

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
Monday
April 7, 2014

Senate called to order by President Pro Tem Patrick S.A. Flood of Kennebec County.

Prayer by Father Frank Morin, St. Michael Parish in Augusta.

FATHER MORIN: Let us pray. O God, source of all goodness and freedom, bless these, our sisters and brothers, who begin a new day of deliberations here in our State Senate. Guide them in the good work they are entrusted to carry out for the common good of our state of Maine. Make their vision clear and their will strong so that human solidarity will flourish and justice will be established more fully. May the decisions they implement help to advance the wellbeing of the hungry, the wounded, and the lost so that what the next generation of Mainers inherits is a way of life better than the life this generation has received. Amen.

Pledge of Allegiance led by Senator David E. Dutremble of York County.

Reading of the Journal of Friday, April 4, 2014.

Doctor of the day, Michael Hofmann, MD of Skowhegan.

Off Record Remarks

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

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Implement the Recommendations from the Discontinued and Abandoned Roads Stakeholder Group"

S.P. 414 L.D. 1177
(S "B" S-488 to C "A" S-435)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-435)** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-436)** (1 member)

In Senate, April 3, 2014, on motion by Senator **LACHOWICZ** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-435)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-435) AS AMENDED BY SENATE AMENDMENT "B" (S-488)** thereto.

Comes from the House, Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On motion by Senator **JACKSON** of Aroostook, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Sent down for concurrence.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act Regarding Wind Power Siting in the Unorganized Territory"

H.P. 947 L.D. 1323

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

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-601)** (4 members)

In House, March 26, 2014, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-601)**.

In Senate, April 3, 2014, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

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

Non-Concurrent Matter

Bill "An Act To Amend Certain Provisions of Inland Fisheries and Wildlife Laws" (EMERGENCY)

S.P. 662 L.D. 1667
(C "A" S-474)

In Senate, April 1, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-474).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-474) AND HOUSE AMENDMENT "A" (H-806), in NON-CONCURRENCE.**

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

Non-Concurrent Matter

Bill "An Act To Amend the Laws Governing Charitable Solicitations"

H.P. 1291 L.D. 1799
(C "A" H-778)

In Senate, April 1, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-778), in concurrence.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-778) AS AMENDED BY HOUSE AMENDMENT "B" (H-804) thereto, in NON-CONCURRENCE.**

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

COMMUNICATIONS

The Following Communication: S.C. 880

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

April 3, 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 Transportation has had under consideration the nomination of Freeman R. Goodrich of Wells, for appointment to the Maine Turnpike Authority, Board of Directors.

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	Mazurek of Knox, Collins of York, Valentino of York
	Representatives	10	Therault of Madawaska, Gillway of Searsport, McLean of Gorham, Nutting of Oakland, Parry of Arundel, Peoples of Westbrook, Powers of Naples, Turner of Burlington, Verow of Brewer, Werts of Auburn
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 Freeman R. Goodrich of Wells, for appointment to the Maine Turnpike Authority, Board of Directors be confirmed.

Signed,

S/Edward J. Mazurek
Senate Chair

S/Charles K. Therault
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **TRANSPORTATION** 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 (#542)

YEAS: Senators: None

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

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 Robert W. McEvoy of Brunswick, for appointment to the Northern New England Passenger Rail Authority be confirmed.

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 **Freeman R. Goodrich** of Wells for appointment to the Maine Turnpike Authority, Board of Directors was **CONFIRMED**.

Signed,

S/Edward J. Mazurek
Senate Chair

S/Charles K. Theriault
House Chair

READ and ORDERED PLACED ON FILE.

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

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **TRANSPORTATION** 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 Following Communication: S.C. 881

The Doorkeepers secured the Chamber.

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

The Secretary opened the vote.

April 3, 2014

ROLL CALL (#543)

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

YEAS: Senators: None

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

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 Transportation has had under consideration the nomination of Robert W. McEvoy of Brunswick, for appointment to the Northern New England Passenger Rail Authority.

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 W. McEvoy** of Brunswick for appointment to the Northern New England Passenger Rail Authority was **CONFIRMED**.

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 Mazurek of Knox, Collins of York, Valentino of York
Representatives 10 Theriault of Madawaska, Gillway of Searsport, McLean of Gorham, Nutting of Oakland, Parry of Arundel, Peoples of Westbrook, Powers of Naples, Turner of Burlington, Verov of Brewer, Werts of Auburn

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

THE PRESIDENT PRO TEM: The Chair is pleased to recognize in the rear of the chamber Robert W. McEvoy. Will he please rise and accept the greetings of the Maine Senate.

The Following Communication: S.C. 886

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

April 4, 2014

The Honorable Darek Grant
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Grant:

With reference to the Senate's action whereby it insisted and joined in a Committee of Conference on the disagreeing action between the two branches of the Legislature on the 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)

I have appointed as conferees on the part of the Senate the following:

Senator Cleveland of Androscoggin
Senator Boyle of Cumberland
Senator Vitelli of Sagadahoc

Sincerely,

S/Justin L. Alford
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 887

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

April 4, 2014

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

Dear President Alford,

This is to inform you that I am today nominating Gwendolyn E. Viles of Athens for appointment as a student member of the State Board of Education.

Pursuant to Title 20-A, MRSA §401, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 888

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

April 4, 2014

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

Dear President Alford,

This is to inform you that I am today nominating Elizabeth E. Pingree of East Machias for appointment as the student member of the Board of Trustees, Maine Maritime Academy.

Pursuant to P & SL 1941, C. 37, as amended, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 889

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

April 4, 2014

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

Dear President Alford,

This is to inform you that I am today nominating Paul M. Nelson of Biddeford for appointment as the student member of the Board of Trustees, University of Maine System.

