurer is doing a pretty good job of retaining a lot of that capital right here in the state of Maine. Right now there is only one state owned bank. It's been in operation for quite a number of years, although it may have morphed and had various different operations during that time. There has only been one. No other state has decided that this is a good way to go. I'll tell you, from my perspective, having been involved with FAME and also with business finance at Gorham Savings Bank, that there is money out there to loan. It's out there in a variety of opportunities. FAME is considered by many others across the United States as one of the most progressive state finance agencies. They have some extraordinary programs. We've heard a lot about it here on the floor. There also are number of other financial entities out there. Maine State Housing Authority, the Small Business Administration, CEI, Coastal Enterprises, and the Small Enterprise Growth Fund. There are a number of those entities out there which are looking, seeking, and actively working with small businesses here in the state. I think that right now it does not appear to me to be any need to put a study in place in order to local capital. I think it's right there. Thank you very much.

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

Senator **JOHNSON:** Thank you Mr. President. I'd like to respond to a few of the comments. First of all, I'm not suggesting that what we need to do is find more capital. I feel that what we need to do is a better job of making it available to people who don't meet the risk profiles of some of the loan opportunities that are out there. In fact, that's where I think of FAME itself, as does the Agricultural Development Funds 2% Low Interest Loan Program, for instance. There are a couple of things that I need to respond to. One is that while there are deposits in Maine banks, and that's a good thing, there are also deposits in out-of-state banks, which is not such a good thing, and there is borrowing from out-of-state banks. There we are paying interest that is going out of the state. We're losing that from the Maine economy. It would be better if we could find a way for that to be in Maine banks. There are obstacles to doing that. It's one of the things I'd like this study to be looking at. Also certainly I agree with my colleague, FAME is excellent. We have some excellent programs in the state of Maine. I'm not looking to change that. In fact I'm looking to be better able to fund it. Here we are, FAME has come back to us and I recall testimony before the Education Committee about difficulty adequately funding, at the levels that we should be,

student loan programs to provide opportunities to our citizens. These are the kinds of things, if we had better ways in a difficult economy and with difficult state revenue situation, to fund those programs better. Something countercyclical to the economic pressures the state faces. We would be able to offer better opportunities for small businesses, better opportunities for our natural resource industries, and better opportunities for our students as well. I think it is worth looking at because I agree with a lot of what my colleague said, but I see the glass as less than full. I think the difference is something worth looking at still. Thank you for the time.

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

Senator **YOUNGBLOOD:** Thank you Mr. President. Ladies and gentlemen of the Senate, this is not a new issue to this Body. Over the 30 plus years that I was involved in the banking industry I testified on more than one occasion on a bill to start a financial institution here in the state of Maine. We're not the first state either than has obviously looked at this. I would be very very surprised if there was a single state in the entire United States that has not, at one time or another, thought this was an idea that deserved looking at. There is a strong reason, lots of strong reasons, why there is only one state bank in the entire United States, in North Dakota. A hundred years ago, started not because the state needed another institution, because of the very sparse nature of the state. No one would go out and start a bank. The state started one to help those spread out farmers have a way of getting at dollars. Massachusetts not too long ago, I understand, spent well over \$1 million thoroughly studying whether they should start a state bank and turned it down overwhelmingly. If you start a bank capitalization is only one issue. You've got to insure that you have a margin to operate on, to cover that burden. That only happens by lending money. Is there a need out there in this state, where more loans could be made? I expect there are. Some sub-prime loans are not the way that you make enough margin between the cost of the money that you've taken in and what you have to end up with to cover the burden of staying open on a daily basis. We have a number of study requests on the table. We have a limited amount of money to cover the costs of these studies. I believe that when they look at the study table they will find many many other issues that are much more worthy of studying than this issue. I would say that we vote in the positive to follow the motion that has just been made. Thank you very much.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Katz to Indefinitely Postpone, in Non-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 (#245)

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

NAYS: Senators: CAIN, GRATWICK, HILL, JACKSON, JOHNSON, LACHOWICZ, MILLETT, PATRICK

EXCUSED: Senator: TUTTLE

26 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **KATZ** of Kennebec to **INDEFINITELY POSTPONE** the Joint Order, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

Senator **GOODALL** of Sagadahoc moved the Senate extend beyond 9:00 p.m., pursuant to Senate Rule 514.

