

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
April 1, 2014

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

Prayer by Senator Emily Ann Cain of Penobscot County.

SENATOR CAIN: Thank you. Good morning. This morning's
prayer that I offer is a poem by Robert Frost called "A Prayer In
Spring".

Oh, give us pleasure in the flowers today;
And give us not to think so far away
As the uncertain harvest; keep us here
All simply in the springing of the year.

Oh, give us pleasure in the orchard white,
Like nothing else by day, like ghosts by night;
And make us happy in the happy bees,
The swarm dilating round the perfect trees.

And make us happy in the darting bird
That suddenly above the bees is heard,
The meteor that thrusts in with needle bill,
And off a blossom in mid air stands still.

For this is love and nothing else is love,
The which it is reserved for God above
To sanctify to what far ends He will,
But which it only needs that we fulfil.

Amen.

Pledge of Allegiance led by Senator Gary E. Plummer of
Cumberland County.

Reading of the Journal of Monday, March 31, 2014.

Doctor of the day, Craig Curtis, MD of Bangor.

Off Record Remarks

The Chair noted the absence of the Senator from Penobscot,
Senator **YOUNGBLOOD** and the Senator from Penobscot,
Senator **CUSHING** and further excused the same Senators from
today's Roll Call votes.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Cancel the No-bid Alexander Group Contract To
Produce Savings in Fiscal Year 2013-14" (EMERGENCY)
H.P. 1286 L.D. 1794
(C "A" H-684)

In Senate, March 26, 2014, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-684)**, in
concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-684) AND
HOUSE AMENDMENT "A" (H-760)**, in **NON-CONCURRENCE**.

On motion by Senator **JACKSON** of Aroostook, the Senate
RECEDED and **CONCURRED**.

House Paper

Bill "An Act To Amend the Process Regarding the Transfer of
Students between School Administrative Units"
H.P. 1336 L.D. 1852

Comes from the House, **REFERRED** to the Committee on
EDUCATION AND CULTURAL AFFAIRS and ordered printed.

On motion by Senator **MILLETT** of Cumberland, **REFERRED** to
the Committee on **EDUCATION AND CULTURAL AFFAIRS** and
ordered printed, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 865

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

March 31, 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 Joel A. Merry of West Bath, 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, Kaenrath of South Portland, Lajoie of Lewiston, Long of Sherman, Marks of Pittston, Plante of Berwick, Tyler of Windham
NAYS		0	
ABSENT		2	Rep. Pease of Morrill, Rep. Wilson of Augusta

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 Joel A. Merry of West Bath, for appointment to the State Board of Corrections be confirmed.

Signed,

S/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 (#517)

YEAS: Senators: None

NAYS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, 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, THE PRESIDENT - JUSTIN L. ALFOND

EXCUSED: Senators: CUSHING, YOUNGBLOOD

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Joel A. Merry** of West Bath 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. 862

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

March 28, 2014

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

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on State and Local Government from the review and evaluation of the State Claims Commission under the State Government Evaluation Act. In its review, the Committee found that the State Claims Commission is operating within its statutory authority.

Sincerely,

S/Senator Colleen M. Lachowicz
Senate Chair

S/Representative Anne P. Graham
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 863

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

March 28, 2014

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

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on State and Local Government from the review and evaluation of the State Civil Service Appeals Board under the State Government Evaluation Act. In its review, the Committee found that the State Civil Service Appeals Board is operating within its statutory authority.

Sincerely,

S/Senator Colleen M. Lachowicz
Senate Chair

S/Representative Anne P. Graham
House Chair

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

The Following Communication: S.C. 864

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

March 28, 2014

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

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on State and Local Government from the review and evaluation of the Maine Governmental Facilities Authority under the State

Government Evaluation Act. In its review, the Committee found that the Maine Governmental Facilities Authority is operating within its statutory authority.

Sincerely,

S/Senator Colleen M. Lachowicz
Senate Chair

S/Representative Anne P. Graham
House Chair

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

The Following Communication: H.C. 392

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

March 31, 2014

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

Dear Secretary Grant:

The House voted today to insist on its previous action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Labor, Commerce, Research and Economic Development on Bill "An Act To Streamline the Work Permitting Process for Minors and To Conform Allowable Places That Minors May Work to Federal Law" (H.P. 1222) (L.D. 1698)(EMERGENCY).