Pursuant to P & SL 1865, C. 532, as amended, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 890

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

April 4, 2014

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

Dear President Alford,

This is to inform you that I am today nominating Patricia A. Rice of Veazie for appointment to the State Liquor and Lottery Commission.

Pursuant to Title 5, MRSA §283-A, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Veterans and Legal Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 891

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

April 4, 2014

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

Dear President Alford,

This is to inform you that I am today nominating John C. Norman of Portland for appointment to the Maine Human Rights Commission.

Pursuant to Title 5, MRSA §4561, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 892

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

April 4, 2014

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

Dear President Alford,

This is to inform you that I am today nominating John J. Bouchard of Brunswick for appointment to the Midcoast Regional Redevelopment Authority.

Pursuant to Title 5, MRSA §13083-I, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 893

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

April 4, 2014

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

Dear President Alfond,

This is to inform you that I am today nominating Kevin P. Joseph of Oakland for appointment to the Maine State Housing Authority.

Pursuant to Title 30-A, MRSA §4723.2, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 894

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

April 4, 2014

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

Dear President Alfond,

This is to inform you that I am today nominating Amie M. Parker of Lewiston for appointment to the Maine Labor Relations Board.

Pursuant to Title 26, MRSA §968, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: H.C. 402

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

April 4, 2014

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

Dear Secretary Grant:

House Paper 1119, Legislative Document 1552, "Resolve, To Provide for an Analysis of MaineCare Rates for Facility-based Preschool Services for Children with Disabilities and a Report on the Analysis," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

91 voted in favor and 51 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 1290, Legislative Document 1798, "An Act To Implement the Recommendations of the Task Force Convened by the Maine Labor Relations Board Regarding Compensation for the Panel of Mediators," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

86 voted in favor and 56 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: H.C. 404

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

April 4, 2014

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

Dear Secretary Grant:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature 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).

Representative Roberta B. Beavers of South Berwick
Representative Ryan D. Tipping-Spitz of Orono
Representative Larry C. Dunphy of Embden

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Cumberland, Senator **ALFOND** to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Kennebec, Senator **FLOOD** to his seat on the floor.

Senate called to order by the President.

Off Record Remarks

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Governing the Approval Process for and the Operation of Virtual Public Charter Schools in the State"

H.P. 1189 L.D. 1617

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-796).

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln

Representatives:

MacDONALD of Boothbay
DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
KORNFIELD of Bangor
NELSON of Falmouth

RANKIN of Hiram

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

Signed:

Senator:

LANGLEY of Hancock

Representatives:

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

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended Report**.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED Report READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-796).

Reports **READ**.

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

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

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

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, I rise in opposition to the motion on the floor. This bill creates a very complicated methodology for figuring out the cost of virtual charters, calculating a per pupil cost per course taught. Lastly, it would require that courses be paid 50% up-front in the beginning in October and then a 50%, the last of it, after a successful completion of the course. It's just kind of unwieldy to do. Thank you.

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

Senator **MILLETT:** Thank you Mr. President. Men and women of the Senate, I rise in support of L.D. 1617. The fact of the matter is that our delivery model of education is changing and Maine needs to keep up. I would point out that this bill is about virtual education programs, not just virtual charters. There has been a great deal of discussion and attention on appropriate expenditure of taxpayer monies. This bill fits into that larger discussion. Ultimately, this is about further insuring that the state is being responsible with its limited means. The bill before us today asks the Department of Education, our education experts, to develop a funding model that recognizes the innate difference between virtual education and traditional brick and mortar schools. The

Education Committee, in partnership with the Department of Education, has spent over two years evaluating the essential programs and services funding mechanisms for our brick and mortar schools. Certainly virtual education programs deserve our attention as well. This bill is about making sure that the state is paying for services it receives. Would you pay \$80 a month for Time Warner TV-Internet bundle and not receive internet service? Would you pay \$150 for a car tune-up but not include plugs or filters? Would you pay the higher premiums for whole-life insurance but the plan not include guaranteed benefits? Would we pay a school district for transportation costs if it doesn't provide bus services to its students? Why would we pay virtual education programs for transportation, for nursing services, food services, maintenance costs on facilities that are oftentimes a hundred times as large as a single virtual facility? The Education Commission of the state's report says that a conservative estimate 24% lower costs than virtual schools. If this kind of estimate is realized at Maine's potential virtual schools and programs we could save taxpayers \$3.5 million a year. Think about the difference that would make. Think about the kind of investments we could make. Think about what we could achieve: early childhood investment, more money for our community colleges and universities, investments in STEM, investments in property tax relief. We have many shared priorities, many priorities in which increased funding will go a long way. I urge your support and appreciate your consideration. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#544)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator MILLETT of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-796) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Protect Maine Lakes"

H.P. 1250 L.D. 1744

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-781)**.

Signed:

Senators:

BOYLE of Cumberland
GRATWICK of Penobscot
SAVIELLO of Franklin

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-782)**.

Signed:

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-781)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-781) AS AMENDED BY HOUSE AMENDMENT "A" (H-797)** thereto.

Reports **READ**.

Senator **BOYLE** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-781)** Report, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#545)

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 BY COMMITTEE AMENDMENT "A" (H-781)** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-781) **READ**.

House Amendment "A" (H-797) to Committee Amendment "A" (H-781) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-781) as Amended by House Amendment "A" (H-797) thereto **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-786)**.

Signed:

Senators:
CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:
FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
PETERSON of Rumford

STUCKEY of Portland

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

Signed:

Senator:
HAMPER of Oxford

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

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-786)**.

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Require a Work Search for Job-ready Applicants for Benefits under the Temporary Assistance for Needy Families Program"

H.P. 1302 L.D. 1815

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

Signed:

Senators:
CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:
FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
PETERSON of Rumford
STUCKEY of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-791)**.