The Chair ordered a Division. 29 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by Senator **GOODALL** of Sagadahoc to extend beyond 9:00 p.m., pursuant to Senate Rule 514, **PREVAILED**.

The Chair laid before the Senate the following Tabled and Later Assigned (6/10/13) matter:

SENATE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-250)** (8 members)

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

Tabled - June 10, 2013, by Senator **PATRICK** of Oxford

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

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

Senator **CUSHING:** Thank you Mr. President. Off the record, Mr. President, I was hopeful that I wouldn't have to do this tonight. Ladies and gentlemen of the Senate, I address you today in opposition to the pending report on an issue that affects all of us to a great degree, some of it directly and some of it indirectly. The Majority Report of L.D. 443 will send us back to a time that was not good for Maine or its workers. It required an impasse on a budget to get the Legislature to finally face the crisis. I urge you not to roll back the positive changes made since then. This bill was reviewed by the National Center on Compensation Insurance, which reviews changes to Workers' Comp laws in 38 states. It provides out State Bureau of Insurance with their findings and these help the bureau in establishing the rate structure for Maine Workers' Compensation rates. The change in this bill was reviewed by NCCI and they indicate the cost inherent in the proposed reversals would cost Maine employers between \$10 million and \$41 million per year. Let me repeat. This bill will cost Maine employers between \$10 and \$41 million annually. Additionally, it will affect the State and employees that we have. Currently, with estimates that were provided to me by the Workers' Comp Commission, it can be safely said that this could be a cost of \$500,000 to \$2 million per biennium, a figure that, for some reason, was left out of the fiscal note attached to this bill. This does not address the structural changes made to our system to assist partially injured workers who seek to return to a productive place in the workforce. Maine has a new and innovated approach that came out of legislation in the last session and it has been highly respected by other states and it has proven to be a positive for many employees who want to return to work. If a worker is seeking employment in a different field they may continue to receive the benefits beyond the maximum allowable period. If they are seeking training for a new job last year's legislation allows them to continue to receive that benefit. I would close, Mr. President, with this thought; if the solid, bi-partisan vote of this Body in the prior Legislature approved changed to this issue why now, less than a year later, would we want to roll back the positive changes made to help our injured workers? Thank you, Mr. President.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I rise today in support of the Ought to Pass motion. About 100 years ago workers in the state of Maine, if they were injured, had the ability to sue their employers. From what I understand, employers thought that wasn't a good thing with legal costs and with awards that were given to employees. Something called the Workers' Comp Act was formed. Now an employee does not have the ability to sue his employer, especially if it's related to something happening at work. I'll tell, I've worked in the paper mill for an awful long time. There are an awful lot of areas of the mill; wet floors, greasy floors, there are accidents waiting to happen. I know things have changed since then. We now have guards on the machinery and stuff like that. That has changed. The system has gone up and down over the years, or at least in my working career, since 1972. The big State shutdown in 1991 and 1992 was related to this. There was a grand bargain. I think the

employees took it on the chin then, but the grand bargain was there. The grand bargain, basically, both labor and workers said, "We're not going to go after one another." That happened for many many years. There were some tweaks along the way, things that had to be changed, things that made things better, but there weren't a lot of big things. Mr. Sighinolfi had the Workers' Comp Board, the executive summary, that basically says the Workers' Comp Board is to adopt strategic transition plans to help maintain the stability of the Workers' Compensation in Maine. This is in 2012, dispute resolution is performing at high levels of efficiency. Compliance with the Workers' Compensation Act is high. Frequency of claims is down. Compensation rates have dropped 56% since 1993. MEMIC has recently declared a \$12 million dividend to Maine businesses. I know they've had many others because I've seen them in the chambers of horrors report. The Board has reduced the assessment to employers by approximately \$3 million over the past two years. All of which contributes to one of the more stable Workers' Comp systems in the country. I'm reading pretty good. It says one of the more stable Workers' Compensation systems in the country. A little further down it says that it is important at this time to maintain the positive momentum generated by the Board in recent years. The political landscape has changed with both a new Governor and Legislature. It is important for the Board to have a solid strategic plan to reassure the Governor and Legislature that the Board is fulfilling its mission. Wow. Politics. Then we have last year, Mr. President, one of the biggest changes we've had in years against working men and women. It was bi-partisan but I would have to say it was bi-partisan under duress. I want to just thank former Senator Bartlett for his part in that bill because it would have been a lot worse. I'll start with my prepared text.

