

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
Tuesday
March 18, 2014

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

Prayer by Pastor Leonard Reiss, Saint Albans Union Church in
Saint Albans.

PASTOR REISS: First I want to thank you for the privilege of leading this governing Body in the short time of reflection and prayer and just a reminder that you have been appointed by God to serve Him and the people of the state of Maine for such a time as this. I also wanted to share a couple of portions of scripture that deals with political leaders and the citizenry of a nation. Then I wish to pray for you and for this state.

First Peter; Peter writes, "Submit yourselves for the Lord's sake to every human institution, whether to a king as the one in authority or to governors as sent by Him for the punishment of evil doers and the praise of those who do right, for such is the will of God, but by doing right you may silence the ignorance of foolish men. Act as free men and do not use your freedom as a covering for evil, but use it as bond slaves of God. Honor all people. Love the brotherhood. Fear God. Honor the king.

Paul writes in Roman 13, he says, "Every person is to be in subjection to the governing authorities, for there is no authority except from God and those which exist are established by God."

Let's pray together. Dear heavenly Father, we thank You for the privilege of living in a nation that allows us the opportunity to worship and to serve You freely. We thank You that we also are privileged to live in a nation which allows us the opportunity to engage those in leadership which You have appointed over the people so that they might lead in a way that is a benefit and a blessing to all. Lord, we recognize that there are many voices vying for the attention of those in leadership here today. Father, help these men and women to listen to those voices with a discerning wisdom that comes from You. Help each of those in leadership here today to not depend upon their own wisdom, nor to rely upon those that speak the loudest, nor to give ear to those with the most influence, but rather help them to lead the people in this state in such a way that it will truly benefit the people and show that each of these leaders have the best interest of the state and the citizens they serve at heart. Heavenly Father, we also recognize that these leaders here in this building are serving You and the people of this state while being apart from their families. More than likely there are many individuals here who have challenges and issues and struggled back home with their own families and their own lives. Help us, as a people, to remember what the Bible teaches, that we, as citizens, must pray for those in leadership. Heavenly Father, we would ask that each of the families of those who are serving here today would know of Your great love for them and Your desire for their very best. Lord, I pray that as there is discussion and deliberation which will be going on today that each person will listen carefully. I pray that

each person will desire to not simply further their own agenda but would desire what is best for the people in the state. Even though there may be disagreements, let there be a good time of discussion and an attempt to understanding. Heavenly Father, we thank You for the fact that we can come to You because Jesus Christ has opened the way for us. We thank You for the salvation that is available to any who will believe upon His name and trust in Him. I want to commit this governing Body to You, asking for Your protection and watch care over them as they serve. In the name of Jesus Christ I pray. Amen.

Pledge of Allegiance led by Senator John J. Cleveland of
Androscoggin County.

Reading of the Journal of Wednesday, March 12, 2014.

Doctor of the day, Elena Nawfel, MD of Waterville.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Make Maine Mills More Competitive by Encouraging the Processing of Forest Products at Mills in the United States" S.P. 640 L.D. 1649 (C "A" S-397)

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-397)** (3 members)

In Senate, March 5, 2014, on motion by Senator **HASKELL** of Cumberland, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-397)**.

Comes from the House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Senator **JACKSON** of Aroostook moved the Senate **INSIST**.

On motion by Senator **WOODBURY** 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.

Representatives 9

Dill of Old Town, Black of Wilton, Cray of Palmyra, Hickman of Winthrop, Jones of Freedom, Marean of Hollis, Noon of Sanford, Saucier of Presque Isle, Timberlake of Turner

ROLL CALL (#449)

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

NAYS 0

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

ABSENT 1 Rep. Kent of Woolwich

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 Richard E. Stevenson, Jr. of Bath, for reappointment to the Board of Pesticides Control be confirmed.

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **JACKSON** of Aroostook to **INSIST, PREVAILED.**

Signed,

S/Eloise A. Vitelli
Senate Chair

S/James F. Dill
House Chair

COMMUNICATIONS

The Following Communication: S.C. 799

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

March 11, 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 Agriculture, Conservation and Forestry has had under consideration the nomination of Richard E. Stevenson, Jr. of Bath, for reappointment to the Board of Pesticides Control.

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 Vitelli of Sagadahoc, Boyle of Cumberland, Sherman of Aroostook

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** 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 (#450)

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 **Richard E. Stevenson, Jr.** of Bath for reappointment to the Board of Pesticides Control was **CONFIRMED.**

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

The Following Communication: S.C. 800

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

March 11, 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 Agriculture, Conservation and Forestry has had under consideration the nomination of Neil G. Piper of Gorham, for appointment to the Land For Maine's Future Board.

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	Vitelli of Sagadahoc, Boyle of Cumberland, Sherman of Aroostook
	Representatives	10	Dill of Old Town, Black of Wilton, Cray of Palmyra, Hickman of Winthrop, Jones of Freedom, Kent of Woolwich, Mearn of Hollis, Noon of Sanford, Saucier of Presque Isle, Timberlake of Turner
NAYS		0	
ABSENT		0	

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 Neil G. Piper of Gorham, for appointment to the Land For Maine's Future Board be confirmed.

Signed,

S/Eloise A. Vitelli
Senate Chair

S/James F. Dill
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** 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 (#451)

YEAS: Senators: None

NAYS: 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

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 **Neil G. Piper** of Gorham for appointment to the Land For Maine's Future Board was **CONFIRMED**.

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

The Following Communication: S.C. 801

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

March 11, 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 Agriculture, Conservation and Forestry has had under consideration the nomination of Stanley K. Millay of Appleton, for appointment to the Maine Milk Commission.

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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	Vitelli of Sagadahoc, Boyle of Cumberland, Sherman of Aroostook
	Representatives	9	Dill of Old Town, Black of Wilton, Hickman of Winthrop, Jones of Freedom, Kent of Woolwich, Mearan of Hollis, Noon of Sanford, Saucier of Presque Isle, Timberlake of Turner
NAYS		0	
ABSENT		1	Rep. Cray of Palmyra

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 Stanley K. Millay of Appleton, for appointment to the Maine Milk Commission be confirmed.

Signed,

S/Eloise A. Vitelli
Senate Chair

S/James F. Dill
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** 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 (#452)

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 **Stanley K. Millay** of Appleton for appointment to the Maine Milk Commission was **CONFIRMED**.

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

The Following Communication: S.C. 805

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

March 12, 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 Criminal Justice and Public Safety has had under consideration the nomination of Carleton L. Barnes, Jr. of Calais, for appointment to the State Board of Corrections.

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	Gerzofsky of Cumberland, Dutremble of York, Plummer of Cumberland
	Representatives	8	Dion of Portland, Casavant of Biddeford, Lajoie of Lewiston, Long of Sherman, Marks of Pittston, Pease of Morrill, Tyler of Windham, Wilson of Augusta
NAYS		0	
ABSENT		2	Rep. Kaenrath of South Portland, Rep. Plante of Berwick

Eleven 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 Carleton L. Barnes, Jr. of Calais, for appointment to the State Board of Corrections be confirmed.

Signed,

S/St Stanley J. Gerzofsky
Senate Chair

S/Mark N. Dion
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** 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 (#453)

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 **Carleton L. Barnes, Jr.** of Calais for appointment to the State Board of Corrections was **CONFIRMED**.

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

The Following Communication: S.C. 802

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

March 11, 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 William J. Schneider of Durham, 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	2	Valentino of York, Burns of Washington
	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 1 Sen. Tuttle of York

Rep. Mitchell of Penobscot Nation 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 William J. Schneider of Durham, 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 York, Senator Valentino.

Senator **VALENTINO:** Thank you Mr. President. Men and women of the Senate, I rise today to support the unanimous recommendation from the Judiciary Committee for the appointment of William Schneider as a judge on the Maine District Court. Mr. Schneider is with us today. He has a long and distinguished career; serving in the United States Army as well as both the federal and state governments. He received his degree in weapon system engineering and computer science from the United States Military Academy at West Point. He also served his country in the United States Army 10th Special Forces group. He earned his juris doctorate from the University of Maine Law School and has worked as an Assistant Attorney General here in the state of Maine and has appeared in many cases in Superior Court, prosecuting drug crimes. He also served one term in the Maine State Legislature. He's worked as an Assistant United States Attorney and anti-terrorism coordinator with the Department of Justice. He was responsible for federal anti-terrorism investigations and prosecutions and he also served as

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Maine's Attorney General. Quite an extensive resume. Mr. Schneider's extensive experience and understanding of legal issues will make him a valuable asset to the judiciary and I welcome him here today. Thank you.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just want to reiterate what you just heard from my good Chair, Senator Valentino, and how pleased I am to support this nomination. This is my first term serving on Judiciary. I just want to say this is one of the most pleasant parts of that service, being able to meet some of these prospective candidates to serve in our courts. Mr. Schneider is an exemplary candidate and I'm very pleased to support his nomination today and the state will be much better off with his serving on the court. Thank you, Mr. President.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, one would hope that any Governor would appoint the best and the brightest from the bar to hold the high position of judges in the state of Maine. This Chief Executive has certainly done that. Exhibit A is William Schneider. We should all be very proud of this nomination and proud to cast our vote so that that nomination will be confirmed. Thank you, Mr. President.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, I, too, rise in the support of Bill Schneider for the nomination. I've known Bill, I think, for over a decade. Served with him in the Legislature. We're both Army veterans. He's a West Point graduate. Has been our Attorney General. I told him I had a ten page speech, but I will not give it today, Bill, but you've got my support. You've done a good job and we look forward to serving with you in the years ahead, Your Honor.

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 support of William Schneider's nomination. He served our country faithfully. He served our state. He certainly exemplified what the traditions are that we look for in just and responsible consideration of the issues that come before the courts. I am very proud to have spoken on his behalf in committee. I, like some of my colleagues, find this process to be very fulfilling and satisfying when we have the caliber of people we do. I'm very pleased today to cast my vote in support of my friend Bill Schneider. Thank you.

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 (#454)

YEAS: Senators: None

NAYS: 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

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 **William J. Schneider** of Durham for appointment as a District Court Judge was **CONFIRMED**.

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

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber William J. Schneider of Durham. Will he please accept the greetings of the Maine State Senate.

The Following Communication: S.C. 803

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

March 11, 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 Daniel I. Billings of Bowdoinham, for appointment as a Superior Court Justice.

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 18, 2014

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	2	Valentino of York, Burns of Washington
	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 1 Sen. Tuttle of York

Rep. Mitchell of Penobscot Nation 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 Daniel I. Billings of Bowdoinham, for appointment as a Superior Court Justice be confirmed.

Signed,

S/Linda M. Valentino Senate Chair	S/Charles R. Priest House Chair
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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 (#455)

YEAS: Senator: JACKSON

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

1 Senator having voted in the affirmative and 34 Senators having voted in the negative, and 1 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 **Daniel I. Billings** of Bowdoinham for appointment as a Superior Court Justice was **CONFIRMED**.