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and **ORDERED PLACED ON FILE.**

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Resolve

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Establish the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula (EMERGENCY)

H.P. 1335 L.D. 1850

Reported that the same **Ought to Pass**, pursuant to Resolve 2011, chapter 166, section 8.

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

Report **READ**.

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

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish Guidelines for the Stocking and Administration of Epinephrine Autoinjectors in Schools"
H.P. 1235 L.D. 1727

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-779)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-779)**.

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

READ ONCE.

Committee Amendment "A" (H-779) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Chapter 180: Performance Evaluation and Professional Growth Systems, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1254 L.D. 1747

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-757)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-757) AS AMENDED BY HOUSE AMENDMENT "A" (H-777)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-757) **READ**.

House Amendment "A" (H-777) to Committee Amendment "A" (H-757) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-757) as Amended by House Amendment "A" (H-777) thereto, **ADOPTED**, in concurrence.

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

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Laws Governing Charitable Solicitations"

H.P. 1291 L.D. 1799

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-778)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-778)**.

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

READ ONCE.

Committee Amendment "A" (H-778) **READ** and **ADOPTED**.

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

The Committee on **TAXATION** on Bill "An Act To Remove Medical and Dental Expenses from the Itemized Deduction Cap"
H.P. 1287 L.D. 1795

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-767)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-767)**.

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

READ ONCE.

Committee Amendment "A" (H-767) **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 **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Protect the Public from Mosquito-borne Diseases"

H.P. 1299 L.D. 1808

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-780)**.

Signed:

Senators:

VITELLI of Sagadahoc
BOYLE of Cumberland
SHERMAN of Aroostook

Representatives:

DILL of Old Town
BLACK of Wilton
CRAY of Palmyra
KENT of Woolwich
MAREAN of Hollis
SAUCIER of Presque Isle
TIMBERLAKE of Turner

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

Signed:

Representatives:

HICKMAN of Winthrop
JONES of Freedom

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-780)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-780) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend the Expedited Permitting Area for Wind Energy Development under the Jurisdiction of the Maine Land Use Planning Commission"

H.P. 435 L.D. 616

Reported that the same **Ought to Pass as Amended by Committee Amendment "C" (H-638)**.

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representatives:

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

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

Signed:

Senators:

CLEVELAND of Androscoggin
JACKSON of Aroostook

Representatives:

HOBBS of Saco
GIDEON of Freeport
RUSSELL of Portland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-638)**.

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a Late-filed Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

H.P. 1270 L.D. 1772

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-769)**.

Signed:

Senators:

BOYLE of Cumberland
GRATWICK of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-770).**

Signed:

Senator:

SAVIELLO of Franklin

Representatives:

AYOTTE of Caswell
CAMPBELL of Orrington
LONG of Sherman
REED of Carmel

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-769)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-769).**

Reports **READ.**

Senator **BOYLE** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-769)** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-769)** Report, in concurrence.

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act Regarding Wet Storage Sites for Cultured Marine Organisms"

H.P. 1175 L.D. 1603

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

Signed:

Senator:

MAZUREK of Knox

Representatives:

KUMIEGA of Deer Isle
CHAPMAN of Brooksville
KRUGER of Thomaston
PARRY of Arundel
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 "A" (H-768).**

Signed:

Senators:

JOHNSON of Lincoln
WOODBURY of Cumberland

Representatives:

DEVIN of Newcastle
DOAK of Columbia Falls
SAXTON of Harpswell

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

Reports **READ.**

Senator **JOHNSON** of Lincoln moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE.**