I rise in support of L.D. 443, "An Act to Amend the Maine Workers' Compensation Act of 1992 to Provide Benefits to Seriously Injured Workers". During last year's session Governor LePage signed into law a draconian piece of legislation designed to punish injured workers by depriving injured workers and their families basic necessities needed to survive. By doing so, the compromise to the Workers' Comp Act that had been reached in 1993 was gutted. The legislation was crammed down our throats, even though the Workers' Compensation Board issued as part of the February 12 tri-agency report that overall dispute resolution was performing at high levels. Despite all evidence demonstrating the system was working for businesses and insurance companies and, as demonstrated at the public hearings, not working for injured Mainers, future drastic cuts were implemented. As a result of last year's legislation the 25% most disabled workers now have their benefits terminated after 10 years. That means, for instance, if a young 25 year old mill worker, with a family, is injured and unable to return to work his benefits will stop at age 35. Ladies and gentlemen, we're not talking about the guy who has a little sore back and he's out throwing wood or his knee hurts and he can't go to work. We're talking about the most severely injured people in the state of Maine. Does his need to support his family and put on the table also stop at age 35? Of course not. After sitting in on the public hearings last year I learned how broken the system really was. There were so many hard working Mainers that had their families horrifically and permanently changed because they got up and went to work. This is Maine. We don't turn our backs on these workers simply because 10 years have passed.

L.D. 443 presents an opportunity to save some of these injured workers and their families. If an injured worker is actually

working and able to earn 70% or less of his or her income after 10 years then benefits continue. This proposal helps the workers that have lost the most as a result of their injuries rather than turning our backs on them. Even the Executive Director of the Workers' Compensation Board, appointed by Governor LePage, supported this proposal during last year's session, although, as we can see, the bill that was actually passed was drastically different. The opponents of L.D. 443 have continually stuck to two talking points during the session. They are that last year's bill was a compromise and therefore we should not change it and, the second one, most of the changes that are going to take place will not affect people until 10 years from now, so we should wait to see what happens. Both of these points are absurd. When you ask whether you would rather lose one arm or both arms, universally everyone would choose one arm. That is what happened last year. This was not a bi-partisan piece of legislation, from my point of view, although there were D's on that side. The proponents of the bill last year made it abundantly clear that they were going to pass legislation with or without the support from the other side of the aisle and it was going to be way worse. Some were presented with an eleventh hour deal that they would lose one arm instead of both arms if they voted in favor of the bill. To me that is not a compromise. If you want to know the numerical numbers, we ended up with 18% and they were asking for 25%. When you have a law that eliminates 25% of the claims for the most injured workers you don't have to wait 10 years to know what it is going to have a devastating effect on those workers and their families. That is the equivalent of saying that after the next 10 years nobody qualifies for Social Security benefits any more. For anyone who thinks that is a bad idea, we'll have to wait 10 years to find out. Whenever you are depriving someone of basic needs you don't have to wait until they are actually starving to know it is bad. L.D. 443 heads off the train wreck that is waiting for today's injured worker. Last year I listened for hours as injured Mainers explained how the law that was passed would mean an end to the self-sufficiency and ability to support a family. I urge you to all rise in support of L.D. 443 so that in 10 years we will not need to explain to a worker who is disabled from his or her career that they and their families are now cut off because of arbitrary limits.