Signed:

Senator:
HAMPER of Oxford

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

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

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-792)**.

Signed:

Senators:
CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:
FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
PETERSON of Rumford
STUCKEY of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-793)**.

Signed:

Senator:
HAMPER of Oxford

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

(Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought To Pass as Amended by Committee Amendment "A" (H-792)** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-792)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-792)**.

Reports **READ**.

Senator **CRAVEN** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-792)** 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-792)** Report, in concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Laws Governing the Temporary Assistance for Needy Families Program"

H.P. 1324 L.D. 1842

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

Signed:

Senators:
CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:
FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
PETERSON of Rumford
STUCKEY of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-790)**.

Signed:

Senator:

HAMPER of Oxford

Representatives:

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

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

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Increase Local Responsibility for General Assistance"

H.P. 1326 L.D. 1844

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

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-794)**.

Signed:

Senator:

HAMPER of Oxford

Representatives:

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

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

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Concerning Meetings of Public Bodies Using Communications Technology"

H.P. 1300 L.D. 1809

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-798)**.

Signed:

Senators:

VALENTINO of York
BURNS of Washington

Representatives:

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

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

Signed:

Senator:

TUTTLE of York

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-798) AS AMENDED BY HOUSE AMENDMENT "A" (H-812)** thereto.

Reports **READ**.

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

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

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, bear with me, I've had a bad cold over the weekend and my doctor advised me that I should not be here but I advised him I had outlived four of my doctors so he said it was okay.

Mr. President and members of the Senate, I have no illusions as to changing any votes on this bill, but I feel compelled to speak on this issue. Many of you might know that the Right to Know Committee is a committee that meets every few years over the summer with a few legislators and folks with certain agendas. It's sort of an obscure committee. Having been a first year member of the Judiciary Committee, I watched and I saw things come forward. The present House Chair serves on his local waste water board. I think it had a great impetus on the reason why this bill was put forward and it sort of sneaks under the radar. L.D. 1809 was presented as an effort to enable the use of remote communications technology by water, sewer, or sanitary districts. It would, in fact, restrict communications technology which has been utilized for many years and, in all honesty, ladies and gentlemen of the Senate, has worked very well, even where the person who wanted to put this before us, his own local board, spent over \$36,000 to have it implemented. This bill assumes that those current practices are illegal. The current use of conference calls or Skype by these districts is not in violation of statute. Members have been advised by their attorneys that that practice is not in violation of statute, so why is this bill before us? Many of these boards have only three trustees, many of our small towns. Not being able to have a quorum to schedule a meeting may impose obvious difficulties on those small communities in obtaining timely board or commissions to undertake necessary operational and financial functions. The long-standing test has been that officials should be able to hear the discussion and participate in the deliberations. The requirement in the amendment that the communication be combined audio and video is problematic. There is a cost that is prohibitive to some of our smaller communities and requires an internet bandwidth that is not universally available statewide. There is little or no benefit, in my mind, to be derived from prohibiting and restricting remote attendance. There is much to be gained, however, in continuing to allow remote attendance at these meetings. It is not always easy, particularly, as I said before, in small communities to find qualified members who can commit the time necessary to effectively contribute. What we don't need is another reason to not run for these offices.

During the pandemic scare a few years ago, health officials recommended that in the event of such a situation that group meetings should be limited as much as possible so as to minimize the threat of spread of an infective disease. Some water systems have actually modified their by-laws in order to function via remote participation. Should the need arise, do we want to force attendance at trustee's meetings during an influenza epidemic and risk infecting the personnel who operate our water systems? I think not. We do not need to have a statewide solution to a perceived problem. Solutions in search of problems often are the cause of widespread unintended consequences. We should not establish a policy that makes it more difficult for our small districts

to achieve a quorum. That could greatly impede the ability to govern during these times of epidemics and would discourage committed trustees. L.D. 1809 does that.

I can assure you, based upon my years here, that this bill is probably going to pass. I would probably bet, as the good Senator Katz does on the Red Sox, that this will probably be L.D. 1 next year for appeal and I'm hoping that the Executive is listening. At the public hearing Maine Municipal was against this, school boards were against this, all our small water districts were against this. Let's do ourselves a favor and kill this bill.

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

Senator **VALENTINO:** Thank you very much Mr. President. Men and women of the Senate, I stand before you today to say that this was a very strong bi-partisan vote out of committee. It was 12-1 on that. I do take exception with a couple of things that were mentioned. The Right to Know Advisory Committee is not an obscure committee. I Chair the Right to Know Advisory Committee. There are two appointed legislators on the committee. There are 15 people from the public and the Legislature on the committee. They are mandated to meet four times a year. We do meet. We do review different items that come to us from the Judiciary Committee and from other committees that have to know about freedom of access requests. There is a report that's annually filed. It's not an obscure committee. This bill did not sneak under the radar. We actually had this bill before us last year in the Judiciary Committee. The bill was very controversial at the time because it was in regard to a lot of public hearings and bodies, both elected and official, so the Judiciary Committee actually killed that bill and sent it to the Right to Know Advisory Committee to further investigate and get back information. The Right to Know Advisory Committee then, in their report, reported back to the Judiciary Committee on this and they, again, were divided on what to do. The Judiciary Committee then reported out a bill. We had another public hearing on this bill and I will tell you it was the most confusing public hearing we've all been at. We had to ask several times during the public hearing for people who were opposed to the bill because we were confused. Really everybody who testified that was opposed to the bill were small boards that we already meeting illegally, in violation of the law. The Attorney General has said that these boards and commissions are not allowed to have remote participation. She told us that at the public hearing. She told us that at the Right to Know Advisory Committee. Linda Pistner came to our meetings and told us that. Everybody who came there thought, because Maine Municipal Association had their attorney issue a letter saying you have the right to meet. Now what we have are two attorneys: one, the Attorney General who says no, you cannot meet, and one from the Maine Municipal Association who says you can meet.

