

MAINE STATE LEGISLATURE

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

Daily Edition

Second Regular Session
beginning January 8, 2014

beginning at Page 1544

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

In Senate Chamber
Thursday
February 27, 2014

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

Prayer by Leslie Manning, Quaker Religious Society of Friends in Durham.

MS. MANNING: Good morning, friends, and thank you all for your service to the people of Maine. Thank you for taking the time away from your families and your other responsibilities to be here to conduct the people's business. We don't say it often enough, but we do appreciate your service.

God has showed us, oh people, what is good and what does God require of us? To act justly and to love mercy and to walk humbly with your God. Oh You in whom we live and love and have our being, You have called all people to lives of mercy and justice. You have called all people to lives of peace and wholeness. We confess that sometimes we have cared more for lofty places than we have for places of service. We confess that sometimes we have worked more for power than we have for purpose. Bless now those who gather in this place. Give us the gifts of discernment. Give us the gifts of Your wisdom. Give us the gifts of Your vision. To those who lead here, grant them patience of cooperation. To those who debate here, grant clarity. To those who decide here, grant courage for the truth. Keep ever before us the broken places of our lives together, places of despair and disappointment, where we can find You. Set our ears to hear the cry of the poor. Set our eyes to see the needs of the sick. Set our hearts to beat in rhythm with You. Blend us with all people of good will, both in this place and beyond, that this state, our home, might be a signal of hope and fulfillment. We ask this in Your name and by all the names that You are known to us. Amen.

Pledge of Allegiance led by Senator Colleen M. Lachowicz of Kennebec County.

Reading of the Journal of Wednesday, February 26, 2014.

Doctor of the day, Aaron Tebbs, MD of Cumberland.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **JACKSON** of Aroostook, the following Joint Order:
S.P. 717

Ordered, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, March 4, 2014 at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 769

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

February 25, 2014

The Honorable Justin L. Alford
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 Valerie Stanfill of Wayne, for reappointment 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 Valerie Stanfill of Wayne, for reappointment 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 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 (#426)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Valerie Stanfill** of Wayne for reappointment as a District Court Judge was **CONFIRMED**.

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

The Following Communication: S.C. 770

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

February 25, 2014

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 Andrew M. Horton of Falmouth, for reappointment as a Superior Court Justice.

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 Andrew M. Horton of Falmouth, for reappointment as a Superior Court Justice 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 (#427)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Andrew M. Horton** of Falmouth for reappointment as a Superior Court Justice was **CONFIRMED**.

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

The Following Communication: S.C. 771

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

February 25, 2014

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 Nancy Mills of Cornville, for reappointment as a Superior Court Justice.

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 Nancy Mills of Cornville, for reappointment as a Superior Court Justice 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 (#428)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Nancy Mills** of Cornville for reappointment as a Superior Court Justice was **CONFIRMED**.

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

The Following Communication: S.C. 772

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

February 25, 2014

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 Andrew M. Mead, Sr. of Bangor, for reappointment as a Supreme Judicial Court Justice.

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 Andrew M. Mead, Sr. of Bangor, for reappointment as a Supreme Judicial Court Justice 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 (#429)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Andrew M. Mead, Sr.** of Bangor for reappointment as a Supreme Judicial Court Justice was **CONFIRMED**.

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

The Following Communication: S.C. 777

**STATE OF MAINE
126TH LEGISLATURE**

February 4, 2014

Brigadier General James D. Campbell
Adjutant General, Maine National Guard
33 State House Station
Camp Keyes
Augusta, ME 04333

Dear General Campbell:

We are pleased to invite you to address a Joint Session of the 126th Maine Legislature on Tuesday, March 4, 2014 at 11:00 a.m. concerning matters of defense, veterans' services and emergency management and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Justin L. Alfond
President of the Senate

S/Mark W. Eves
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 773

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

February 25, 2014

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 Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1678 An Act To Protect Maine's Lobster Fishery
(EMERGENCY)