We talk about how good it was, and I explained earlier how both sides of the issue, labor and management, were basically going to keep a hands off approach. There were small changes that were done. Director Sighinolfi said tonight that the Workers' Comp changes revised last year were significant. For me, that's not a good deal. I'm sure there will be other speakers that will get up. Hopefully there will. Ladies and gentlemen, I would encourage you to support the Ought to Pass as Amended Report. 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 have a Workers' Comp policy on two, sometimes three, employees. These changes in this bill will probably cost me 20% more in premiums. With the price of everything that I buy, from diesel fuel to replacement parts to tires, where do I find the money to pay 20% more. My customers don't have any more money. We're in the worst economy in my lifetime right now and we want to drive up the cost to employ people and think that it's not going cause people to lose their

jobs. It is going to cause people to lose their jobs. We can't afford to lose any more jobs in the state of Maine. I ask you to vote this bill down. Thank you.

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

Senator **BOYLE:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today in support of the Majority Ought to Pass as Amended Report. As I have said before, I am a small business owner. I started my business in 1996. I have seven professional scientists who work for me and I'm strongly in support of strong Workers' Compensation for my employees. I've had two of them make Workers' Compensation claims. Pretty minor, but the system was there for them and they appreciated it and they appreciated that it was available to them. I do recognize that it's a cost. Every three months I send a check to MEMIC. Sometimes I get a check back. Not that often. You've got to have the insurance and send the check in. When they need it it's there. Most of the other things in my business, I own the business and I decide who I'm going to hire, who I'm going to fire, how much I'm going to pay them, are we going to have medical insurance, what plan are we going to have, or how much am I going to pay for it. We have all those things and I decide them. This one I don't decide. This is a protection for the men and women who work for my business and it's a strong and important protection. It may seem counterintuitive, and there are a lot of issues I agree from the other side of the aisle. I think of myself as pretty moderate and I am a business owner. This is one where people need the protection. Everybody gets it. It's fair and uniform and that's why I rise in support. Thank you.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I remember this debate quite a bit from last session. What I remember is that in the beginning of the 125th Legislature there was a bill that came in to do some changes to Workers' Comp. It was supposed to be a working group put together and work at this. It was carried over until the second session of the 125th. All through that session we had work sessions on the bill. The working group was still working. They hadn't come to a conclusion yet. Then on the very last two days of the committee an amendment came before us. I read the amendment on mic to Director Sighinolfi, who was sitting with the analysis on mic also. The amendment I read is actually here in my hand. It is the exact same one that I had from last session. I asked the Director, after reading it on mic, "Have you seen this amendment?" He responded, "I've seen it, I drafted it." That was in front of the entire committee. I'm sure if you ask Senator Rector today he would attest to that because it happened. It happened on mic in front of everybody in the room. The amendment that I read that day is the amendment that we're talking about in L.D. 443. Director Sighinolfi's language.

When this session started I was approached about putting something in to address the changes that we made last session. I didn't feel that it would be appropriate to go really strong with changing Workers' Comp because for years I've heard on that committee that this was a compromise made in 1992 and we don't want to change that. Both sides agreed to it and don't change it. Even though last session it was significantly changed,

even though there was a compromise in 1992, I still didn't think it was appropriate to make that type of change. What I agreed to was to use Director Sighinolfi's language from last session. The reason why it ultimately was rejected was because some in the industry didn't feel it went far enough. They needed to go to 25% impairment, which was later changed to 18%. Director Sighinolfi's language from last year, which is 443, didn't go far enough. I'm really struck now by the argument that this is a great big rollback of 1992 and this is going to cost the system all kinds of money. The changes we made last year, going to 18%, was only supposed to save the system 1.9%. L.D. 443, which is Director Sighinolfi's language from last session, didn't go as far as the changes we made. How can it cost 20% more for the Workers' Comp system when the changes we made last year only saved 1.9%? I'll gladly take a tabling motion right now and go down and get an amendment to go back to the system that we had last year, before we changed it. I'm sure no one here is going to support that. I just can't stand here and have anyone argue how this is going to hurt businesses so extremely. This is actually a small change, going back to what the Governor's Executive Director proposed last year but some people in the industry didn't feel it was enough. I just can't help but think the way this is set up for working people that are the ones that aren't the ones that you would argue that are frauding the system. The ones that are the most significantly hurt people and we're going to not allow them to get Workers' Comp after 10 years. As bad as it was last session, it's even worse now after people have had the time to think about it for a year. This is not the big rollback to the 1992 that some people are screaming that it's going to be today. This is the language that was supposed to be a compromise last session that, unfortunately, some people in the industry didn't feel that it inflicted enough pain on the working people.