The idea of the Judiciary Committee was to help these small boards and commissions who are, in the eyes of the law, violating state law right now, which any one of their votes now could be in question because they made that vote in violation of state law if they had people meeting remotely. This bill is trying to help the people who came before us, the same people who are e-mailing you saying, "Don't vote for this bill because we want to continue to meet against the law because MMA has told us we can." What we're trying to do is to help. We tried to separate out elected officials and appointed officials, maybe to do it on that breakdown.

That didn't work. We have appointed officials say, for example, to the PUC, who get \$100,000 a year, do we want them to phone in their votes? No. We also found out there are school boards that are appointed in the state of Maine. Do we want a school board member to phone in their vote? No. We then found out that some of the sewer districts were elected, so what we did is very narrowly tailor this bill to basically address the issues of the people who came before us, which was the small sewer boards, water boards, and sanitary control boards, both elected and appointed, that wanted to have somebody participate remotely. What we did is in order to participate remotely you must follow these requirements. It's only for water, sewer, or sanitary boards, commissions, either elected or appointed. They must adopt a written policy. They must always have a physical quorum present in the room. The remote person has to be able to see the other members and the other members must see him. Minimum requirement is Skype. Everybody knows how to use Skype. It's just having a Skype computer so that we can see each other back and forth. The person who is remote must have a copy of all the written correspondence that the people are reviewing at the meeting. If they don't have it prior to the meeting it can be e-mailed to them or faxed to them during the meeting. If those conditions are met the remote member can then vote on the issue. The remote member cannot participate in any executive session or vote on any matter that was discussed in an executive session and later voted on. The remote member cannot vote on any issue concerning testimony in a quasi-judicial public hearing, but can participate by asking questions. We also put in the definition of a quasi-judicial hearing which, basically, says that if the issue is affecting the legal rights or privileges of a person they can't.

Think about it. How many of us would love to phone in our vote at a public hearing or a work shop or even today and be somewhere else? We don't. We ran for this office. People expect us to be here and I expect to be here. I feel very strongly that appointed and elected officials should show up at the meetings. This was a compromise. This was a bill to help people who are currently, according to our Attorney General, violating the law, and have been violating the law. All this does is say, "Okay, this is what you've been doing. We're going to allow it just for this small group of people." We will wait another day to see about remote meetings for anybody else. I would urge you, if you want to help the people who have been calling you to vote against this bill, vote for the bill so that they can meet as they have been doing. Thank you.

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

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, I rise to support the shorter of my two colleagues from York County and I'd like to speak on behalf of my island communities. They brought this to my attention, regrettably, fairly late in the game, just over the past few days. I'd like, from Swans Island, a comment that came to me. We have three members on a board of selectmen. Frequently one member will get caught off-island and is able to participate only through video conferencing, teleconferencing. They also have an elected planning board on which they have applicants Skype in. I also, men and women of the Senate, have a community, the town of Cranberry Isles, which is actually two islands. These folks, one month they are on one island and then the next month they are on the other island for

their board of selectmen. As we go forward with this, I do support the good Senator Tuttle in this. I think there's a little more, maybe, common sense that we're able to pull into this for those folks that this really is a logistical nightmare. Thank you very much.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I agree with one of the Senators from York. This was a very confusing bill. Probably I'll add to that confusion before I'm done. However, I'll make a stab at it. Contrary to what you just heard, as I understand the bill that's before you right now, essentially it maintains the status quo so that those that have been doing, hopefully following the law, this will not change what they have to do. It doesn't make any changes in their procedures as long as they follow what we have been advised by the AG the law is. I realize there is a difference of opinion between attorneys here, but I'm going to follow the AG's advice on this. What we did try to do was find a remedy to fit those specific needs of the water and sewer people so that they could conduct part of their business remotely by using electronic availabilities. I think that's all that we've done. If that's wrong I hope somebody will correct me, but I think the status quo for everybody else has been maintained as long as they follow the law. We're not creating any catastrophes that didn't already exist. Thank you, Mr. President.

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

Senator **VALENTINO:** Thank you very much Mr. President. Men and women of the Senate, I just want to remind you that if you vote for the Ought Not to Pass, the Attorney General then will have the power to issue letters, and I've asked her to do this, to every single one of these boards and commissions and tell them to stop. They are meeting illegally according to the state of Maine. We're trying to help the people who are meeting in violation of the law. If you vote Ought Not to Pass then you're voting, basically, to stop every board, every commission, everything to do this. You're voting to stop doing this. That's what you vote is if you vote Ought Not to Pass. You're saying nobody should meet remotely because our Attorney General has already said it's in violation of the law and if she sends out all those notices then everybody will have to show up, in person, until we come back next year and change the law again. This is to help these people who are doing it. Thank you.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, briefly, being the shorter member of the York County delegation who's on the Judiciary Committee, as far as the legal opinion, an AG opinion is only just that. It's not something in law and it varies from AG to AG. The Maine Municipal, at the hearing, said that, along with several prominent Maine law firms with expertise in municipal law, it believes that the Freedom Access Act now permits remote participation by board members under certain circumstances because the law does not explicitly forbid it. They said they believe that L.D. 1809, by permitting

remote participation by only water, sewer, and sanitary districts, would likely be construed as prohibiting this option by clear implication for all other public bodies. Because the bill would imply to prohibit a practice that, although seldom used, is not prohibited and because it does so in a discriminatory fashion, that it address the issue for certain entities while exacerbating the issues for others. At the public hearing we only had one person testifying in favor and everybody else against. I guess I'm from the old school. I sort of think that government should work from the bottom up and not from the top down. I would hope that you would support me in my efforts.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Valentino 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 (#546)

YEAS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, CRAVEN, CUSHING, DUTREMBLE, GERZOFSKY, GRATWICK, HASKELL, HILL, JACKSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, VALENTINO, VITELLI, THE PRESIDENT - JUSTIN L. ALFOND

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator VALENTINO of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-798) **READ**.