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

The Following Communication: S.C. 804

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

March 11, 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 Robert E. Mullen of Waterville, for appointment 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	2	Valentino of York, Burns of Washington
	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 1 Sen. Tuttle of York

Rep. Mitchell of Penobscot Nation 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 Robert E. Mullen of Waterville, for appointment as a Superior Court Justice be confirmed.

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 18, 2014

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 (#456)

YEAS: Senators: None

NAYS: 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

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 **Robert E. Mullen** of Waterville for appointment as a Superior Court Justice was **CONFIRMED**.

(See action later today.)

The Following Communication: S.C. 806

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE GOVERNOR**

March 13, 2014

Honorable Justin L. Alfond
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alfond:

This is to inform you that, pursuant to Title 3, MRSA, §154 I am withdrawing my nominations of Kenneth C. Fletcher of Winslow, Lenora Burke of Brunswick, Scott C. Dunning of Hampden for appointment to the Efficiency Maine Trust Board and of Eric J. Walker of Belmont, Barbara L. Raimondi of Auburn, Lance E. Walker of Falmouth, Andrew B. Benson of Athens for appointment to the District Court.

I withdraw these candidates pursuant to Title 3 M.R.S.A., §157 which requires that public hearing be held within 30 days of the posting date except for nominations for judicial officers, for which the public hearing must be held within 35 days of the posting date.

I am today nominating Kenneth C. Fletcher of Winslow, Lenora Burke of Brunswick and Scott C. Dunning of Hampden for appointment to the Efficiency Maine Trust Board.

Pursuant to Title 35-A, MRSA §10103, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Energy, Utilities and Technology.

I am today nominating Eric J. Walker of Belmont, Barbara L. Raimondi of Auburn, Lance E. Walker of Falmouth and Andrew B. Benson of Athens for appointment to the District Court.

Pursuant to Title 4 MRSA §157, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Thank you for your assistance in this matter.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 807

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

March 12, 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 Insurance and Financial Services has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1629 An Act To Amend the Laws Governing the
Provider Profiling Program

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

Sincerely,

S/Sen. Geoffrey M. Gratwick S/Rep. Sharon Anglin Treat
Senate Chair House Chair

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

The Following Communication: S.C. 808

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
JOINT SELECT COMMITTEE ON
MAINE'S WORKFORCE AND ECONOMIC FUTURE**

March 11, 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 Maine's Workforce and Economic
Future has voted unanimously to report the following bill out
"Ought Not to Pass":

L.D. 1393 An Act To Encourage Entrepreneurial
Investment in Maine

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

Sincerely,

S/Sen. Linda M. Valentino S/Rep. Seth A. Berry
Senate Chair House Chair

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

The Following Communication: S.C. 809

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

March 11, 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 Veterans and Legal Affairs has
voted unanimously to report the following bill out "Ought Not to
Pass":

L.D. 1681 An Act To Amend the Laws Governing
Gambling and Criminal History Record Checks

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

Sincerely,

S/Sen. John L. Tuttle S/Rep. Louis J. Luchini
Senate Chair House Chair

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

SENATE PAPERS

Bill "An Act To Provide Additional Authority to the State Board of
Corrections"

S.P. 730 L.D. 1824

Presented by Senator GERZOFKY of Cumberland.
Cosponsored by Representative DION of Portland and Senators:
BURNS of Washington, DUTREMBLE of York, HILL of York,
PLUMMER of Cumberland, Representatives: CROCKETT of
Bethel, LAJOIE of Lewiston, PLANTE of Berwick, PRIEST of
Brunswick.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 205.

On motion by Senator **GERZOFKY** of Cumberland, **REFERRED**
to the Committee on **CRIMINAL JUSTICE AND PUBLIC
SAFETY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Assist Electric Utility Ratepayers"
S.P. 731 L.D. 1825

Presented by Senator CLEVELAND of Androscoggin.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

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

Sent down for concurrence.

Bill "An Act To Limit Consent Regarding Land Transfers to the Federal Government"

S.P. 733 L.D. 1828

Presented by Senator THOMAS of Somerset. (GOVERNOR'S BILL)

On motion by Senator VALENTINO of York, REFERRED to the Committee on JUDICIARY and ordered printed.

Sent down for concurrence.

**Pursuant to Joint Order
Joint Select Committee on Maine's Workforce and Economic Future**

Senator VALENTINO for the Joint Select Committee on Maine's Workforce and Economic Future, pursuant to Joint Order, S.P. 27 asked leave to report that the accompanying Bill "An Act To Authorize a General Fund Bond Issue To Support Maine Small Business and Job Creation"

S.P. 732 L.D. 1827

Be REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ordered printed pursuant to Joint Rule 218.

Report READ and ACCEPTED.

REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Rita Smith, of Temple, to whom the 2014 Annual Town Report of the Town of Temple is dedicated. Ms. Smith is being honored for more than 30 years of service as a Girl Scout leader, mentoring hundreds of girls in the community. We extend our appreciation to Ms. Smith for her contributions to her community;

SLS 795

Sponsored by Senator SAVIELLO of Franklin.
Cosponsored by Representative: BLACK of Wilton.

READ.

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

Senator SAVIELLO: Thank you Mr. President. Ladies and gentlemen of the Senate, I've known Rita for 12 years. In those 12 years she's come down and joined me here in the State House all but one. Rita served the town of Temple and hundreds of children as a Girl Scout leader for 30 years. A Scout herself, she got involved again when her daughters became eligible to be Brownies. Now she has kids of kids. I'm not sure how she's done that because she's only 31 years old, but that's alright. She has them in the Scouts. She leads but she says the kids do all the work. She served as the President of the Temple Fire Axillary and presently serves as the President of the American Legions Axillary. Let me tell you about the real Rita that I got to know about. She likes to sock hop, known to be out there twisting with the girls. She likes to sled with the girls, and at the bottom of the pig-pile at the end of the day, there she is. She's also better known as Harry. It seems one of her girls, when she first met Rita, called her Harry. Even today that 19 year old still calls her Harry. Her biggest challenge, she said, was teaching our board operator, Lucas, how to mow the grass at UMF. Rita "Harry" Smith, thank you for making a difference for the young ladies and the future citizens of the state of Maine. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Rita Smith. She is the guest today of the Senator from Franklin, Senator Saviello. Will she please rise and accept the warm greetings of the Maine State Senate.

Jed Scott, of Sanford, who is the recipient of the Frank J. Gaziano Memorial Offensive Lineman of the Year award. Jed is a senior at Sanford High School and is a two-way lineman for the football team. The award is given annually to the senior top offensive and defensive linemen in the state based on their strong leadership on the field, in the classroom and in the community. We extend our congratulations and best wishes to Jed on his receiving this award;

SLS 796

Sponsored by Senator TUTTLE of York.
Cosponsored by Representatives: BOLAND of Sanford,
MASTRACCIO of Sanford, NOON of Sanford.

READ.

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

Senator **TUTTLE**: Thank you Mr. President. Members of the Senate, it's indeed an honor for me to rise today in recognition of this young man. I told him I've been watching him since he's been a freshman and I told him if I would have had him my senior year we might have won a few more games, right Coach? Anyways, the Gaziano Award is like the Fitzpatrick Award for linemen. It's something named after Frank Gaziano. It's a great honor. It's a great honor for his school and for me, as a Senator, to have him here today. I always tell the young folks to use their athletic abilities to get themselves an education. I did and I think that was the best decision I ever made. Next year Jed is going to Assumption to go on to his education. You never know, he might be here someday. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Jed Scott and Brad Scott. They are here from the town of Sanford and they are here as the guests of the Senator from York, Senator Tuttle. Will they please rise and accept the warm greetings of the Maine State Senate.

Joint Resolution

On motion by Senator **CRAVEN** of Androscoggin (Cosponsored by Senators: President **ALFOND** of Cumberland, **BOYLE** of Cumberland, **BURNS** of Washington, **CAIN** of Penobscot, **CLEVELAND** of Androscoggin, **COLLINS** of York, **CUSHING** of Penobscot, **DUTREMBLE** of York, **FLOOD** of Kennebec, **GERZOFOSKY** of Cumberland, **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, **MILLETT** of Cumberland, **PATRICK** of Oxford, **PLUMMER** of Cumberland, **SAVIELLO** of Franklin, **SHERMAN** of Aroostook, **THIBODEAU** of Waldo, **THOMAS** of Somerset, **TUTTLE** of York, **VALENTINO** of York, **VITELLI** of Sagadahoc, **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, **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, **HOBBS** of Saco, **HUBBELL** of Bar Harbor, **JACKSON** of Oxford, **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, **KORNFIELD** 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, **PEASE** of Morrill, **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. 734

**JOINT RESOLUTION
IN HONOR OF ST. PATRICK'S DAY AND IN RECOGNITION
OF THE IRISH CONTRIBUTION TO MAINE AND TO THE
UNITED STATES**

WHEREAS, St. Patrick is the patron saint of Ireland, known for bringing Christianity to Ireland and, it is said, for instilling a sense of literacy and learning that allowed Ireland to become the "isle of saints and scholars" when the rest of Europe was in the Dark Ages; and

WHEREAS, the feast day of St. Patrick is a national holiday that is given recognition outside its native land, which indicates the Irish influence throughout the world; and

WHEREAS, the modern secular holiday of St. Patrick's Day was first celebrated in America in Boston during colonial days and the first St. Patrick's Day Parade in New York City was in 1766, and

now St. Patrick's Day is celebrated all over America with pride; and

WHEREAS, millions of Irish people emigrated from Ireland in the 1800s to escape brutal poverty and starvation due to the Irish potato famine, and most of those people came to America to start new lives and to embrace and contribute to a new land; and

WHEREAS, tens of thousands of Irish immigrants arrived in New England and many came to Maine, and the Irish have been an important part of Maine's culture, history and society ever since; and

WHEREAS, within a few years of their arrival in the United States and in Maine, these Irish immigrants became part of the American cultural landscape while preserving the best of their native culture, and they dedicated themselves to helping build this Nation and State; and

WHEREAS, the Maine Irish Heritage Center, housed in the former St. Dominic's Church in Portland, is dedicated to preserving the history of Irish culture in Maine; and

WHEREAS, four signers of the Declaration of Independence were Irish-born and nine signers were of Irish ancestry and 19 Presidents of the United States have proudly claimed Irish heritage, including George Washington, the father of our country; John Fitzgerald Kennedy; and Ronald Reagan; and

WHEREAS, the 44,000,000 Americans of Irish ancestry, like their forebears, continue to enrich all aspects of life in the United States, in science, education, art, agriculture, business, industry, literature, music, athletics, entertainment and military and government service; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to encourage the celebration of St. Patrick's Day, and, recognizing the valuable contribution to our State and to our Nation of all Irish-American citizens, we urge the citizens of the State to commend and celebrate the integrity and richness of the Irish culture.