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, this is a straight-forward bill to address an evolving need of an industry. Oyster culturing, and our aquaculture in Maine, is now realizing benefits in reaching a winter market. One of the difficulties of reaching that market, which is of particular significance in the New York City area, you have an article here from the New York Times, is that the areas where the oysters are cultivated and grown in the up-river areas most of the year are often iced-in in the wintertime. That gets in the way of being able to harvest and deliver these to winter markets. The need is for winter holding sites which currently involves a two-step leasing process, both of which, if you take a look at the other blue sheet in your hands, are a long process. The spreadsheet before you on one side has a comparison chart. The experimental lease can be applied for and obtained in roughly the same amount of time as this winter holding lease and lease process. However, it's not permanent, and one would then need apply for a standard lease process. We have both of these requirements imposed on a business for something which is actually a lesser need than a standard lease because the winter holding has a smaller acreage requirement than a standard lease, it is down river and being used to avoid that ice issue, and allow them to be alive. They grow slower in the winter months, but they are actually in warmer waters, in deeper waters, and this is good for them. In order to be able to still get out there with the boat and bring them in instead of ice getting in the way. We shouldn't be keeping a process that involves two leasing steps and a longer

period of time to solve a simple need of the industry, satisfying a reasonable expectation that we would be providing the winter market and servicing that market. I hope that you will support this issue as one that is supportive of business. It's supportive of part of what is good and great about Maine, our oyster industry that is appreciated all over the world. The quality and the sweetness and the flavor of our oysters and is now being appreciated by a larger market. I hope you will vote with me in support of that. Thank you.

On motion by Senator JOHNSON of Lincoln, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "A" (H-768) **READ** and **ADOPTED**, in **NON-CONCURRENCE**.

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

Sent down for concurrence.

Off Record Remarks

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Amend the Laws Governing the Location of Motor Vehicle Excise Tax Collection for Motor Vehicles Owned by Public Utilities"
H.P. 1259 L.D. 1754

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-774)**.

Signed:

Senators:
HASKELL of Cumberland
MILLETT of Cumberland
THOMAS of Somerset

Representatives:
GOODE of Bangor
BENNETT of Kennebunk
BROOKS of Winterport
JACKSON of Oxford
KNIGHT of Livermore Falls
LIBBY of Lewiston
MOONEN of Portland
STANLEY of Medway
TIPPING-SPITZ of Orono

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-775)**.

Signed:

Representative:
MAREAN of Hollis

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-774)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-774)**.

Reports **READ**.

Senator HASKELL of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-774)** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-774)** Report, in concurrence.

Divided Report

Seven members of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Allow the Sale of Unregulated Farm-produced Dairy Products at the Site of Production"

H.P. 1278 L.D. 1786

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-761)**.

Signed:

Senators:
VITELLI of Sagadahoc
BOYLE of Cumberland

Representatives:
DILL of Old Town
BLACK of Wilton
HICKMAN of Winthrop
KENT of Woolwich
SAUCIER of Presque Isle

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

Signed:

Senator:
SHERMAN of Aroostook

Representatives:
CRAY of Palmyra
MAREAN of Hollis
TIMBERLAKE of Turner

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B"** (H-762).

Signed:

Representative:
JONES of Freedom

Comes from the House with Report "B", **OUGHT NOT TO PASS READ and ACCEPTED.**

Reports **READ.**

Senator VITELLI of Sagadahoc moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-761), in **NON-CONCURRENCE.**

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-761), in **NON-CONCURRENCE.**

Divided Report

Seven members of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Enact the Maine Small Business Investment Protection Act"
H.P. 1043 L.D. 1458

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-669).

Signed:

Senators:
CLEVELAND of Androscoggin
CUSHING of Penobscot

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

Five members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B"** (H-670).

Signed:

Senator:
PATRICK of Oxford

Representatives:
HERBIG of Belfast
GILBERT of Jay
HAMANN of South Portland
MASTRACCIO of Sanford

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

Signed:

Representative:
CAMPBELL of Newfield

Comes from the House with Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-670) **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-670).

Reports **READ.**

Senator PATRICK of Oxford moved the Senate **ACCEPT** Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-670), in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-670), in concurrence.

Senate

Ought to Pass As Amended

Senator CLEVELAND for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Support Solar Energy Development in Maine"

S.P. 644 L.D. 1652

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-473).

Report **READ.**

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

Senator DUTREMBLE for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Amend Certain Provisions of Inland Fisheries and Wildlife Laws"

S.P. 662 L.D. 1667

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-474).