House Amendment "A" (H-812) to Committee Amendment "A" (H-798) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-798) as Amended by House Amendment "A" (H-812) thereto, **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 **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 **Ought to Pass as Amended by Committee Amendment "A" (H-807)**.

Signed:

Senators:
JOHNSON of Lincoln
MAZUREK of Knox
WOODBURY of Cumberland

Representatives:
KUMIEGA of Deer Isle
DEVIN of Newcastle
DICKERSON of Rockland
DOAK of Columbia Falls
PARRY of Arundel
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-808)**.

Signed:

Representatives:
CHAPMAN of Brooksville
KRUGER of Thomaston

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-807)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-807)**.

Reports **READ**.

Senator JOHNSON of Lincoln moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-807)** Report, in 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 bill which simply moves us a little further along towards implementation of a fishery management plan which a task force and the department has been working on for the last year. It began with our passage of L.D. 585, to begin us down this road. I want to make very clear a couple of things. First of all, this is strictly regarding commercial Rockweed harvesting. It has nothing to do with personal use. It does not change in any way our statute or rules regarding personal use, either cutting small quantities for personal use or the collecting of seaweed which is already detached on the beach. That's not changed. What it does do is make one of the rules that

the department is authorized to enter into rulemaking on major substantive. That's based on feedback that we've gotten from the industry, ensuring that the process for assigning areas for harvest to harvesters is one that has adequate public participation and legislative oversight. We were very concerned, as we heard from harvesters and other folks in the industry as well, that this remains a fishery in which the harvesters themselves, the small business people, are able to participate fully and this does not become something monopolized by a few companies holding a large amount of the harvestable areas. That's one thing that we've done, to make that one rulemaking major substantive. Lastly, the other thing, in continuing the work proposed in the fishery management plan, it does see that the working group is established to work on what the criteria are and, very importantly, have good, sound science and law based criteria for deciding where it is okay to harvest and where it isn't okay to harvest and, in some cases, seasonal closings on harvest areas. There are important wildlife areas. We have some coastal regions, some islands, that are very important to endangered species of seabirds for migrations and such. This would establish criteria that might relate to that, for instance for seasonal closure just to not disrupt that activity but to allow harvest otherwise. When that report comes back to the Legislature we will, as a committee, have authority under this bill to create legislation to deal with what information is brought to us on how we should advance the next step on the fishery management plan. This is a small matter of housekeeping, really, making one rule major substantive, seeing that work on criteria and process for harvest areas move forward, and that the committee is then able to act on that report at a later time. Thank you.

On motion by Senator **JOHNSON** of Lincoln, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-807)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-807) **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 **TAXATION** on Bill "An Act To Examine Best Practices Relating to Tax Expenditures"
H.P. 1048 L.D. 1463

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-800)**.

Signed:

Senators:
HASKELL of Cumberland
MILLETT of Cumberland

Representatives:

GOODE of Bangor
BROOKS of Winterport
JACKSON of Oxford
KNIGHT of Livermore Falls
LIBBY of Lewiston
MAREAN of Hollis
MOONEN of Portland
TIPPING-SPITZ of Orono

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

Signed:

Senator:
THOMAS of Somerset

Representatives:

BENNETT of Kennebunk
STANLEY of Medway

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-800)**.

Reports **READ**.

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

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

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Thomas.

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, of course we should review tax expenditures. Those are the exemptions from sales tax and income tax, but there were those of us who felt that the committee and Maine Revenue Services could do that. We didn't need another committee. We didn't need to duplicate the effort and we didn't need to spend any more money. 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, I agree with my colleague from Somerset County that we do, indeed, need to review tax expenditures. However, I really believe that a full, complete, and transparent tax expenditure review process would be what would best serve the Legislature: one in which the committee on Taxation was involved, one in which we had an independent review process going on that could both find the time and the resources and the expertise to delve into the thorny matter of tax expenditures, whether they're worth what we're paying for them, whether they're doing what they're supposed to do. This bill is a

Resolve now, Mr. President, and this Resolve simply asks the Office of Program Evaluation to report back to the Taxation Committee in the next legislative session on what would be the criteria and classification of tax expenditures, whether they be full ones, expedited ones, or perhaps no review for some tax expenditure whose cost was so minimus that it wasn't worth the effort to go and take a look at it. It's important to understand what the categories are. In addition, they're asked to report back to us on some of the work that's been done across the country in determining what are appropriate tax expenditure review processes, to make sure that we understand what the purposes are, who the intended beneficiaries are, what are the performance measures of each and every one of these expenditures. Besides the fiscal impact and understanding whether it's accomplishing its purposes, we also need to answer that question so often in our tax expenditure law, "but for." That "but for" means that except for having this tax expenditure this would not have gone forward. I don't believe we've answered that question adequately and across the board in a way that we can equalize, justify, and compare from one tax expenditure to the other. I think it's important that we understand what the criteria are that we are going to base this review on. What's the tax policy basis? Is there a tax policy underneath this expenditure or was it just simply a group that came in that the Tax Committee liked or that they made a good decision about? Many of these tax expenditures are great and we'd love to see them continue, but until we can do adequate comparison of them, one to the other, I think it's inappropriate of us to go forward and continue to spend the money. I really appreciate the opportunity to have a full review of what the process should look like. This does not set up this process. This simply brings it back to the Taxation Committee for our consideration and I urge you to support the pending motion. Thank you.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I join in support of the pending motion. Over the years we have passed a series of exemptions, of credits, of deductions, and, from my perspective, they pile and they pile up and they pile up and we never really go back and take a look at them to see if they're really doing what we set out to have them do last year, 5 years ago, 15 years ago, or even 20 years ago. This Legislature set up a Tax Expenditure Committee between the sessions of this Legislature and I was honored to serve on that. One of the things we were specifically tasked with was to come up with a policy about how we might periodically review these tax expenditures going forward. I thought that the committee came up with a pretty good plan. This legislation just takes the very first baby step in that effort to set up a process by which we should evaluate these things. From my perspective, Mr. President, our constituents would be, I think, very surprised to learn that we don't have a systematic way of evaluating these things now and the Tax Committee, for the wonderful work they do, is so overloaded with bills every session, it doesn't seem like they really have a chance to go through any kind of periodic review, nor does Maine Revenue Services, that is very busy just trying to keep their own boat afloat. I think this is a modest first step to get us where we need to be and I hope people could support the motion. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Haskell 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 (#547)