READ.

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, of today we celebrate the people of Irish heritage and it's turned into a great celebration of beer and wearing green and celebrating the contributions that the Irish have made to their new world. There are over 44 million people in the U.S. claiming Irish heritage. Certainly all of those people enrich all aspects of life here in the U.S., from science to education to art to literature, music, athletics, military, and, of course, government. The Irish were not always so integrated or accepted. St. Patrick's Day and St. Patrick's Day parades, especially in New York, was an expression of Irish pride in an effort to combat the prejudice, the hate, the religious discrimination, and the abuse against the Irish immigrants. I just want to remind people of Irish heritage that the

path was really leveled for them, and for all of us, to enjoy the great blessings of this country. I would ask all of us, no matter where we come from or what our heritage is, to be proud of that and to tolerate each other. Especially I want to remind us that there are now many new immigrants coming into the United States and that we should remember especially our heritage and the abuse that our forbearers suffered and to make sure that we level the path for our new immigrants. Thank you, Mr. President.

THE PRESIDENT: The Chair would request that Senator Cain please approach the rostrum.

Senator **CAIN:** Thank you Mr. President. This is an unexpected pleasure to join you up here. Mr. President and men and women of the Senate, 10 years ago I came into this Chamber with Coach, Senator Mazurek, the good Senator from Knox, and more than 5 years ago he asked me on St. Patrick's Day to sing to him and, at that time in the gallery, his wife Danny Boy. Where this is our final St. Patrick's Day together in the Senate, in the Legislature, it's my honor to offer this music for the good Senator from Knox.

Senator **CAIN** of Penobscot performed Danny Boy.

Oh Danny boy, the pipes, the pipes are calling
From glen to glen, and down the mountain side
The summer's gone, and all the flowers are dying
'Tis you, 'tis you must go and I must bide.
But come ye back when summer's in the meadow
Or when the valley's hushed and white with snow
'Tis I'll be here in sunshine or in shadow
Oh Danny boy, oh Danny boy, I love you so.

And if you come, when all the flowers are dying
And I am dead, as dead I well may be
You'll come and find the place where I am lying
And kneel and say an "Ave" there for me.

And I shall hear, tho' soft you tread above me
And all my dreams will warm and sweeter be
If you'll not fail to tell me that you love me
I'll simply sleep in peace until you come to me.

I'll simply sleep in peace until you come to me.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I am very pleased to stand after that. I had my button pressed before but it actually works out quite well. My grandfather used to sing that song a lot. Nowhere nearly as good as the fine Senator from Penobscot, but it certainly brings back great memories. For myself, this week, with Allagash being rated the third highest Irish community in the state, it is certainly something that I'm very proud of. Tomorrow being Franco Day, I have the best of both worlds right here with my heritage. Thank you very much.

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

Senator **TUTTLE**: Thank you Mr. President. Members of the Senate, I promised myself I wouldn't do this, but I really can't help myself on St. Patrick's Day. I know that being of Irish descent myself, as Senator Collins and a number of us, my father always said, jokingly, that you could always tell an Irishman but you can't tell them much. He said that we came over during the famine of 1854 and we haven't stopped eating since. Mr. President, may the Lord have mercy on our souls and may St. Michael sing along and may we be dead two hours before the Devil knows we're gone. Happy St. Patrick's Day.

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

Senator **LACHOWICZ**: Thank you Mr. President. My first name is Colleen. It's pretty clear I'm Irish. I just got up, I wasn't going to, because I thought I wanted to recognize the importance, nationwide, and actually across the world, of St. Patrick's Day because the Irish Famine started the Irish ad astra, and so now we're all over, millions and millions of us. I'd like to take this moment to recognize that my grandparents aren't here, they are dead, but both of them came over on a boat from there and, as a result, I am here. So I guess in some strange way I'm going to make a joke and say I think I have the British to thank for being here, although I would never tell my grandmother that. Thank you very much.

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

Senator **COLLINS**: Thank you Mr. President. Ladies and gentlemen of the Senate, both my grandparents on my father's side, Collins, came over from Ireland, of course. She was 16 and he was 21. They met on the ship, or the boat, and settled in approximately the same area, upstate New York in or around Plattsburgh, I believe. As the years progressed, they had one child in New York and they moved to Wells because a friend of my grandfather moved to Wells as well. As a consequence, my roots are on that road right up to today. It's always refreshing when you can say to yourself that you spent most of my life on this road as a child growing up with my grandparents and as an adult as well. I raised my children on Harriseckett Road. Of course Harriseckett is a name that is frequently used up and down the coast. It's refreshing to me to see so many of our colleagues here that have Irish roots. As time has progressed, I wish that my grandparents, and even my parents, could have lived long enough to see me here as a member of the Maine Senate. Thank you.

On motion by Senator **CRAVEN** of Androscoggin, **ADOPTED**.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Require the Department of Health and Human Services To Initiate a New Rate-setting Procedure for Preschool Services for Children with Disabilities under the MaineCare Program

H.P. 1119 L.D. 1552

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-668)**.

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

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

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-668)**.

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-668) **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 **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Establish the Maine Length of Service Award Program" H.P. 819 L.D. 1154

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-644)**.

Signed:

Senator:

PATRICK of Oxford

Representatives:

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

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

Signed:

Senators:

CLEVELAND of Androscoggin
CUSHING of Penobscot

Representatives:

DUPREY of Hampden
LOCKMAN of Amherst
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 "B" (H-644)**.

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 Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President. Women and men of the Senate, I wanted to share with you the reason why I didn't vote the Ought to Pass Report on this. I didn't do it lightly and I didn't do it because I don't have compassion for the brave men and women who serve as firefighters, often times as volunteers. They provide a tremendous service to our communities. I thought about the bill very carefully and what was the best course for public policy. Finally what tilted my decision

was that I think we ought to keep our promises and I think we ought to fund our commitments that we make. It's too easy, out of feelings of compassion or emotional feelings for a particular bill, to want to do something that feels good but winds up not being productive as an overall policy. This bill would take money from the fireworks sales tax and dedicate half of it to this particular cause, to set up a pension fund for volunteer firefighters. Yet we would take that revenue stream away from the current pension responsibilities that we already said that we would do for our teachers and public employees and State employees, who suffered tremendous cuts in what we said we would do. We've taken away from our educational funding so that, particularly, the young students would have the best opportunities for an education. We've had on the book a requirement to fund 55% of education for years and we're not getting any closer. We're falling back. That's a commitment that we made. We've cut our universities and community college systems dramatically. They are having to make draconian cuts just to balance their budgets because we don't have enough money to fund them. They used to pay one-third and we paid for two-thirds. Now tuition costs are paying for more than 50% of the costs. This is not a good investment by not educating our children properly. We've dramatically cut municipal revenue sharing because we haven't kept our promise on that. We fill the budget with temporary tax increases, which we're going to have to deal with next session on how to find the revenues for that. We have ongoing structural deficits in our budget. Yet one more program comes up because it feels like it is a good thing. We dedicate revenues to a new program when we can't even keep our promises for the programs that we have, for vital needs and vital services that we've already committed to. I don't feel it's right to give false expectations to individuals for a program that we're likely not to be able to continue to fund. In fact, it has a two year sunset on the bill and it ends in 2016. You've seen what we've tried to do to go back and find some funding to fill holes from the billions of dollars of tax expenditures that we have. Nothing came from it. Not a single recommendation on how we could find additional money here. It sets up a separate trust fund not managed by the state and not overseen. It uses public dollars. In this small trust fund, how much of those funds are going to be used solely for the management of the trust fund and not, ultimately, go to the benefit of the individuals it's intended to? Might this really be a municipal responsibility as opposed to a State responsibility? We said that we were going to pay the pension plan for the teachers in the state of Maine. What did we recently do? We forced 50% of the funding back onto the municipalities because we couldn't afford it any more. Yet we want to add another pension program without knowing where the funding and the resources are. If we had funds for this I would vote for it in a minute. They are good people doing good work, but I think it's hypocritical and disingenuous to support programs when we know we don't have funding to support what we currently have and very likely not have the funding to continue this program. That's why I voted the way I did in the committee because I thought that, even though it was a hard vote, at least it was an honest vote.

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 thank the

good Senator from Androscoggin for his words. We differ sometimes from time to time. This happens to be one of them. This bill establishes the framework for a statewide pension type program under which bonafide volunteers, as defined in the United States Internal Revenue Service code, are paid length of service awards for performing qualified services. Under the program volunteers have a program account that would be credited with an annual contribution deposited no later than the following July 1st for each year during which the volunteer participated in a minimum required level of volunteer activities set forth by the Maine Length of Service Award Program Board of Trustees. Upon the attainment of 60 years of age, or after having earned 20 years of service credit before 60 years of age, a volunteer who has attained a vested status in the program by having earned 5 years of service credits would be paid the contributions credited to that volunteer program account plus the net investment income earned on those contributions. The vested portion of the program account award of a participating volunteer must be paid before age 60, after the volunteer ceases to perform qualified services for 36 consecutive months. The program account balance of a participating volunteer is also payable before 60 years of age, upon death, or total or permanent disablement. What's most important about this process is that participation in the program funding is optional for any constructive contributor and the amount contributed may vary from year to year by a contributor based on available funds. It is said, yes, that the funding would come from actually 50% of what the sales tax would be for fireworks.

I remember just about 13 years ago, September 11, 2001. That will live in our memories the rest of our lives. Seeing what our first responders, including our volunteer and call-to-duty firefighters, did was simply heroic. Our volunteer firefighters and volunteer first responders do us proud each and every day, statewide. What is the biggest problem in the state of Maine, ladies and gentlemen? It is retaining volunteer firefighters and call-to-duty firefighters. They've dropped off 20%, 30% and 40%. If you live in a larger city or a larger town you can afford to have a full-time fire force. What if you don't? Who is going to take care of our houses when they're burning down? Who's going to go in and rescue our citizens? This is not a rural or urban issue. This is an issue of fairness and one that I will support. I personally voted against the \$1.5 billion tax cuts to our teachers and State workers. I thought it was a travesty. If that would have been me negotiating that I probably would have put it off for 10 years, but I would have made sure we did take care of our teachers and State workers. The two year sunset on the bill is because they came forward and didn't want a full handout. They wanted a helping hand so that, at the end of the two years, they can find their own funding for the pension. I was willing to do that, ladies and gentlemen, and I'm actually glad that this is one program that won't be under the State jurisdiction because once it gets up and running they'll have their own selves to blame whether or not it works or not. With that, Mr. President, I would urge your support for your volunteer and call-to-duty firefighters and support L.D. 1154. 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 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 (#457)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **PATRICK** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "B" (H-644) **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 **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Allow Maine's Harness Racing Industry To Compete with Casino Gaming"
H.P. 780 L.D. 1111

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

Signed:

Senators:
MASON of Androscoggin
PATRICK of Oxford

Representatives:
LUCHINI of Ellsworth
BEAULIEU of Auburn
LONGSTAFF of Waterville
SAUCIER of Presque Isle
SCHNECK of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-628)**.