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Eloise A. Vitelli
Senate Chair

S/Rep. James F. Dill
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 774

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

February 25, 2014

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 bill out "Ought Not to Pass":

L.D. 1714 Resolve, To Study the Feasibility of Allowing Dispatchers To Transfer E-9-1-1 Calls to Emergency Responders in Other States (EMERGENCY)

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. John J. Cleveland
Senate Chair

S/Rep. Barry J. Hobbins
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 775

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

February 25, 2014

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 Health and Human Services has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1592 An Act To Improve and Modernize the Authority of Local Health Inspectors

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Margaret M. Craven
Senate Chair

S/Rep. Richard R. Farnsworth
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 776

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

February 25, 2014

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

Dear President Alford and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1692 An Act To Ensure That Local Businesses Are Notified of Construction Projects

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Edward J. Mazurek S/Rep. Charles K. Theriault
Senate Chair House Chair

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

Off Record Remarks

SENATE PAPERS

**Pursuant to Public Law
Joint Standing Committee on Environment and Natural Resources**

Senator BOYLE for the **Joint Standing Committee on Environment and Natural Resources**, pursuant to Public Law, chapter 221, section 3 asked leave to report that the accompanying Bill "An Act To Delay Implementation of Reformulated Gasoline Requirements in Maine" (EMERGENCY) S.P. 718 L.D. 1796

Be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Report **READ.**

On motion by Senator **BOYLE** of Cumberland, Report **REJECTED.**

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve the Maine Sex Offender Registry"

H.P. 1160 L.D. 1589

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

Signed:

Senators:
GERZOFSKY of Cumberland
PLUMMER of Cumberland

Representatives:
DION of Portland
CASAVANT of Biddeford
KAENRATH of South Portland
LAJOIE of Lewiston
MARKS of Pittston
PLANTE of Berwick
TYLER of Windham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-600).**

Signed:

Senator:
DUTREMBLE of York

Representatives:
LONG of Sherman
PEASE of Morrill
WILSON of Augusta

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-600) AS AMENDED BY HOUSE AMENDMENT "A" (H-619)** thereto.

Reports **READ.**

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

Senate

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Composition and Duties of the Maine Children's Growth Council"

S.P. 531 L.D. 1449

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

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

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

Reports **READ**.

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

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 Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, first I would like to say that no member of the community came to testify in opposition to this bill during our public hearing or work session. We all recognize the investments of early childhood education are critical to the state's future. We've been talking about it for years, yet we still don't have a comprehensive plan that state government, the private sector, and non-profits can work on. Without a comprehensive plan for insuring that every child has access to quality early childhood education we'll be having this same conversation year after year. In his 2011 veto letter of a bill aimed at establishing a unified early childhood education system in Maine, Governor LePage said that he believed that the Maine Children's Growth Council is the place where the conversation regarding early childhood education should happen. This bill is aimed at strengthening and empowering the Maine Children's Growth Council to create a comprehensive early childhood plan. Early childhood education is too important not to adequately empower and support. Businesses and community partners today and in the future need to know we're making a strong and robust commitment to early childhood education. The Children's Growth Council has not been updated or reevaluated since its inception. With all critical boards, it's important to reassess composition and duties from time to time to enable relevance and focus on their work. I would encourage the Body to vote in favor of this bill. It's to further our plan to make sure that our children are adequately educated, that all of the parts and pieces that keep moving and are not visible comprehensively together get pulled together so that we have a better plan for our youngsters in the future. Thank you very much, Mr. President.