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

NAYS: Senators: CUSHING, HAMPER, MASON, PLUMMER, THIBODEAU, THOMAS, WHITEMORE, YOUNGBLOOD

27 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator **HASKELL** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-800) **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 **TAXATION** on Bill "An Act To Increase the Deduction for Pension Income"
H.P. 1321 L.D. 1839

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

Signed:

Senators:
HASKELL of Cumberland
MILLETT of Cumberland

Representatives:
GOODE of Bangor
BROOKS of Winterport
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 "A" (H-801)**.

Signed:

Senator:

THOMAS of Somerset

Representatives:

BENNETT of Kennebunk
JACKSON of Oxford
KNIGHT of Livermore Falls
MAREAN of Hollis

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-801)**.

Reports **READ**.

Senator **HASKELL** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#548)

YEAS: 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, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND**

NAYS: Senator: **WOODBURY**

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, the motion by Senator **HASKELL** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-801) **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

Seven members of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Increase Integrity in the Temporary Assistance for Needy Families Program through Restriction of Expenditures"

H.P. 1312 L.D. 1822

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-787)**.

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

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

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-788)**.

Signed:

Senator:

HAMPER of Oxford

Representatives:

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

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 "C" (H-789)**.

Signed:

Representative:

PETERSON of Rumford

(Representative **BEAR** of the Houlton Band of Maliseet Indians - of the House - supports Report "A", **Ought To Pass as Amended by Committee Amendment "A" (H-787)**.)

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-787)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-787)**.

Reports **READ**.

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

Senate

Ought to Pass As Amended

Senator **CRAVEN** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Implement the Recommendations of the Commission To Study Long-term Care Facilities" (EMERGENCY)

S.P. 704 L.D. 1776

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-497)**.

Report **READ**.

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

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend the Maine Administrative Procedure Act and Clarify Wind Energy Laws" S.P. 692 L.D. 1750

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-483)**.

Signed:

Senators:

CLEVELAND of Androscoggin
JACKSON of Aroostook

Representatives:

HOBBS of Saco
GIDEON of Freeport
RUSSELL of Portland
RYKERSON of Kittery
TIPPING-SPITZ of Orono

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

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representatives:

BEAVERS of South Berwick
DUNPHY of Embden
HARVELL of Farmington

LIBBY of Waterboro
NEWENDYKE of Litchfield

Reports **READ**.

Senator **CLEVELAND** of Androscoggin 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 PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President. Women and men of the Senate, this bill is substantially different than the original bill that was submitted. In fact, the amendment strikes the bill and adds really two very simple provisions. It narrows the focus of the bill substantially and clearly to, I think, its intended purpose. Originally, when the Wind Act was passed, it exempted a rulemaking for the application process, I think, originally because they wanted to move forward quickly with the new act and have in place those kinds of application requirements. It simply goes back to those application requirements that were adopted when the Wind Act was originally made the law. Secondly, it says that we should have an open and clear and transparent process so that if the application requirements need to be changed that's acceptable, you can do that, but you should do that in an open and transparent method through the process of the major substantive rule process so that everyone can have an opportunity to review what is being done, to comment on it, and, obviously, to have the Legislature have an opportunity for input. I want to make clear, because there was some confusion or thought at the beginning of the process that somehow this law would in some way restrict public comment or public participation in the wind permitting process. It doesn't do that whatsoever. All of the opportunity for public comment and participation exists. While some may argue by requiring a rule process through the Administrative Procedures Act, it gives another opportunity for public comment and participation. I think this is a reasonable approach when we make laws and requirements and I hope that you would support the Majority Report.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#549)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator CLEVELAND of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-483) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Divided Report

Eight members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Appropriate and Allocate Funds To Strengthen the State's Efforts To Investigate, Prosecute and Punish Persons Committing Drug Crimes"

S.P. 725 L.D. 1811

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-498)**.

Signed:

Senator:
GERZOFKY of Cumberland

Representatives:
DION of Portland
CASAVANT of Biddeford
LAJOIE of Lewiston
MARKS of Pittston
PEASE of Morrill
PLANTE of Berwick
TYLER of Windham

Three 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" (S-499)**.

Signed:

Senator:
DUTREMBLE of York

Representatives:
KAENRATH of South Portland
WILSON of Augusta

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "C" (S-500)**.

Signed:

Senator:
PLUMMER of Cumberland

Representative:
LONG of Sherman

Reports **READ**.

Senator GERZOFKY of Cumberland moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-498)**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-498)**.