Signed:

Senator:

TUTTLE of York

Representatives:

FOWLE of Vassalboro

GIFFORD of Lincoln

KINNEY of Limington

RUSSELL of Portland

(Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought Not To Pass** Report.)

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-628) AS AMENDED BY HOUSE AMENDMENT "B" (H-671)** thereto.

Reports **READ**.

Senator **TUTTLE** of York moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-628)** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-628)** Report, in concurrence.

Senate

Ought to Pass

Senator **MILLETT** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Implement the Recommendations of the Review Committee Established To Examine the Impact of Unfunded Education Mandates and Other Regulatory Burdens"

S.P. 720 L.D. 1805

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

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

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

Sent down for concurrence.

Ought to Pass As Amended

Senator **GERZOFISKY** for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Make Technical Amendments to the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act and a Related Provision in the Maine Revised Statutes, Title 20-A"

S.P. 709 L.D. 1782

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-427)**.

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

READ ONCE.

Committee Amendment "A" (S-427) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator **CLEVELAND** for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Preserve Certain Rights Granted to Maine Public Service Company before Its Merger with Bangor Hydro Electric Company"

S.P. 693 L.D. 1752

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

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

READ ONCE.

Committee Amendment "A" (S-429) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator **CRAVEN** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Relating to Nursing Facility and Inpatient Hospice Patients and Medical Marijuana Use"

S.P. 706 L.D. 1779

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-430)**.

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

READ ONCE.

Committee Amendment "A" (S-430) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Further Delegate Permit-granting Authority to the Bureau of Forestry" S.P. 657 L.D. 1673

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-428)**.

Signed:

Senators:

VITELLI of Sagadahoc
BOYLE of Cumberland
SHERMAN of Aroostook

Representatives:

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

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

Signed:

Representatives:

HICKMAN of Winthrop
JONES of Freedom
SAUCIER of Presque Isle

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-428) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Establish the Criminal Law Revision Commission" (EMERGENCY)

S.P. 700 L.D. 1765

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-426)**.

Signed:

Senators:

GERZOFISKY of Cumberland
DUTREMBLE of York

Representatives:

DION of Portland
CASAVANT of Biddeford
KAENRATH of South Portland
LAJOIE of Lewiston
MARKS of Pittston
PLANTE of Berwick
TYLER of Windham
WILSON of Augusta

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

Signed:

Senator:

PLUMMER of Cumberland

Representatives:

LONG of Sherman
PEASE of Morrill

Reports **READ**.

Senator **GERZOFISKY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** 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 (#458)

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

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

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 18, 2014

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

READ ONCE.

Senate at Ease.

Senate called to order by the President.

Committee Amendment "A" (S-426) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Prohibit Motorized Recreational Gold Prospecting in Certain Atlantic Salmon and Brook Trout Spawning Habitats" (EMERGENCY)
S.P. 646 L.D. 1671

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

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**.

Senator **BOYLE** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#459)

YEAS: 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

NAYS: Senators: None

35 Senators having voted in the affirmative and No Senator having voted in the negative, the motion by Senator **BOYLE** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-424) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Clarify the Law Governing Public Disclosure of Health Care Prices"
S.P. 633 L.D. 1642

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

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec
HAMPER of Oxford

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-432)**.

Signed:

Representative:
STUCKEY of Portland

(Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought To Pass as Amended by Committee Amendment "A" (S-431)** Report.)

Reports **READ**.

On motion by Senator **CRAVEN** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-431)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-431) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Provide for a Quorum at the Public Utilities Commission

H.P. 1191 L.D. 1619
(C "A" H-645)

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

Senate at Ease.

Senate called to order by the President.

On motion by Senator **VALENTINO** of York, the Senate **RECONSIDERED** whereby it **CONFIRMED** the following:

NOMINATION - Robert E. Mullen of Waterville for appointment as a Superior Court Justice

(In Senate, March 18, 2014, Communication (S.C. 804) from the Committee on **JUDICIARY**, **READ** and **ORDERED PLACED ON FILE**.)

On further motion by same Senator, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION**.

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 (3/6/14) matter:

SENATE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend Insurance Coverage for Diagnosis of Autism Spectrum Disorders"
S.P. 127 L.D. 347

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-412)** (8 members)

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

Tabled - March 6, 2014, by Senator **GRATWICK** of Penobscot

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

(In Senate, March 6, 2014, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (S-412) **READ** and **ADOPTED**.

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

Sent down for concurrence.

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 18, 2014

The Chair laid before the Senate the following Tabled and Later Assigned (3/11/14) matter:

Resolve, To Create a State-run Virtual Academy Providing Maine Students with Access to Online Learning through Their Existing School Districts

S.P. 689 L.D. 1736
(H "A" H-631 to C "A" S-392)

Tabled - March 11, 2014, by Senator **HASKELL** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 6, 2014, **FINALLY PASSED**, in concurrence.)

(In Senate, March 11, 2014, Veto Communication (S.C. 795) **READ** and **ORDERED PLACED ON FILE.**)

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

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

A vote of yes was in favor of the Bill.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#460)

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

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

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, and 23 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

The Chair laid before the Senate the following Tabled and Later Assigned (3/12/14) matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Increase Access to Quality Child Care"

H.P. 1152 L.D. 1581

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-656)** (10 members)

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

Tabled - March 12, 2014, by Senator **CRAVEN** of Androscoggin

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 11, 2014, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656).**)

(In Senate, March 12, 2014, 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-656) **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 (3/12/14) matter:

HOUSE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Create the Children's Wireless Protection Act"

H.P. 711 L.D. 1013

Report "**A**" - **Ought to Pass as Amended by Committee Amendment "A" (H-618)** (6 members)

Report "**B**" - **Ought Not to Pass** (6 members)

Tabled - March 12, 2014, by Senator **CLEVELAND** of Androscoggin

Pending - motion by same Senator to **ACCEPT** Report "**B**", **OUGHT NOT TO PASS**, in **NON-CONCURRENCE**

(In House, March 11, 2014, Report "**A**", **OUGHT TO PASS AS AMENDED** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-618) AS AMENDED BY HOUSE AMENDMENT "A" (H-674)** thereto.)

(In Senate, March 12, 2014, Reports **READ.**)

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 Cleveland.

Senator **CLEVELAND:** Thank you Mr. President. Women and men of the Senate, I'd like to take a few moments to share with you why six members of the Energy, Utilities and Technology Committee supported the Ought Not to Pass report on this bill. It's not because we don't have concern for individuals who may use cellular phone technology. It's not because we don't think that people should have information. We supported the Ought Not to Pass report for two important reasons. One is that there is a real constitutional question, both in the commerce clause as violated by states entering into this interstate commerce activity and secondly because it's a very clear violation of the First Amendment of the Constitution of free speech. What this bill proposes to do is to have directed speech, that is the state tells someone else how they should talk, what information they should distribute, and where it should be placed, contrary to what they wish to speak. The concern with that is that that only occurs if there is overwhelming scientific evidence that the public health interests are being protected. There are labels on tobacco because science supports that tobacco use is harmful for consumption by humans. It also requires that to be able to do that you have to have a strong body of science that supports that evidence. We heard that there was not that strong body of science. In fact, the preponderance of science, more than 2,000 studies, have already indicated they cannot find a direct link between cell phone use and any health harm to an individual. This was already tried in San Francisco where they passed a local ordinance requiring labeling on the cell phone which was appealed to the 9th District Court of Appeals and the court threw out the ordinance in its entirety because of those two issues. It was directed speech. It violated the First Amendment of freedom of speech. It was not supported by scientific evidence that would support that that directed speech should be required. What we would prefer to do, instead of taking a path that could expose the state of Maine to more than a \$1 million worth of legal fees that we would have to pay to the other side for their opposition of this law but also our own Attorney General side, is rather than trying to tell other people how they should speak we should use the First Amendment to say what we want to say. We should require, in a future time, information, maybe through the schools, that indicates appropriate use, any concerns there might be with RF, so that folks, particularly students, are more aware of it. Our state health agencies could provide information. Doctors, nurses, and other healthcare professionals could provide information to their patients in regards to these issues. There is nothing that prohibits in the expression of free speech as long as you are telling factual information to exercise that. Much better to do that than to risk our resources of millions of dollars to defend something that is likely not going to survive a constitutional challenge. We would prefer rather to take our prerogative in informing the public in a way that might be more effective.

All of you have children or grandchildren, you've been young yourself. Is it really going to be that effective to put a label on the outside of the packaging telling folks there is some information that you might want to read inside regarding radio frequencies? How long will it take those folks to open the package, throw that

away, and do what they want to do, which is use their cell phone? The effect that we want to have, to provide information, is probably going to be, even if it survived, which it won't because of a constitutional challenge, would be marginally effective. We would rather that, in a very few months, legislation came forward that provided ways for that information to be disseminated publically and without violating the Constitution. We thought that was a more rational use of state resources and a more effective outcome for what those folks want to do, to provide information to the public, particularly the younger folks, about radio frequencies and cell phones, and let folks make their own decisions. We think it's better to use our resources in an effective way as opposed to creating situations where the law suit is liable not to prevail. I hope you will support the Ought Not to Pass report.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, I wasn't planning on speaking on this, but I do have a few constituents from my hometown that provided me with some information today that I'd like to share with you. The bill provides that a retailer may not sell a cell phone unless the cellular phone and its packaging bear a warning label. The amendment replaces the bill and requires that any notification related to radio frequency exposure supplied by the cellular telephone manufacturer must have the language of the notification plainly visible. In my opinion, this bill would simply provide consumers with information to make a better informed choice when buying and using a cell phone. The bill does not unduly infringe upon cell phone manufacturers and provides important and useful information for consumers. It provides a safe, common sense way to properly provide notification regarding cell phone usage to consumers. I know that the good Senator Gratwick in caucus mentioned it took us 28 years to get notification on cigarettes, that they were dangerous to your health. Let's not wait 28 years to do the same thing to cell phones. Thank you.