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

Senator **MILLETT:** Thank you Mr. President. Ladies and gentlemen of the Senate, the early years in a child's life are critical in determining where they end up in life. According to neurobiological studies approximately 85% of a person's core brain structure is formed by the age of 3. Research shows that positive early childhood experiences create a strong foundation and prepare the brain for all the development that follows. It is crucial that we provide our children the strong foundation so that they have every opportunity to succeed. There are many ways to provide our children with such strong foundations; through families, community based services, Head Start, public school programs, and private care providers. What is crucial is that our children's experiences in these environments are the highest quality. As Chair of the Joint Standing Committee on Education and Cultural Affairs, we are doing a lot of work on the issue of early childhood education, but we are also aware that there are many other organizations and also the Joint Standing Committee on Health and Human Services in their efforts in this area. What we have become acutely aware of is that it is essential to have an organization help link all of these efforts together. That is the Maine Children's Growth Council. I urge everyone to do what we can to strengthen that body so that we can be not only efficient but very effective in our investments in early childhood education. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#430)

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

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

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

READ ONCE.

Committee Amendment "A" (S-401) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Establish Advance Deposit Wagering for Harness Racing"

S.P. 209 L.D. 519

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

Signed:

Senators:
PATRICK of Oxford
MASON of Androscoggin

Representatives:
LUCHINI of Ellsworth
BEAULIEU of Auburn
FOWLE of Vassalboro
GIFFORD of Lincoln
KINNEY of Limington
RUSSELL of Portland
SCHNECK of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-398)**.

Signed:

Senator:
TUTTLE of York

Representatives:
LONGSTAFF of Waterville
SAUCIER of Presque Isle

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

Reports **READ**.

Senator **TUTTLE** of York moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

Divided Report

Seven members of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Increase Gaming Opportunities for Charitable Fraternal and Veterans' Organizations"
S.P. 20 L.D. 31

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

Signed:

Senators:
TUTTLE of York
PATRICK of Oxford

Representatives:
FOWLE of Vassalboro
KINNEY of Limington
RUSSELL of Portland
SAUCIER of Presque Isle
SCHNECK of Bangor

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

Signed:

Senator:

MASON of Androscoggin

Representatives:

LUCHINI of Ellsworth

BEAULIEU of Auburn

GIFFORD of Lincoln

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-400)**.

Signed:

Representative:

LONGSTAFF of Waterville

(Representative MITCHELL of the Penobscot Nation - of the House - supports Report "A", **Ought To Pass as Amended by Committee Amendment "A" (S-399)**.)

Reports **READ**.

Senator **TUTTLE** of York moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-399)**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-399)**.

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

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 (2/25/14) matter:

SENATE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Establish the Renewable Energy Feed-in Tariff"

S.P. 367 L.D. 1085

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-396)** (2 members)

Tabled - February 25, 2014, by Senator **JACKSON** of Aroostook

Pending - motion by Senator **CLEVELAND** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report (Roll Call Ordered)

(In Senate, February 25, 2014, Reports **READ**.)

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

Senator **CLEVELAND:** Thank you Mr. President. Men and women of the Senate, I wanted to take just a moment if I may to explain to this Body why there is a strong 11 - 2 Majority Ought Not to Pass Report on this particular bill. One of the major reasons that there is is that we have several other bills that will be coming to this Body that deals specifically with assisting and supporting solar energy, including providing additional incentives for solar energy, coming forward. Because we have several other bills that we feel that address the issues of solar energy and provide the opportunities to encourage solar energy in the state of Maine, we felt that this particular bill at this time wasn't quite ready. Because it's a short session, we really didn't have as much time as we would have liked in the committee to give it the kind of review that we felt was necessary to institute. That does not mean that we don't think that it has merit. We simply felt that, at this particular time, we hadn't had the opportunity to give it the full vetting that it would require. We fully hope in the next legislative session we'll see a similar bill and have the opportunity in the next longer session to give it the kind of review and vetting that this Body needs and the kind of recommendation it should get. I would encourage you to support, for the time being, the Ought Not to Pass Report and look forward to another time for a longer discussion on a bill regarding feed-in tariffs.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I appreciate the good Senator's comments. I agree, this is not a bill, in its current state, that is ready and it needs more work. I feel strongly that it is a good idea that will come back and we'll find a way to work through and address the concerns raised about whether it would raise costs, which I'm fully confident, when properly structured, that it would actually show the value as EEI, the electric utility industry themselves, have said that solar is, in fact, competitive power and they view it as a disruptive technology because of that. I acknowledge that there's more work to be done to get it to the point where those kinds of concerns are addressed and we're all ready to embrace this change. I look forward to the opportunity to do that at another time. Thank you.