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 again tonight. I wasn't around 100 years ago, so I really can't refute the comments of my good friend from Oxford County. I do think I understand a little bit about the Workers' Comp system. One hundred years ago there were a lot of things that were different. There were still people who went outside to go to the bathroom and there were folks that had to pump their water. We've made some novel changes since then. We made the right changes to the Workers' Comp system. We recognize that when somebody has to sue to get benefits that they may desperately need and deserve that that wasn't in the best interest of the worker or the employer because employees are an important part of our business. They are more important to most employers than the investment they have made in equipment and capital infrastructure because they are the heart and soul of their businesses. The Workers' Comp insurance system is meant to be that. An insurance for those unfortunate catastrophes that sometimes effect people in the workplace. They are the issues that we all know may happen but we hope won't. In this system we have created an opportunity to get the injured worker benefits that they need and to then create a system that allows them to get back into the workplace, to earn a living for their families, to get off a system where they may feel dependent. Unfortunately, sometimes that injury requires them to go into a different line of work or within their company take on other duties. The current legislation that we're looking at does not

benefit that. I guess I'm a little confused when the good Senator from Aroostook says this doesn't roll it back to 1992 because the title says, "An Act to Amend the Workers' Compensation Act of 1992 to Provide Benefits to Seriously Injured Workers." I would assume that if we're referencing the year we think that's a good demarcation point. If there is some confusion there, we need to solve it. I would be happy to take the good Senator up on his offer and I'd move to table this issue. Thank you, Mr. President.

Senate at Ease.

Senate called to order by the President.

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

Senator **CUSHING:** Thank you Mr. President. In the event that it was assumed that that was an official motion, I apologize for the confusion.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, I will speak in just a loud enough voice so that those that aren't in this room can hear me clearly. Last year, last session, when we were here I didn't vote for the compromise. I didn't have any compromise in me on this subject. I don't have much compromise in me on this subject tonight. We're not going back to 1992. We're not going back to 2012 either. I'd like to. There was a big change in government in 2012. That change came about because the people were nervous and anxious. The economy was going to heck in a handbasket. They wanted to throw the rascals out. They threw out a lot of rascals. Then they saw what the difference was. They brought some of those rascals back. They changed government again to represent their interests, the people's interests. That's what we're going to try to do tonight, Mr. President. We're going to try and turn back some of that time when the people's interests weren't on the platter and politics was. The night that we voted on Workers' Comp I probably got loud. I probably got a little bit out of line. I can do it tonight but I don't need to. The people saw fit to change things in November. This is part of the change that they wanted to see. They wanted to see government start representing them and that is what this Body is about. Tonight we're going to try to make up, try to represent the people's interest. We're going to do that as a Body. I hope there is some bi-partisan support for this motion. I hope that we're all here to represent our people the best we can when they are injured, when they are hurt at work through no fault of their own. As a past business owner in an industry that is known for hurting people I was very fortunate to be able to have Workers' Comp insurance. It has protected me. It protected my workers, but it protected me as the owner. Tonight I hope that we are going to vote and we're going to try and make this a little bit better for those people that do get injured, and seriously injured, some of the most injured people that we have on our work rolls.