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 opposition to the Ought Not to Pass report because L.D. 1013 asks for a label on cell phone packaging to tell consumers where to find radio frequency exposure information in materials provided by manufactures. The information is usually very difficult to find. It is protective of the industry but not the user. A compelling state reason for having a label helping consumers find this safety information is the concern about potential health threats. All manufacturers say to keep cell phones at a distance from the head. I wonder why? Children's heads are most vulnerable. There are currently many individual cell phone deaths caused by brain tumor cases being heard in the Superior District Court of Washington D.C., having gone first to the Supreme Court. This will go on for some time. While the court sorts out the science, L.D. 1013 helps protect the public in Maine from any potential harm. It has been amended to not go into effect until four other states have adopted similar legislation. I don't know if that's going to be next year or if that's going to be 20 years from now, but we're going to do it if four other states have adopted it. Harvard constitutional law expert, Lawrence Lessig, has agreed to defend,

pro bono, the constitutionality of the bill. We talk about San Francisco and the constitutionality of that and them backing out. The city of San Francisco was disseminating their own information, that caused the suit. San Francisco settled to avoid more legal suits by industry. We're talking about cigarettes. We're talking about cell phones. I remember asbestos. People know what the eventual consequence of a lot of the things in our society and the societal damage that goes on. I, for one, looking down at the picture of my grandson, am not going to say to myself, "I'm going to vote for this Ought Not to Pass report knowing that down the road, 5 years or 10 years from now, I may end up with brain cancer, with my head full of cancer, with no brains at all because it's all mush." I'm a firm believer that the things are dangerous. Do I have one? Yes, I do. Have I read the instructions? I got my magnifying glass out, with that size 2 font that I think it is inside the instructions that no one can hardly read, I know I can't and my eyesight's pretty good. When you get right down to it, are we willing to risk it for when the science changes. I'll bet you there were probably 10,000 studies that said smoking wasn't bad for you, I'll bet you there was probably 10,000 cases that said asbestos was good for you and to go ahead and breathe it. Thirty or forty years down the road what happens? I, for one, am not going to be the one that is going to support this Ought Not to Pass because I'm going to vote on the side of caution. If it's going to be when four other states jump on board before it's implemented, I'm in favor of that. Thank you, Mr. President.

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

Senator **GRATWICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, just very briefly. The major principle in medicine is that of a cautionary principle; first to do no harm. I would simply note, by analogy, that cigarettes first began to become articles of concern in the 1930's. Big article in 1944. Came out, no attention paid to it. It wasn't until 1952, the Surgeon General's report. Then again it took from 1952 until 1965 for the labeling to be on cigarettes packages. I think it's important that first we do no harm. I'll be supporting this. Thank you, sir.

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 support of the Minority Ought Not to Pass. This is an issue that's come before us repeatedly. While I respect greatly the efforts by those who support this and sponsor's desire to bring this forward, I must ask, Mr. President, in our society are we doing the public good when we put another label on a package that many times does not get delivered to the end consumer? Do we do good when we require labeling that, as my good colleague from Oxford said, sometimes comes in a font, which I believe most times requires to be 9 points as opposed to 2, that is difficult for those of us who may have certain maturity in our eyesight to require visual aids in order to be able to view? I think not. I think, in all seriousness, that this issue, Mr. President, is one of recognizing whether we're doing the public the good we ask for in putting a label, in addition to the multiple other labels already on there, on packages that get disposed of and are not directly part. The other issue that the good Senator from Androscoggin raised is referenced in a letter

from the Attorney General in regards to L.D. 1013. A couple of points I'd just like to bring to your attention. The commerce clause almost certainly prohibits Maine from attempting to regulate the information that must appear on packaging of products manufactured and sold outside of Maine's borders. Clearly this is manufactured by a variety of different suppliers. It is supplied through distribution chains now of national organizations which will create some difficulties. I'm not as concerned with the difficulties as the results of the consequences of someone inadvertently acquiring a product by mail or through an on-line commerce source that would put them in violation through their inability to understand a variety of different laws across the country. Additionally, the amendment may have First Amendment challenges. I ask, Mr. President, that we ponder before we vote on this whether we, in Maine, want to subject our citizens and our industry to clearly an effort that has not yet identified its ability to educate the public. I thank you for listening.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I didn't expect to rise on this either, but there are a couple of things that have been discussed here that have brought me to want to comment. For me, this is a matter of addressing those kinds of concerns over the commerce clause and the free speech. The commerce clause one is something that, if we vote down this Ought Not to Pass motion and proceed to examine the bill, can be dealt with in an amendment. There is one prepared to do that. The free speech question, this is not the same as California. This is a case where what is said about safe use of the product has already been written by the manufacturer. The problem is that it's been written and put somewhere where I doubt whether many, if any, of us have actually read what the health warnings are about RF exposure on our phones, not because it didn't come in the phone or in the packaging when we bought the cell phone. Certainly I know that when I bought cell phones, and somebody set it up for me, I got the cell phone and I got the box. I got the packaging. The problem is that, for me, there is a compelling state interest in ensuring that warnings that manufacturers feel are appropriate for the use of their product, how to use them safely, need to be something that people are aware of and have an opportunity to read. Otherwise it's not an effective warning. To count on obscurity preventing people from reading what would be protecting their health, their interests, that's something that the state does have a need to make plain. In fact, so many of us have used step ladders when working around our home. That "Do not step on the top", I don't think you could have much more of a clear warning. That's there because the government decided that that was an important enough health risk that people needed to know about it. All we're asking here is for somebody to, when they sell retail, put a sticker on the side that says, "Here's where you can find our health advisory on using this product." I think that's a reasonable balance of our compelling state interest in protecting people's health awareness with the free speech interest of the people who actually wrote those disclaimers in the first place, the companies who produce the phones. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Cleveland

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 18, 2014

to Accept Report "B", Ought Not to Pass, 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 (#461)

YEAS: Senators: BOYLE, CLEVELAND, CRAVEN, CUSHING, HAMPER, KATZ, LANGLEY, MASON, PLUMMER, SAVIELLO, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY

NAYS: Senators: BURNS, CAIN, COLLINS, DUTREMBLE, FLOOD, GERZOFSKY, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, SHERMAN, TUTTLE, VALENTINO, VITELLI, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **CLEVELAND** of Androscoggin to **ACCEPT** Report "**B**", **OUGHT NOT TO PASS**, in **NON-CONCURRENCE, FAILED**.

On motion by Senator **JACKSON** of Aroostook, Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-618)** **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-618) **READ**.

House Amendment "A" (H-674) to Committee Amendment "A" (H-618) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-618) as Amended by House Amendment "A" (H-674) thereto, **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 (3/5/14) matter:

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Require Forest Rangers To Be Trained in Order To Allow Them To Carry Firearms"

H.P. 206 L.D. 297

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-608)** (11 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - March 5, 2014, by Senator **GERZOFSKY** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 4, 2014, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-608)**.)

(In Senate, March 5, 2014, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (H-608) **READ**.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **JACKSON** of Aroostook, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (608), 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 **MARINE RESOURCES** on Bill "An Act To Clarify the Law Concerning Maine's Elver Fishing License" (EMERGENCY)

H.P. 1197 L.D. 1625

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-686)**.

Signed:

Senators:
JOHNSON of Lincoln
MAZUREK of Knox
WOODBURY of Cumberland

Representatives:

KUMIEGA of Deer Isle
CHAPMAN of Brooksville
DEVIN of Newcastle
DICKERSON of Rockland
DOAK of Columbia Falls
KRUGER of Thomaston
SAXTON of Harpswell
WEAVER of York
WINCHENBACH of Waldoboro

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-687)**.

Signed:

Representative:

PARRY of Arundel

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-686)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-686) AS AMENDED BY HOUSE AMENDMENT "B" (H-700)** thereto.

Reports **READ**.

On motion by Senator **JOHNSON** of Lincoln, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-686)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-686) **READ**.

House Amendment "B" (H-700) to Committee Amendment "A" (H-686) **READ**.

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 wanted to speak briefly to this supplement. I was hoping that we could get some language into the record regarding the Elver bill, which is L.D. 1625. The House added an amendment regarding the posting of prices. That's House Amendment "B". I read this as a requirement to the minimum prices that will be posted. I think that's the understanding and it is important that we make this clarification because some Elver dealers can offer a premium price to some of the individuals that may come and frequent them, if they are customers that are working with them exclusively, or they have really good products. I just wanted to make sure that everybody was clear on the House Amendment. I may have jumped the gun because we haven't accepted the House Amendment. I apologize for that, but the fact of the matter is that it's important that we all recognize that the House Amendment reflects the minimum price that the dealers can pay and not the maximum price. 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 also rise to express my concern, as we learned of this recently, not having a Senate representative on Marine Resources, that this amendment does not fully clarify what happens in regards to the Elver pricing. If we were to accept this amendment I think that it's clear that there are certain value added products that go on in agriculture. If those fishing for these are to provide a certain level of volume, or put additional work in, there may be a premium price paid. If we are indicating that pricing is not clarified I think we run the risk of some difficulties. We clearly know the problem that we have in regards to the department working both with the Native American Nations in providing licenses, as well as just policing what goes on. There's been a lot of work done and I would just like to, for the record, clarify that this would be listing only the minimum pricing. Thank you, Mr. President, for the courtesy of speaking.

House Amendment "B" (H-700) to Committee Amendment "A" (H-686) **ADOPTED**, in concurrence.

Committee Amendment "A" (H-686) as Amended by House Amendment "B" (H-700) thereto, **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:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Amend the Outcome-based Forestry Experiment Laws"

H.P. 1314 L.D. 1823

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

On motion by Senator **VITELLI** of Sagadahoc, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

Bill "An Act To Protect the State's Authority in Issues Concerning Federal Relicensing of Dams Located in the State"

H.P. 1315 L.D. 1826

Comes from the House, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

On motion by Senator **BOYLE** of Cumberland, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed, in concurrence.

Bill "An Act To Reduce Abuse of the Temporary Assistance for Needy Families Program through Restriction of Electronic Benefits Transfers"

H.P. 1309 L.D. 1820

Bill "An Act To Increase Integrity in the Temporary Assistance for Needy Families Program through Restriction of Expenditures"

H.P. 1312 L.D. 1822

Bill "An Act To Require the Department of Health and Human Services To Report Annually on Investigations and Prosecutions of False Claims Made under the MaineCare, Temporary Assistance for Needy Families and Food Supplement Programs" (EMERGENCY)

H.P. 1317 L.D. 1829

Come 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.

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

REPORTS OF COMMITTEES

House

Pursuant to Public Law

The Committee on **MARINE RESOURCES** on Bill "An Act To Promote Rockweed Habitat Conservation through the Consideration of No-harvest Areas"

H.P. 1318 L.D. 1830

Reported that the same be **REFERRED** to the Committee on **MARINE RESOURCES**, pursuant to Public Law, chapter 169, section 2.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **MARINE RESOURCES**.

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

Bill and accompanying papers **REFERRED** to the Committee on **MARINE RESOURCES**, in concurrence.