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

Senator **THIBODEAU**: Thank you Mr. President. Ladies and gentlemen of the Senate, I just want to rise to say I'm very encouraged and would continue to encourage this Energy, Utilities and Technology Committee. I'm encouraged that they rejected this bill that would have raised our rates substantially. I would encourage them to keep that in mind as they move forward on these other bills. Maine people cannot afford to pay higher energy costs and I'm very pleased that they've rejected this bill and look forward to them doing the same on other bills that will add costs to people's energy bills. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#431)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and No Senator having voted in the negative, the motion by Senator **CLEVELAND** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (2/25/14) matter:

An Act to Establish Reasonable Restrictions on the Use of Fireworks

S.P. 57 L.D. 168
(C "A" S-380)

Tabled - February 25, 2014, by Senator **HASKELL** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, February 11, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-380).**)

(In House, February 20, 2014, **PASSED TO BE ENACTED.**)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#432)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, 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 (2/26/14) matter:

HOUSE REPORT - from the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Eliminate Financial Inequality in MaineCare Reimbursement for Community-based Behavioral Health Services

H.P. 1164 L.D. 1593

Report - **REFER** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**

Tabled - February 26, 2014, by Senator **HASKELL** of Cumberland

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, February 25, 2014, Report **READ** and **ACCEPTED** and Resolve **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS.**)

(In Senate, February 26, 2014, Report **READ.**)

Report **ACCEPTED**, in concurrence.

Resolve **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (2/26/14) matter:

SENATE REPORT - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Expand and Improve Employment Opportunities in the State"

S.P. 652 L.D. 1658

Report - **REFER** to the Committee on **MAINE'S WORKFORCE AND ECONOMIC FUTURE**

Tabled - February 26, 2014, by Senator **PATRICK** of Oxford

Pending - **ACCEPTANCE OF REPORT**

(In Senate, February 26, 2014, Report **READ**.)

On motion by Senator **PATRICK** of Oxford, Report **REJECTED**.

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

Off Record Remarks

Senate at Ease.

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

House Papers

Bill "An Act To Cancel the No-bid Alexander Group Contract To Produce Savings in Fiscal Year 2013-14" (EMERGENCY)
H.P. 1286 L.D. 1794

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **CRAVEN** of Androscoggin, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

Bill "An Act To Remove Medical and Dental Expenses from the Itemized Deduction Cap"

H.P. 1287 L.D. 1795

Comes from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

On motion by Senator **HASKELL** of Cumberland, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 32: Allowances for Waiver Services for Children with Intellectual Disabilities or Pervasive Developmental Disorders, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 1153 L.D. 1582

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

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

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

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

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Concerning Confidential Records Received by the Commission on Governmental Ethics and Election Practices"
H.P. 1213 L.D. 1690

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.

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 Amend the Operating-under-the-influence Laws
H.P. 1161 L.D. 1590
(C "A" H-614)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 13: Fees for Boxing Events and Authorized Participants, a Major Substantive Rule of the Combat Sports Authority of Maine
H.P. 1224 L.D. 1700

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Acts

An Act To Implement the Solid Waste Management Hierarchy
S.P. 545 L.D. 1483
(S "A" S-389 to C "A" S-386)

An Act To Increase the Rate of Reimbursement for Providing Career and Academic Advising and Counseling Services to Adult Education Students

H.P. 1227 L.D. 1716
(C "A" H-616)

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.

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

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

Senator **BOYLE** of Cumberland was granted unanimous consent to address the Senate off the Record.

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

Senator **CLEVELAND** of Androscoggin 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.

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

Senator **HASKELL** of Cumberland 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 **JACKSON** of Aroostook, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, March 4, 2014, at 10:00 in the morning.