ENACTORS

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

Emergency Measure

An Act Regarding Taste-testing Event Licenses
S.P. 628 L.D. 1637
(C "A" S-475)

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

Emergency Measure

An Act To Address Recommendations from the Report by the Office of Program Evaluation and Government Accountability Regarding the Public Utilities Commission
H.P. 1303 L.D. 1816
(C "A" H-784)

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

Acts

An Act To Ensure That Large Public Utility Reorganizations Advance the Economic Development and Information Access Goals of the State

H.P. 1263 L.D. 1761
(C "A" H-772)

An Act To Clarify and Update a Nurse's Authority To Administer Medication

S.P. 701 L.D. 1766
(S "A" S-465 to C "A" S-459)

An Act To Implement the Recommendations Contained in the State Government Evaluation Act Review of the Maine Public Employees Retirement System

H.P. 1297 L.D. 1806

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

An Act To Improve Maine's Tax Laws

H.P. 792 L.D. 1120
(C "A" H-749)

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

An Act Expanding Access to Early Postsecondary Education

H.P. 1289 L.D. 1797
(C "A" H-783)

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

Resolves

Resolve, Regarding Legislative Review of Chapter 201: Provider of Last Resort Service Quality, a Major Substantive Rule of the Public Utilities Commission

H.P. 33 L.D. 38
(C "A" H-727)

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

Resolve, To Study the Design and Implementation of Options for a Universal Health Care Plan in the State That Is in Compliance with the Federal Patient Protection and Affordable Care Act

H.P. 962 L.D. 1345
(C "A" H-771)

On motion by Senator **HASKELL** of Cumberland, placed on the **SPECIAL STUDY TABLE**, pending **FINAL PASSAGE**, in 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:

Bill "An Act To Retain Call Centers in Maine"
S.P. 676 L.D. 1710

Tabled - March 27, 2014, by Senator **JACKSON** of Aroostook

Pending - **FURTHER CONSIDERATION**

(In Senate, March 24, 2014, on motion by Senator **PATRICK** of Oxford, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In House, March 26, 2014, 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-420), in **NON-CONCURRENCE**.)

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

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 (#550)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **JACKSON** of Aroostook to **RECEDE**, **PREVAILED**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#551)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **JACKSON** of Aroostook to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-420) **READ** and **ADOPTED**, in concurrence.

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

On motion by Senator **JACKSON** of Aroostook, Senate Amendment "A" (S-501) **READ**.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, this bill, I certainly believe in the concept of it. I think that, as it was stated on the Senate floor in the debate, in times of limited tax dollars we should be making sure that we're giving it to businesses that are doing everything they can to stay in Maine and employ Maine workers, but there was some people that had concerns about how much the fines were. I took that into consideration, lowered the amount of the fines considerably, and made the time period that the business

had to notify before they relocated from 120 days down to 60, which is consistent with the Warren Act that is already in statute. That's why I'm presenting the amendment today and I hope you support it.

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

Senator **CUSHING:** Thank you Mr. President. I rise today in opposition to the pending motion. While I respect that the good Senator has tried to adjust some parts of this, it still has many components that send a very poor message to both those presently here and those who would consider Maine. For example, it requires the Maine Department of Labor, in the full bill, it's been, to my knowledge, not addressed in the amendment, to compile a list of both stand-alone call centers employers who have at least 30% of their call center operations located here and have relocated from Maine to a foreign country. It doesn't say what timeframe, Mr. President, so the clawback provisions here could mean that if somebody leaves tomorrow they could be in violation but you could look back 5 years, 10 years, 20 years. There's not a perimeter as to what this would mean. For call centers that maybe effected by global economic changes, we've, unfortunately, seen some businesses impacted, not through any poor performance of the good Maine workers there but through the realities of what happens as other factors contract and expand markets, that this bill is not going to address the underlying concerns that we have. Thank you, Mr. President.

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

Senator **CLEVELAND:** Thank you Mr. President. Women and men of the Senate, I was opposed to this bill. In fact, I'm on the Majority Report of Ought Not to Pass. However, I thought it was appropriate to extend the courtesy to have the opportunity for this amendment to be discussed here and, therefore, supported that procedure. For my good friends who are advocates and supporters of labor, particularly organized labor, I want to make clear that my opposition has nothing to do at all with, or weakens, my position in support of labor. In fact, I and I think everyone in the Chamber, wants to see more jobs not fewer jobs. However, though I think as well intended this amendment may be, it does not achieve the goals that are still outstanding in the issues with the amendment and with the bill. Let me review them for you again, hence we may have forgotten.

First of all, there are serious Constitutional questions in this bill. I'll go over them just very quickly. First of all, there are questions about the federal Foreign Affairs Power Act. That it violates Article 1, Section 8; Article 1, Section 9; Article 1, Section 10; Article 2, Section 2; Article 3, Clause 3. There is also serious question that it violates a Supremacy Clause in United States Constitution, which is Article 6, Clause 2. Third, there is serious questions that it violates the Commerce Clause of the United States Constitution in Article 1, Section 8, Clause 3 where it says that to regulate commerce with foreign nations and among the United States and the Indian Tribes, that it's the duty of the Congress to do that. It violates the Dominance Clause for the same reason. It violates, potentially, the Interstate Commerce clause. It violates the Foreign Commerce Clause and likely violates the Contracts Clause of the Maine Constitution, Article 1, Section 7, which says the Legislature shall pass no bill of

attainder, ex post facto law, nor law impairing the obligation of contracts, and no attainder shall work corruption of blood nor forfeiture of estate. There are several here, not one or two but quite a few, hurdles that this would have to overcome. Once again, I think we have an obligation, as we swore on December 5, 2012, that it is important to defend the Constitution of the United States. That's why I pay attention to these kinds of issues that arise in regards to the Constitutionality of bills.

Secondly, I'm greatly concerned that it actually likely doesn't achieve its purpose, and that is that it retains call centers here. I think there are a number of ways that corporations or businesses who are in the business of call centers could find to circumvent this law, as they have in the past when we've tried to constrain certain businesses. I'm very concerned about the fact that instead of retaining jobs that, because of its provisions, it may actually lose jobs in that industry within the state. Neither of those things, I think, are beneficial to the people of Maine, hence my opposition and I hope that this Body will vote down the amendment.