Pursuant to Statute

The Committee on **JUDICIARY** on Bill "An Act To Implement Recommendations of the Right To Know Advisory Committee" H.P. 1311 L.D. 1821

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**, pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

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

Bill and accompanying papers **REFERRED** to the Committee on **JUDICIARY**, in concurrence.

ORDERS OF THE DAY

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

An Act To Require Forest Rangers To Be Trained in Order To Allow Them To Carry Firearms

H.P. 206 L.D. 297

Tabled - March 18, 2014, by Senator **JACKSON** of Aroostook

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (608)**, in concurrence

(In House, March 4, 2014, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-608)**.)

(In Senate, March 5, 2014, Reports **READ**.)

(In Senate, March 18, 2014, on motion by Senator **GERZOFSKY** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-608) **READ**.)

On motion by Senator **SHERMAN** of Aroostook, Senate Amendment "A" (S-423) to Committee Amendment "A" (H-608) **READ**.

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

Senator **SHERMAN:** Thank you Mr. President. I'll try to be as brief as I can. On your desk you have a paper from Small Woodlot Owners' Association. They support the amendment. I'd just do some quick notes on that and I'd like to refer to the bill itself. This amendment calls for arming up to nine conservation officers, one for each ranger district, drawing from existing rangers. They would have full law enforcement powers. They'd

have to meet all the training and testing requirements like any other full-time law enforcement officers, including game wardens and marine officers. Skip down one more. The refocus of a forest ranger will not result in a reduction of salary or pay grade for any ranger. The last two paragraphs talk about what SWOA is concerned with, their problem is that we're talking about 10 million acres or more, if they want folks looking after those 10 million acres. As a result of compromise along the way, I have in front of you Senate Amendment 423. Very briefly, that's the document that we're looking at. If you have it in front of you, this would be nine new positions, if you will, taken from existing forest rangers. They are now called conservation officers. The Director of the Bureau of Forestry shall appoint, subject to the civil service law, up to nine conservation officers who may each be armed with a firearm. They must meet the training, certification, and evaluation standards, including a psychological screening test, for full-time law enforcement officers established by the department and Board of Trustees of the Maine Criminal Justice Academy, notwithstanding any laws to the contrary. Only those persons employed as forest rangers by the bureau are eligible for appointment as conservation officers. They would be drawing from what's already there, the 80 or 90 folks. Part two of that, the powers and duties, they would have the same powers and duties as a forest ranger and they would have law enforcement duties also. I won't bore you with reading that, but they are basically equivalent to a sheriff and a sheriff deputy, including the right to execute and serve criminal and civil process against offenders, and make warrants and arrests for crimes, investigate and prosecute offenders, acquire aid in executing duties in deputized temporary aid. The bureau, at their discretion, may authorize conservation officers, while on duty, to arrest, without a warrant, a person who has committed, or is committing in the officer's presence, any crime involving the use, or threat of use, of physical force. That's for these nine. Go down to the next paragraph. They can act on the personal facts that are sufficient to warrant a prudent and cautious law officer to believe that there is a crime involving the use, or threatened use, of physical force against a person being committed. This group would have the power of arrest. A conservation officer, while on duty, is authorized to provide assistance with life threatening emergencies consist with the bureau policy and within the scope of the training of that conservation officer. It would only be that nine. I emphasize that this appointment would start out with nine conservation officers. What people choose to do later on, obviously, would be up to them. The last part of this is basically in the summary of the bill itself. Three items that really should be noted. The bureau, number one, is authorized for nine conservation officers who would each be allowed to be armed with a firearm, subject to the civil service law, and must be selected from forest rangers employed by the bureau. Same training is an issue there. That's in the summary also. Powers and duties as a sheriff and a sheriff's deputy to enforce criminal and civil laws involving blueberry, forest, forest preservation laws, land use planning, and the Bureau of Parks and Lands. The fourth paragraph, well the second full paragraph down, the changes in law enforcement authority and duties are not intended to result in reduction of employment classification or salary grade for forest rangers. There would be a special class to start with. The last paragraph, in my mind, is probably the most important one. The amendment requires the director to develop a plan within existing resources to address existing and future fire and insect disease threats to the forest and review the statute for its

protection. That must be reported back, what's taken place in the forest, and that might include any danger to people working the forest that seems to be of a certain concern. I think this is sort of a modest first step. It meets the needs of a number of people. I think the forest products people will be in favor of this. I would ask you to have a favorable response on this motion. Thank you.

Senator **DUTREMBLE** of York moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-423) to Committee Amendment "A" (H-608).

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and gentlemen of the Body, first, this amendment would not address the original issue that was before us. The original issue is a workplace safety issue of all the rangers. By only arming nine, one in each district, it does not help that issue. What do you do if someone's on vacation? That district's not armed today? That district's not protected? It doesn't make sense to me. All our rangers currently have training, so it strips down their ability to use what training they currently already have. Why would we reduce what they already have for training and not let them use that training? This amendment drives up training to the State Police level training. We don't ask any law enforcement agencies to go to that training. We don't ask the Marine Patrol. We don't ask the wardens. We don't ask the Fire Marshal to increase their training. We're allowing them to carry on what training they currently have. As a firefighter, would you only outfit one firefighter in each district when they respond to a call for them to do their job? I don't think so. I think you'd equip everybody and make everybody safe. Why would we not want all rangers to have the ability to protect themselves to be able to go home to their families at night? Thank you for the ability to speak. Thank you.

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

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

Senator **LACHOWICZ:** Thank you Mr. President. Men and women of the Senate, I'm the Senate co-sponsor of this bill, which some people might find a little surprising. I co-sponsored this bill because when I was running for office I knocked on a door and I met a Mom who was also a forest ranger. She used to be a school teacher, but she loved our state and the outdoors. She thought protecting Maine's forests was a great opportunity, so she switched jobs. She loves her job. She told me about her job. She enforced Maine's timber laws. She described the sometimes dangerous positions she gets in, unarmed. She had no desire ever to shoot a gun in the course of doing her job. In fact, she hopes she never has to. She realized she wanted to come home safely to her two kids every night and be able to eat dinner with them, give them a bath, and tuck them into bed. That started a long conversation I had with her. I started thinking about what would it be like to actually be alone, be in your truck, and run across someone who was armed and you're not. I thought, "She just wants to come home to her kids every night. That's it." I

think that's pretty important. I don't think that's too difficult to ask us to do for someone, who our tax dollars go to pay for her salary, to be safe in the course of doing her job. I co-sponsored this bill because I think it's okay. I think we have to do what we can to make sure that she can go home safe to her children every night after working all day long for us. Thank you very much, Mr. President.

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

Senator **PLUMMER:** Thank you Mr. President. Men and women of the Senate, forest rangers and convicted felons. What do these two groups have in common? The answer is: they are both prohibited by law from carrying firearms. One of these groups actually does follow the law.

THE PRESIDENT: The Senator would defer. The Chair would remind members to focus their debate right now on what's in front of the Body, which is Indefinite Postponement of the Senate Amendment. The debate should be about the Indefinite Postponement of the Senate Amendment.

Senator **PLUMMER:** Thank you Mr. President. My debate is in favor of Indefinitely Postponing this amendment. The vast majority of people in Maine, when asked, have responded that they do want forest rangers to carry firearms, not nine conservation officers. They want firearms in the hands of the rangers. I did a survey of my constituents. Initially when I tallied the survey 87% of those who responded did favor arming forest rangers. Not just some of them. I did a Facebook poll, I realize that's not statically accurate perhaps, and in that poll well over 100 people responded, 98% plus responded that they wanted forest rangers armed, not conservation officers but forest rangers. This bill has had a long and difficult history in 126th Legislature. It came to us in the first part of the session. Unfortunately, I was not able to attend the work session. When I came into the committee room the next day the clerk placed the bill in front of me and said, "Senator, I need you to vote on this bill." Faced with a quick decision, and still having questions about the bill, I voted no. I can't tell you how long I've waited to say I voted no on a bill before I voted for the bill. That is the case in this bill. I am now trying to confine my remarks to Indefinite Postponement and continue to urge that we dispose of this amendment so that we can return to the committee report, 11 - 2 committee report.

During the next few weeks I had a chance to talk with several rangers. All of my questions were answered. Not only did I get the answers, but every ranger that I talked with was polite and treated me with respect. I was concerned, as this amendment attempts to address, that once rangers were allowed to carry firearms they would forget that their primary mission was to protect the trees. Every ranger that I talked with assured me that they really do understand their mission and that is why they became forest rangers. We need to Indefinitely Postpone, or dispose, of this amendment so we can return to the bill as reported out of committee. Another concern that I had was that once they had guns and became law enforcement officers they would come back and claim that they would need a pay up-grade because of the enhanced role they would be given. They assured me to a person that was not what they were looking for. As far as making them law enforcement officers, I discovered they are, in fact, already law enforcement officers, the only law enforcement

officers, I believe, who are not allowed to carry firearms. With these and all of my other questions answered, I had a change of heart as to whether the rangers should be armed. As fate would have it, near the end of the first session the Chairs brought the bill back before the committee and asked for reconsideration on L.D. 297 so that it could be held over to the second part of the legislative session. When we came back for the current session a work session was held on the bill. In fact, our committee held several work sessions on this bill. I believe I have spent more time working on L.D. 297 than any other bill during my tenure in the Legislature. This time I voted in favor of this greatly amended bill. I did consider trying to amend the bill to specify exact training requirements before a ranger could carry a firearm. Then I realized that no other law enforcement officer has the requirements spelled out in law. They are done administratively. This could be done for the forest rangers. I have great confidence that the commissioners working with the Maine Criminal Justice Academy can handle this task much better than a group of legislators. Forest rangers deserve to be able to protect themselves, all forest rangers, while protecting our forests. Please vote to Indefinitely Postpone this amendment. Finally let me say, Mr. President, that I don't want to put any law enforcement officer in the position of having to go knock on a door and inform the wife and children, "The legislature did vote to arm forest rangers but only some of them and I'm sorry but your husband was not one of them." Thank you, Mr. President.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise also to support this Indefinite Postponement motion that's on the floor right now. This is a difficult position for me to be in because I have great respect for the Senator from Aroostook County, Senator Sherman, who brought this amendment forth. I believe he did so in good faith to address an issue that is before us today. It's a simple answer, I think, to this problem that we're facing today. This Senate Amendment will not address that issue. There are two primary issues that I see regarding the forest rangers. Two primary functions. One is that their responsibility is to prevent and to suppress forest fires in our vast woodlands. The other one is that we expect them and we charge them with the responsibility of patrolling those same woodlands, not just for forest fires, Mr. President, but for various types of violations that occur in these forests, ranging anywhere from the most serious of arson and probably down to littering, all of which are very important but all of which are part of their charge. If we were to accept the amendment here today that's been proposed we would take the first step in protecting only nine of that entire agency that we charge with the responsibility of doing these things and we would leave the vast majority of them in a predicament, as far as I'm concerned. I say that because we require them to look like a law enforcement officer. Anybody who's ever seen one, and all of you have, knows exactly what I'm talking about. They wear a uniform. They wear a badge. They wear an equipment belt that looks like a gun belt. Then we send them into the woods to enforce the law, not just to go in and put fires out but to go in and enforce the law.