Thank you very much and thank you very much to the other side for listening to me.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, there was a time in my previous life when I used to do my very best work at this time of night, on the night shift. That day is gone. I'm probably just about to demonstrate it. I am not an expert on this subject, but I remember the vote and I remember all the discussions. I learned as much as I could about it because I care very much about this situation. I've worked in this field after my retirement quite a bit. It's pretty simple to me. What I'm hearing tonight is rhetoric. What I'm concerned about tonight is that this is an effort to turn back something that was a positive thing, I think, for the state of Maine and our workers. Rather than principle, it's almost come to the point, or at least what I'm hearing, that that was then and this is now. I think that's a shame. I think what we did, and we did do it in a bi-partisan manner, was make things better for our workers, so that they would more quickly get back to work if it was possible. They wouldn't have to languish because of on-going litigation. We made it better for our businesses. I can count and I'm looking at about 19 businesses here that say that this is going to cost them dramatically. Go ahead, put a stake in it. We're making progress. Put a stake in it and let's go back to the way it was. Let's go back to the day when people were having to wait an unreasonable amount of time to get their settlements and getting back to work. Let's go back to where we tell the rest of the country that we're not a state they want to do business in. That's up to us. Thank you, Mr. President.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I rise once again to take a look at what we did last year. What were the savings we accrued? If a person had permanent impairment of 11.8%, which was the average of the 25% most injured workers, they would get longer termed benefits. We jumped that from 11.8% to 18%. Where were the savings? The Workers' Comp system is supposed to be a balance thing between business and its employees. If that's making progress it's making progress on working men and women's backs, on working men and women's livelihoods. That's not progress to me. One good thing they did last year, and I will say this, it was a couple of things. I'm not opposed to someone trying to continue to work if they have permanent impairment. Ladies and gentlemen, you're looking at one of them. I've had a disc removed from my neck. I've had my neck fused. I've had two shoulder surgeries and two knee surgeries. Believe it or not, I'm still working. Mr. President, can you believe that? I am over the 11.8% permanent impairment rating and I'm still working. Do you want to know why I'm still working? It's because if I wasn't working I would be getting about 60% less to live on than I'm accustomed to living on. If you think living on narcotics and sleeping pills every single day of your life, all day long, is living, well it's not. There are those that I know in my workplace, and I named off nine of them last time, that are way worse off than I am. I consider myself blessed because my surgeries have worked relatively well. If I got hurt in New

Hampshire or somewhere else in New England I would get not \$700 per week, I would get between \$1,150 and \$1,400 a week.

My friend Roland, who works on my crew, had these little small personnel carriers, sort of like a golf cart without the top, was working on them. That's what he does for a job. Somehow that thing slipped off and almost ripped his leg and kneecap and knee off. Roland was one of those guys, rare guys, that was willing to work about 100 hours a week. He works in the papermill. One of the higher paid jobs. Made about \$2,220 a week. Roland is now living on, and he got hurt prior to January 1st, about \$668 a week. He's had massive knee surgeries. His leg is about 4" shorter. He's living on pain killers. He goes to work. Actually he came back to work after about five months. His doctor said he really didn't want him going back. If you're used to making \$2,220 and you're living on \$668, ladies and gentlemen, I guess that's progress. I know Roland isn't because he went back to work early. What happens when you go back to work early? You wanted to work two hours a week or four hours a week. He had problems and had to go back out. That's one person. His life is changed forever.

I had one situation in my mill. I was so lucky. I blew my shoulder out and I was down to first aide in a cyro cuff. That's the thing that you put on and it puts cold water on your shoulder. They had the little curtain drawn so no one could see me. The assistant mill manager came into the room and says to the nurse, "Where's Big Ed? What's wrong with Big Ed?" Ed happened to be 6'6" and weighed about 240 pounds. Being that big, if you are a maintenance mechanic and bending over, chances are there is the possibility that you could get strained muscles. I'm sitting there listening to this whole thing behind the screen. The nurse didn't say, "Shh, there's a worker out behind here." The assistant mill manager says, "What's wrong with him?" "Well, he hurt his back." He said, "Let's get him down here, lay him on a table, I'll open him up with a chainsaw and see if there is anything wrong with him." This was my testimony at the last session. You can look it up. I got up off there with that bucket of ice and come crawling out. I go, "Hruum." He took a look at me, whew, took off. I said back then that's what we're dealing with. We don't have great people like the Senator who's from Cumberland and other good employers. You do have those seedy employers that feel that way, that no matter how bad you're injured you're a detriment.