Report **READ and ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-474) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator PATRICK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Conform Licensing Requirements for Real Estate Appraisers with Federal Law"

S.P. 685 L.D. 1724

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-476)**.

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

READ ONCE.

Committee Amendment "A" (S-476) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator PATRICK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Increase Employment Opportunities for Veterans"

S.P. 735 L.D. 1832

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-477)**.

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

READ ONCE.

Committee Amendment "A" (S-477) **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 **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Laws Regarding Special Food and Beverage Taste-testing Event Licenses"

S.P. 628 L.D. 1637

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-475)**.

Signed:

Senators:

TUTTLE of York
MASON of Androscoggin

Representatives:

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

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

Signed:

Senator:

PATRICK of Oxford

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-475) **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 were ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (3/27/14) matter:

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Clarify and Update a Nurse's Authority To Administer Medication"

S.P. 701 L.D. 1766

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-459)** (8 members)

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

Tabled - March 27, 2014, by Senator **PATRICK** of Oxford

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

(In Senate, March 27, 2014, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (S-459) **READ**.

On motion by Senator **JOHNSON** of Lincoln, Senate Amendment "A" (S-465) to Committee Amendment "A" (S-459) **READ**.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, Representative Anne Graham and I worked on this amendment to address a couple of concerns. The Committee Amendment used reference to a definition of healthcare practitioner which included veterinarians while not including naturopathic doctors, leading to singling out in the language just naturopathic doctors. This amendment's clearer language solution, based in large part on the wording used in paragraph F of the same subsection of existing statute, is much more concise. Furthermore, nurses had requested time to inform members of the change before its effect, so this amendment also sets an effective date of January 1, 2015. While I'm not convinced such time is necessary, I respect their concerns and included it in the spirit of compromise which, in the end, achieves necessary change. With this amendment this bill has the full support of nursing associations and the Maine Medical Association. I urge your support. Thank you, Mr. President.

On motion by Senator **JOHNSON** of Lincoln, Senate Amendment "A" (S-465) to Committee Amendment "A" (S-459) **ADOPTED**.

Committee Amendment "A" (S-465) as Amended by Senate Amendment "A" (S-459) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-465) AS AMENDED BY SENATE AMENDMENT "A" (S-459)** thereto.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/31/14) matter:

SENATE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Implement the National Popular Vote for President"

S.P. 201 L.D. 511

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

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

Tabled - March 31, 2014, by Senator **PATRICK** of Oxford

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 31, 2014, Reports **READ**.)

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

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

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, this bill would sign Maine up for the National Popular Vote Compact. The Compact is based on the U.S. Constitution, which gives each state legislature the right to decide how to appoint its own electors. Under the Compact the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia will win the Presidency. This bill was supported by the American Civil Liberties Union, the League of Women Voters, sponsored by the good Senator from Cumberland, Senator Woodbury. In my opinion, this bill would guarantee that the Presidency goes to the candidate who receives the most popular votes in the United States. I think it advances two fundamental principles of our nation's democracy: ensuring that the candidate with the most popular votes becomes President and furthering the principle of one person - one vote. Thank you, Mr. President.

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

Senator **WOODBURY:** Thank you Mr. President. I agree very much with the good Chairman. There are peripheral arguments around this bill, but the crux of it is: do we think that in the election for President of the United States the person who receives the

most votes should be elected or not necessarily? Every time I come back to this question, every time I watch the Electoral College work, I am all the more convinced that right now, in our American democracy, the person who gets the most votes is the person who should be elected President. That's why I encourage a yes vote on this motion. Thank you.