I think of my career in the State Police and I think of how I would have had to deal with those various issues they deal with during my tenure had I not been armed. I was fortunate not to

have to use my firearm on anybody, but I had it with me at all times because that was what I was charged to do in order to enforce the law that I was charged to enforce. I think of situations about stopping vehicles at night as a trooper. That's what forest rangers do, ladies and gentlemen. I think of situations of going to people's homes and interviewing them about felonies that I'm investigating. That's what forest rangers do also. I think of the possibility of having to arrest somebody for arson on the spot without having a firearm with me to protect me and to protect those around me. Ladies and gentlemen, that's what we ask forest rangers to do.

Very simply, we, as the state of Maine, put forest rangers in the position and charge them with the responsibility to go out and patrol the woodlands of our state, enforce the laws that we have put in place, without giving them the tools to keep themselves safe and those around them safe. To me, it's a very simple solution. We need to do what is right in order to protect them while they are doing the job that we have required them to do. I'm sorry I don't understand how we can do that by just taking care of nine of them out of the entire force. There may be another process that needs to be pursued in order to make sure that each and every one of those officers meets the requirements that are necessary that we set forth. I think we can go through that, as the good Senator from Cumberland, Senator Plummer, said, by working with the Criminal Justice Academy and the commissioner and the chief of that department. I'm sure this will be accomplished. I would ask you not to take any action here today that's going to continue to put those men and women that we have charged with these responsibilities in jeopardy. It's not right. We need to rectify what is being done now. This is our opportunity. Thank you, Mr. President.

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

Senator **GERZOFSKY:** Thank you Mr. President. Men and women of the Senate, I rise today in opposition to the current motion to Indefinitely Postpone the amendment and all its accompanying papers. I do that in an awkward position because I moved a bill that I hadn't voted for and I had no intension of supporting. I've had two major problems that I will not be able to address unless this motion passes. I'm going to stand here, Mr. President, and use as much time as my opponents have in trying to pass an Indefinite Postponement of this amendment that will, if it's allowed to come to the floor and be voted on, fix the problems that I have. The problems that I have had with this issue since the beginning had to do with training and funding. When this first came to me it was suggested, Mr. President, I call up the academy and I asked what kind of training would it be. This postponement would put it back down to the minimum training of how to go target practicing. It would not have the psychological testing that I think our law enforcement officers should have. It wouldn't have the training that the director of the academy suggests. It wouldn't have the protections that these brave men and women so rightly deserve. Mr. President, there's a law enforcement memorial down the hill from this building that doesn't have the name of a forest ranger on it for a good reason. If we're going to put them in that harm's way, and put that target on them, they should be trained. They should be trained to the same standards, or something very close to it, as my good friend from Washington County, Senator Burns, had. It should be a higher standard than the bare, bare minimum. If we're going to send

these people out in harm's way, they ought to know what they're getting into and they ought to know how to deal with the consequences. I dare say, Mr. President, that postponement of this amendment and its accompanying papers will weaken this bill dramatically. This amendment needs to be put on, it needs to be considered, it needs to be voted on, and indefinitely postponing it does not do that, Mr. President. If we're going to not be here next year when their names are on that wall, we need to take this seriously. We need to talk about it. We need to understand what this training is. Because we're debating the postponement of an amendment and not the amendment, we're not debating the bill, which I've heard debated here for the last half-hour, I think we need to vote this down so that we can get to the amendment, so we can talk about what that training means. We can talk about what that funding means. We can talk about what our responsibility is as Senators in this Body. Mr. President, I hope that this Body, unanimously, votes down this motion to Indefinitely Postpone and gets back to the amendment that will so rightly straighten out this mess that we have in front of us. Thank you, Mr. President.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and gentlemen of the Body, first, I've heard some things about training so I know we're talking about the amendment. I'm going to try to stick to the amendment. Plain and simple, forest rangers are law enforcement officers. They enforce laws to protect the property, the environment, and public safety. They are highly screened, highly trained, but they are not fully equipped. We ask them to investigate civil violations, misdemeanors, and felonies. They are who are called when an arsonist is setting a brush fire in a town, when an elderly landowner has been victimized by a timber thief, and when a logger has their equipment vandalized. Yet, we do not give them the same equipment as other law enforcement officers. One issue that we hear about is forest ranger training. Until the year 2000 rangers attended the 12 week state law enforcement basic school, or SLEBS, with game wardens and marine patrol officers. After 2000 the state trained law enforcement officers at the 18 week basic law enforcement training program, called BLETP. The rangers opted to maintain training for the 12 week SLEBS curriculum because the additional 6 weeks of new program included topics that didn't fit their ranger mission such as 40 hours of crash investigation, 24 hours of intoxylyzer training, and 36 hours of sobriety testing. In total, 200 hours, or five weeks, of the 18 week course was unrelated to the forest ranger mission. Rangers are able to maintain this level of training because they have an exemption from the board of the Maine Criminal Justice Academy, much like the judicial marshals, transportation officers, or even the harbor masters, all of whom are armed without going to through the 18 week academy. They all carry and they have not gone through the 18 week academy. Forty-four percent of current marine patrol officers attended the 12 week training program and not the 18 week course. Sixty-seven percent of Maine's game wardens have not attended the 18 week program, yet there is no call to take any of those officers out of the field and attend an additional 18 weeks of training. We continue to let them carry. A part-time law enforcement officer in the state can carry a firearm after two weeks of law enforcement training followed by weapons training. Forest rangers have 12 weeks of law enforcement training and will receive an additional

64 hours of weapons training upon the killing of this amendment. We stand here and debate forest ranger's training.

The Criminal Justice Committee overwhelmingly passed the Majority. The Chief Executive formed a task force this summer to study the issue. The task force was made up of his own commissioners and the Colonels of the State Police, warden service, marine patrol, and forest rangers. They reached the conclusion, that task force, that rangers are placed in harm's way during the normal course of their duties. They said that they should be trained and issued firearms so they can defend themselves. Not satisfied with this report because it wasn't the answer some commissioners were hoping for, the bill went back to the Agriculture Committee where a straw poll was taken and the majority of that committee voted that rangers should be armed. The other Body of the Legislature took a vote and overwhelmingly supported, 139 - 7. I've been told with a vote like that it's a no brainer when it gets to the next Body. Doesn't appear to be so. I have to ask you, why do they need more training, because some of my colleagues are not fully educated about the actual training of the forest ranger. I've also heard arguments that the funding is an issue. Well, I don't know what it costs but I'm pretty sure if you use the funding that's been lobbied hard on this bill there would be plenty of funding. Take that aside. The rangers have decided to budget it themselves. They are not dummifying down the fiscal note. They are trying to find the money within their own categories within budget, where the money would be swept to other issues anyways, through appropriations. Why not use the money on the forest rangers, where the money sits? Along with the good Senator from Cumberland, I did conduct a poll as well. It was 189 to 1 that rangers should be armed. Not just nine of them, all of them. Most of the people could not believe that they weren't already armed. The bill before us today is not a gun bill. It's a workplace safety bill. Anyone who says that putting a gun on the hip of a forest ranger makes them a target should realize that it is the mission of law enforcement and the badge that puts rangers in harm's way. That makes them a target. Since 1998 two independent committees have been formed to study arming forest rangers. Both recommended arming them. We can no longer look the other way. Rangers have been assaulted, had death threats, been threatened with rape, been held at gun point, and even one shot. As elected officials who give rangers their mission, we have an obligation to train and equip them. Are we going to wait until one of them is killed in the line of duty before we make this change? Forest rangers are the only certified law enforcement officers in the state who are prohibited by statute from carrying a firearm or even allowed to wear protective vests. Please remember that forest rangers are sons and daughters and that they are Moms and Dads. They deserve to be trained and equipped so they can protect themselves and they can come home to their family and their loved ones. We owe it to them. I urge you to support this Indefinite Postponement.

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

Senator JACKSON: Thank you Mr. President. Ladies and gentlemen of the Senate, I wanted to rise and say that I don't support the pending amendment basically because I came into this last session probably not supporting arming forest rangers, but I was asked to meet with the group in Fort Kent last winter. When I got there I was surprised. Driving up, which is a long

drive, I thought about it a lot, of what may come up and what things I would ask. When I got there I was actually quite surprised that there were 23 rangers on a Friday evening waiting to talk to me about this. I kind of approached it not really given much information, but my past thoughts on this was that I didn't think that they should be armed. Going into that meeting I didn't think that they should be armed, but hearing them talk about all the different situations that they got into and some of the changes over the years of what they are actually asked to do surprised and actually made a believer out of me. Now, when you look at this amendment, there is only going to be nine people that will be armed. I have to go back to Fort Kent sometime and see those 23 rangers and tell them which nine is actually okay to be trained, actually okay to be safe in the woods. I just am not going to do that. I think anytime you start picking winners and losers out of a group of people that's bad policy. If it's good for one it's good for all of them. In this situation here you're only going to have nine. Like it's been said earlier, how is that going to work? We have millions and millions of acres of forest land in this state and you're only going to have nine people in charge of going around and making sure that the most dangerous stuff is patrolled by them. It's unworkable, in my opinion. The other thing that I don't like about the amendment, no offense to the sponsor, is that it seems to take away some of the things that's happened over the years with forest rangers. Now we're going to boil it down to just what some people think is good for the health of the forest, not some of the other duties that they actually are doing now. I don't support that either because I think the forest rangers do a lot of things that are very good for the overall industry, not just for the health of the forest. By rejecting this I think I'm also supporting the health of the rangers and not just the forest.

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

Senator JOHNSON: Thank you Mr. President. Ladies and gentlemen, I'm rising in support of the Indefinite Postponement of this amendment. I'm not rising to talk about whether we should arm. I think there have been enough comments on that. I wanted to make a couple of observations because it's important to me that we implement good policy and some other issues have been raised. If we change laws, as this amendment would, so that we're asking other than those nine people that they only prosecute civil violations it's not going to change what they encounter in the course of their work. It would be ridiculous for us to assume that all they are going to encounter is civil violations. What are they supposed to do in the other cases? Wait for someone to show up who does have a gun and is authorized to prosecute crimes, to at least try to arrest people, and hope that the circumstance doesn't change before that person gets there? I think that's unrealistic. I would further note that if we're going to arm nine people, what are we going to do to ensure that the other people, who don't have guns, don't have the same target on their backs? Are we going to have them run around with a different colored vest saying, "Hey, I'm not carrying a gun. I'm not carrying a gun"? I don't think that that's realistic either. I just wanted to bring those two points to your attention. Thank you.