I think a lot of us went to the Chamber of Commerce Leadership Institute up in Bethel this year. They asked us all kinds of questions about everything. One of the issues I wanted to turn around on them. I said, "Ladies and gentlemen, businessmen, what is your greatest asset?" Do you know what every one of them said? Their employees. Every one of them said their employees. Not one of them said they were a detriment when they were injured. Their employees are the greatest asset. We say it's progress by changing laws around that take away from one side and gives it to the other. Ladies and gentlemen, back in 1992 there were two Workers' Comp carriers in the state of Maine. That was the state of unhealthiness in the state. How many do we have now? Twenty? Thirty? We probably have 100 to 150 or 200 of them because it is that lucrative to come to Maine to get some money off the backs of those injured workers. That's what we're trying to change with this. We're giving back the same thing that was actually offered up as a compromise. This isn't our invention. This was what was given last year as a compromise to us. A compromise that I'm not even satisfied with because I don't think it's fair to workers, but it is nowhere near half

as bad as going after 25% permanent impairment and settling for 18% when it was 11.8%. My math isn't very good, but I still think the workers took it on the chin. If you figure that things that we did give them by making them have a work search and about a \$40 increase in their weekly wages when the New England states pay about \$500 more. I don't know. I really don't see the logic behind that.

Ladies and gentlemen, if you want to continue making progress on the backs of working men and women vote this thing down. Thank you.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I hate to belabor this point, but I served ten years on the Labor Committee and I know exactly how this issue gets framed. I can't sit here and have some of these arguments be made without at least responding. I have here in my hand the report on the status of the State of Maine Workers' Compensation System given to us by Executive Director Sighinolfi in February 2012. The first paragraph in it says that the Workers' Compensation Board has adopted a strategic plan to help maintain the stability of the Workers' Compensation System in Maine. Overall dispute resolution is performing in high levels efficiency. Compliance with the Workers' Compensation Act is high. Frequency of claims is down. Compensation rates have dropped 56% since 1993. MEMIC has recently declared a \$12 million dividend to Maine businesses and the Board has reduced the assessment to employers by approximately \$3 million over the last two years. All of which contributed to one of the most stable Workers' Compensation systems in the country. That was before we made any changes last session to the Workers' Comp. I have to disagree with some of the things that have said in here about bi-partisanship and all that. We met in that room right there and was told that if three of us didn't support that bill it was going to go to 25% for impairment. Senator Bartlett was one of the ones, knowing full well how bad 25% was going to be. He agreed to go to 18%. Senator Bartlett came to the hearing this year and attested to that on mic in front of this year's Labor Committee. Don't tell me about bi-partisanship whenever people feel that they are having something held to them. This was not a bi-partisan compromise. The language that we have today in L.D. 443 was the compromise bill. I know exactly what's going on. People are trying to say that there is roll backs and it's going to cost the system a lot of money, which is absolutely not true. The goalpost got moved a lot last session in favor of employers. This moves it back just a little bit. We're still nowhere near to what we used to be before we changed the Workers' Comp System last year, where you have Director Sighinolfi talking about what a great system we had, saving the State all kinds of money. Like I said, I can't stand here and talk about the compromise and all that because there was no compromise. There were some people that voted for it because they felt that there was nowhere else that they were able to go and that 25% was not going to be something that made sense at all for injured workers in the state. There is hardly going to be anyone that will be able to qualify under 18% impairment. Anyways let's vote.

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. 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 (#246)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFSKY, 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, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-250) **READ**.

On motion by Senator **PATRICK** of Oxford, Senate Amendment "A" (S-265) to Committee Amendment "A" (S-250) **READ**.

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

Senator **PATRICK:** Thank you Mr. President. Basically what the amendment does, under Section F of the Amendment, the incapacity benefits, under the section it was 212 and it should have been 213. That corrects that error on that to make sure it was in the right place in law.

On motion by Senator **PATRICK** of Oxford, Senate Amendment "A" (S-265) to Committee Amendment "A" (S-250) **ADOPTED**.

Committee Amendment "A" (S-250) as Amended by Senate Amendment "A" (S-265) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-250) AS AMENDED BY SENATE AMENDMENT "A" (S-265)** thereto.

Ordered sent down forthwith for concurrence.

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

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

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

On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED** to Wednesday, June 12, 2013, at 10:00 in the morning.