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, I am opposed to the pending motion and urge an Ought Not to Pass vote on this bill. This bill is an end-run around the Constitution. If we would like to change the way that we elect our President, there is a way to do that. It's through Congress via a Constitutional Resolution or through an Article 5 Convention. The Electoral College is the way that we elect our President right now and if we would like to change that, there is an avenue to do that. The bill assumes that each state has the same election laws and, as we all know, we don't. We debate them in this Chamber all the time. In Maine, for example, we allow felons to vote. In most other states they do not. Some states do not have same day voter registration. In Maine we do. There is a myriad of other exceptions to different states' laws and if we're truly going to go after the concept of every vote equal and one man - one vote than we need to have a national election policy, which I don't agree with, but if we're going to advance an idea like this we need to look at something like that. The Compact also could be accomplished by as few as 11 states. That's a little more than 20% of the Union deciding what is best for all 50 states and the District of Columbia. I don't think that's democracy at work. We also would see a negative result for Maine in our presidential elections. For example, right now California is 12% of the population of the United States but yet they only control about 10% of the Electoral College. Maine has a little bit more than .004% of the population and we have about a .007% say of the Electoral College. We'd also see a decrease in presidential candidate coming to the state of Maine. I would encourage states to vote the way that Maine does in regards to Congressional representation in Congress. We award Electoral College votes to each Congressional District. That might be a better way of looking at how we select our President because I don't see any presidential candidate spending a bunch of money in Maine when they have to buy over three different media markets when they could go down to Boston and get more bang for their buck. Visits would also be almost nonexistent from either presidential ticket. I think that this is a bad way to go about things. I think that if somebody would like to change the way that we elect the President, there's a way to do that and that's not here. I would urge the members, Mr. President, to vote against this and move on to the Ought Not to Pass Report. 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 wish I had a dollar for every time one of my constituents said to me, "Why doesn't my vote count?" or "Well, I don't understand the Electoral College process." Time and time again I look at them and say, "Well, I'm hoping someday we can make that change because I do want my one vote, or my wife's one vote, to count." I think this

is a good start. We say it's an end-run around the Constitution. Well, I don't know if I necessarily agree with that. It's the frustration of the American electorate saying, "I want my one vote to count." I will be in support of this motion of Ought to Pass. 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, just as a point of information, there was no testimony in opposition at the public hearing. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#518)

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

NAYS: Senators: BURNS, COLLINS, FLOOD, GERZOFOSKY, HAMPER, HILL, KATZ, LANGLEY, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, VALENTINO, WHITTEMORE

EXCUSED: Senators: CUSHING, YOUNGBLOOD

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **TUTTLE** of York to **ACCEPT** the Minority **OUGHT TO PASS** Report, **PREVAILED**.

READ ONCE.

Senator **KATZ** of Kennebec **OBJECTED** to **SUSPENSION OF THE RULES** for the purpose of giving this Bill its **SECOND READING** at this time.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later Assigned (3/31/14) matter:

An Act To Clarify What Constitutes a Contribution to a Candidate
S.P. 622 L.D. 1631
(C "A" S-446)

Tabled - March 31, 2014, by Senator **HASKELL** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, March 26, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-446)**.)

(In House, March 31, 2014, **PASSED TO BE ENACTED**.)

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

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, briefly, I hope that we will support Enactment. I think, with the increased independent expenditures, entities outside campaigns are spending more than the candidates themselves. I think to make sure contribution limits work they must be accompanied by certain laws on coordinated spending. The public needs to be ensured that candidates are not beholden to any one large contributor. I believe that this bill sets clear rules that are necessary about when an expenditure becomes coordinated and, hence, counted as a contribution subject to disclosure. The law needs to set a clear standard and set proper enforcement. I believe this bill does that. Thank you, Mr. President.

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, I would say that if this did present a clear way forward of how to make sure that money is used properly in politics, I would vote for it, but I don't think that this bill does that. I think it further muddies the waters. I don't think that it sets a clear standard of what is a contribution to a candidate. I think that this is a breeding ground for ethics complaints that have no merit. I would urge the Body to vote against this. Thank you.

THE PRESIDENT: The pending question before the Senate is Enactment, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#519)

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

NAYS: Senators: **BURNS, CLEVELAND, COLLINS, FLOOD, HAMPER, KATZ, LANGLEY, MASON, PLUMMER, SHERMAN, THIBODEAU, THOMAS, WHITEMORE**

EXCUSED: Senators: **CUSHING, YOUNGBLOOD**

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being excused, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

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

Senator **KATZ** 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.

On motion by Senator **JACKSON** of Aroostook, **ADJOURNED** to Tuesday, April 2, 2014, at 10:00 in the morning.