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

Senator **HASKELL**: Thank you very much Mr. President. Men and women of the Senate, this has been a tough issue for me, as I'm sure it has been for a lot of people. I'll tell you how I began talking with the various folks that have been talking with me. In my opinion this is failure that all of us have some responsibility for. We have underfunded and understaffed our warden service. We have underfunded and we have understaffed our State Police. Consequently, the rangers who are out there have been asked to be present in many situations which have not been traditionally a part of their responsibilities. It's been hard for me to say that we ought to ramp this up simply because we have so few rangers and so few State Police in the places where we need them. I asked if I could please have a copy of what their policies and procedures were. This may respond to some of the comments that have just been spoken. They're enforcement philosophy is to prevent violations from occurring by educating the public and patrolling the area for potential violations. They talk here, and they put it in bold, that effective enforcement action, including a warrant or a summons, or in extreme cases an arrest. This is not our law enforcement style of philosophy. They go on to talk about forest rangers should not play a primary role as it relates to the enforcement of some kinds of laws and that they should set standards for law enforcement training. That's where I come back to what has been presented to us in this amendment. I will be opposing the Indefinite Postponement. I think it's a compromise. I don't think it's the whole answer. I do think it's a compromise. Many times we've heard officers who have stood up here, folks who have served before, and said, "I hope I never have to use my firearm. I want to have it, but I hope I never have to use it." That's because of the immense consequences of actually having to use it. Those are consequences on those men and women that we are sending out there as our rangers, the ones that we've talked about, the husbands and wives and the sons and the daughters. I, frankly, am very uncomfortable with sending them out there without the kind of training that they should have to be able to understand and accept the consequences of having to draw that weapon. It's not something that is taken lightly by any law enforcement and I believe, by any law enforcement officers that I've ever known, it's the most serious thing that they have to face, a situation where they have to make a shoot or don't shoot decision. I think if you're going to be put in that position, besides giving them vests, we ought to give them the support and the armament of the education, a full education, and training in what the consequences would be of that decision. I believe that I would prefer to do a whole job for some of these people, in hopes that as we're going to move forward that we will be able to do more rather than just to do half a job and leave them out there without all of the protection that they need. I believe that training and education is critically important and I thank the good Senator from Aroostook for bringing this compromise forward so that we can talk about how valuable it is to make sure that these people, who go out there and are prepared to do that, are fully prepared. Thank you, Mr. President.

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

Senator **VITELLI**: Thank you Mr. President. I rise in opposition to the motion to Indefinitely Postpone this discussion and to support the amendment as presented by my colleague, Senator Sherman from Aroostook. I'm a relative newcomer to this issue,

so I spent a lot of time over the last several months and weeks listening to all sides of the issue, and reading materials, including the report that was presented from the study from last time. I have to say that what I end up with being concerned about is that the original bill before us, while it provides for training for all rangers in the goal of arming all rangers, ends up providing inadequate training for all of them. That worries me. I think that the amendment that has been proposed provides a balanced, sensible approach to protecting both our forests and our rangers. It is an issue of workplace safety. I also talked to the young woman who's a ranger and a mother. I felt for her position. I worry that if we just provide inadequate training to all the rangers they will not be well equipped to deal with the variety of situations that they may encounter in the woods. I want to support the amendment and will vote against indefinitely postponing. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Dutremble to Indefinitely Postpone Senate Amendment "A" (S-423) to Committee Amendment "A" (H-608). 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 (#462)

YEAS: Senators: BURNS, CAIN, DUTREMBLE, HAMPER, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MAZUREK, PATRICK, PLUMMER, SAVIELLO, TUTTLE, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD

NAYS: Senators: BOYLE, CLEVELAND, COLLINS, CRAVEN, CUSHING, FLOOD, GERZOFISKY, GRATWICK, HASKELL, HILL, MASON, MILLETT, SHERMAN, THIBODEAU, THOMAS, VITELLI, THE PRESIDENT - JUSTIN L. ALFOND

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **DUTREMBLE** of York to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-423) to Committee Amendment "A" (H-608), **PREVAILED**.

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

Senator **PLUMMER**: Thank you Mr. President. Men and women of the Senate, there have been several issues raised during the conversation here, the issue of training, of inadequate training. I would hope that people would have the trust in those of us on the committee, this was an 11 - 2 report, to assure that there is adequate training before we arm forest rangers. I believe that the training is, and will be, adequate. The question of the uniforms came up and the uniforms making a target of the forest rangers. In the words of the House Chair of the Criminal Justice and Public Safety Committee, when someone is involved in a criminal activity they react to the uniform, not to a specific uniform or piece of equipment. Criminals confronted by a uniform believe that that

uniform knows everything they have ever done. They do not sort out a ranger's uniform from a warden's uniform from a trooper's uniform. When it comes to law enforcement officer in uniform, criminals do not discriminate. It is not the gun that puts them in harm's way, it's the uniform. Criminals do not engage in a cost benefit analysis. They are, by their very nature, impulsive decision makers. The other point that I'd like to address is the wall that is dedicated to law enforcement officers who have died in the line of duty. Do we want to wait until we see the name of a ranger on that wall before we act? I hope we don't. Thank you, Mr. President.

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 Cumberland, Senator Gerzofsky.

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'll try to do this briefly and much quieter. I know that some of my friends have a better sense of hearing than my voice understands. I am in opposition to the pending motion. As people can look at the committee report, I was on the Minority. I'll stay on the Minority and I'll stay standing on my feet and I'll stay talking about what I believe, as I did in my committee. When you put a gun on somebody's hip, not the uniform but the gun, you create a target. Criminals don't get it, that's why they are criminals. They don't think like we do. That's why they are criminals. Right now no forest ranger has been shot by a criminal except once when he happened to be with a deputy sheriff and he gave the forest ranger a shotgun and asked him to back him up. The forest ranger was shot. Representative Bunker was a deputy sheriff at the time and he asked the forest ranger to back him up. He was only wounded. It is my understanding, from the director of the academy who has told me as recently as a week ago, that the ranger training is done by the rangers. It's not done by the academy. It's not certified by the academy. The training that he recommended is a 164 hour course, not a 64 hour course. I dare say, you probably don't have to spend five minutes teaching a ranger how to shoot. I'm sure they all know how to shoot, just like most people in this chamber know how to shoot. We're all Mainers. We know how to shoot. We don't all know how to deescalate a situation that might be domestic violence that these rangers are now going to be asked to back people up on. We don't all know how without training to pull a drunk out of a car without causing a lot of problems and getting yourself shot. My concern has been the same concern from day one. Never anything different. Never moved the goal post once. Always said I didn't want anybody's name on that wall because if the first name goes on that wall it's not going to be on my head. The first name that goes on that wall might be other people's problem. It's not going to be on my head because I'm going to fight and fight and fight that these people are trained and they are trained appropriately, they are trained at our academy, maybe not to the highest standard of the State Trooper. If you're going to ask them to act like a cop train them as a cop. If you're going to ask them to put blue lights on their cars, and to be law enforcement with blue lights on their cars, train them, train them, train them. If we can't find the money to train them all at once than we'd better start thinking about how we're going to do it because it's not right to those families of those troopers, of those rangers that are going to

be out there working for us. It's just not right. I don't know who's going to replace them in taking care of the woods because now all of a sudden they're going to have blue lights on their cars, they're going to start being law enforcement, they're going to start patrolling, and they're not going to be out in the woods doing what they were hired to do. I'm very concerned about this move to create another law enforcement agency out in our woods. As the good representative from Cumberland, Senator Haskell, mentioned earlier we're woefully unmanned at the State Police, we're woefully under-manned in other law enforcement agencies, and we're not funding the people that we need to fund. Now we're going to try and do it on the cheap. Ladies and gentlemen of the Senate, I hope, Mr. President, that Maine Senate doesn't go along with doing it on the cheap. Thank you very much for the time to my friends on both sides of the aisle.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and gentlemen of the Senate, I've heard some things stated in the last couple of statements and it's not fact, it's feeling. The rangers have no intention of putting blue lights on their cars. They have no intention of becoming 100% law enforcement officers. Their intention is to do the exact same thing they are doing today, but having the means on their person to protect themselves. That is it. There are no changes other than the ability to protect themselves. Thank you.

THE PRESIDENT: The pending question before the Senate is Adoption of Committee Amendment "A" (H-608), 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 (#463)

YEAS: Senators: BURNS, CAIN, COLLINS, CUSHING, DUTREMBLE, FLOOD, GRATWICK, HAMPER, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, PATRICK, PLUMMER, SAVIELLO, THOMAS, TUTTLE, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD

NAYS: Senators: BOYLE, CLEVELAND, CRAVEN, GERZOFSKY, HASKELL, HILL, MILLETT, SHERMAN, THIBODEAU, VITELLI, THE PRESIDENT - JUSTIN L. ALFOND

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, Committee Amendment "A" (H-608) **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:

ENACTORS

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

Emergency Measure

An Act Concerning Maine's Elver Fishery

H.P. 1197 L.D. 1625
(H "B" H-700 to C "A" H-686)

Senate at Ease.

Senate called to order by the President.

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

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

Senator **LANGLEY** of Hancock was granted unanimous consent to address the Senate off the Record.

Senator **HAMPER** of Oxford was granted unanimous consent to address the Senate on the Record.

Senator **HAMPER**: Thank you Mr. President. Over the course of the 10 years that I've served in this building I've made every effort to remain civil and treat all with due respect. "Short accounts" has been my motto. I've seen some contentious votes come and go and how anyone votes I don't take personally. Last Wednesday this Body engaged in a three hour debate on what I believed to be the most important bill, most important vote, of the 126th Legislature and how anyone voted I don't take personally. With the vote on Wednesday politics in Maine has sunk to a record low outside of this building. Friday proponents of Medicaid expansion crossed the line that I feel I need to address. As I stated earlier, I don't take what is said here as personal. It's politics. I don't question things that are said in this Chamber during debate when I'm told that I'm responsible for 157 people dying this year. I let it go. It was politics. Unfortunately, this has become personal. When one of my teammates on the Health and Human Services Committee is threatened than I am threatened. That is when it is no longer politics and it becomes personal.

When a member receives threatening phone calls, calling her a 'double expletive deleted,' I take that personally. When a hyper-partisan blogger writes, and I quote, "Maybe she would stop saying this stupid expletive deleted is I put a expletive deleted bullet in the back of her head." I take that personally. When a member of this Legislature is threatened I take it personally. When a member of my team is threatened I really take that personal. When the minions on one side of this debate have plunged so low that death threats are issued, Mr. President, it's time for us to tone down the rhetoric. Thank you.

Senator **TUTTLE** 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.

Senator **LACHOWICZ** of Kennebec 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** to Wednesday, March 19, 2014, at 10:00 in the morning.