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

Senator JACKSON: Thank you Mr. President. Ladies and gentlemen of the Senate, I just wanted to be clear that this amendment is prospective, it's not retroactive, so existing businesses that are in Maine currently won't be subjected to this at all, but for any new one coming they will, obviously, know the rules of the game. I think that's important. I think when we have businesses that come to this state they should know that if they're going to take our tax dollars they should be willing to step up and make sure that these jobs are given to Maine workers and that they're not going to come for a short time and leave. That's what this amendment does. We've had instances where that's happened in the past. I don't believe that Constitutional questions that are brought up actually affect this. There's other instances where the state does this the exact same way. Like I said, the Warren Act is already on the books. This bill mirrors that and we certainly have times whenever we tell people that if they want our public dollars that they don't come through with everything that's in the contract than there is a clawback provision. I feel very comfortable that this is on good solid ground, so that's why I put it in and I believe it's important that Maine workers know that their money's going towards companies that support the state of Maine, not foreign countries.

On motion by Senator **JACKSON** of Aroostook, Senate Amendment "A" (S-501) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-420) AND SENATE AMENDMENT "A" (S-501), in NON-CONCURRENCE.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/1/14) matter:

HOUSE REPORT - from the Committee on **EDUCATION AND CULTURAL AFFAIRS**, pursuant to Resolve 2011, chapter 166, section 8, 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

Report - Ought to Pass pursuant to Resolve 2011, chapter 166, section 8

Tabled - April 1, 2014, by Senator **MILLETT** of Cumberland

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

(In House, March 31, 2014, Report **READ** and **ACCEPTED** and Resolve **PASSED TO BE ENGROSSED**.)

(In Senate, April 1, 2014, Report **READ**.)

Report **ACCEPTED**, in concurrence.

Under suspension of the Rules, **READ TWICE**.

On motion by Senator **MILLETT** of Cumberland, Senate Amendment "B" (S-504) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-504), in NON-CONCURRENCE.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/4/14) matter:

Bill "An Act To Standardize and Simplify the Process for Employers To Provide a Drug-free Workplace"
S.P. 664 L.D. 1669
(S "B" S-485 to C "A" S-440)

Tabled - April 4, 2014, by Senator **HASKELL** of Cumberland

Pending - **FURTHER CONSIDERATION**

(In Senate, April 2, 2014, Report "A", **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-440) AS AMENDED BY SENATE AMENDMENT "B" (S-485) thereto**.)

(In House, April 3, 2014, Report "B", **OUGHT NOT TO PASS READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

On motion by Senator **HASKELL** of Cumberland, the Senate **INSISTED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/4/14) matter:

Bill "An Act To Delay Implementation of the Maine Metallic Mineral Mining Act and Related Statutory Provisions" (EMERGENCY)

S.P. 750 L.D. 1851

Tabled - April 4, 2014, by Senator BOYLE of Cumberland

Pending - **FURTHER CONSIDERATION**

(In Senate, April 2, 2014, **PASSED TO BE ENGROSSED.**)

(In House, April 3, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-799), in NON-CONCURRENCE.**)

On motion by Senator BOYLE of Cumberland, the Senate **RECEDED and CONCURRED.**

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator VITELLI for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Clarify Outcome-based Forestry"

S.P. 746 L.D. 1847

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-502).**

Report **READ and ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-502) **READ and ADOPTED.** Under suspension of the Rules, **READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED.**

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 896

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES**

April 4, 2014

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

Dear President Alford and Speaker Eves:

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

L.D. 1848 An Act To Allow Property Maintenance Activities notwithstanding a Consent Agreement with the Department of Environmental Protection

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

Sincerely,

S/Sen. James A. Boyle
Senate Chair

S/Rep. Joan W. Welsh
House Chair

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

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

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

Senator **SAVIELLO** of Franklin 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,
RECESSED until 3:30 in the afternoon.

After Recess

Senate called to order by the President.

Off Record Remarks

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

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

ENACTORS

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 180:
Performance Evaluation and Professional Growth Systems, a
Major Substantive Rule of the Department of Education
H.P. 1254 L.D. 1747
(H "A" H-777 to C "A" H-757)

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on 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

Majority - **Ought to Pass as Amended by Committee Amendment "A"** (H-786) (8 members)

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

Tabled - April 7, 2014, by Senator **CRAVEN** of Androscoggin

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

(In House, April 3, 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-786).)

(In Senate, April 7, 2014, Reports **READ**.)

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

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, this bill puts forward a proposal to address the issues of fraud in our public programs, both provider and receiver fraud, in a manner that is data driven and evidence based. It requires the department to present AFA and HHS Committees comprehensive information of investigations, sanctions, overpayment recoveries, systems issues, vendor activities, and proposed policy changes. This would allow the Legislature to make fact based decisions on how to support program integrity and anti-fraud activities and move us beyond antidotes and stereotypes. It would require the department to proactively identify and quantify systems issues such as the cost of care issues that lead to \$29 million in overpayments. It would require that the department be transparent about their performance of private companies that the department uses to manage its programs and to pursue MaineCare dentists and administrative errors. It would require the department to quantify and account for effectiveness of the resources we have already given them to fight fraud and abuse. One of the problems at the Committee of Health and Human Services and the Appropriations has been, especially in the past few years, trying to depend on the numbers that they were getting, often conflicting numbers, as they were trying to build the budget, the biennial budget and the other budgets, the supplemental budgets, that came after. This is one way that the Legislature would get accurate information to be able to base their decisions on. Thank you, Mr. President.

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

Senator **HAMPER**: Thank you Mr. President. Ladies and gentlemen of the Senate, I rise in opposition. My opposition is very simple. It's already being done. Sat on the committee now, this is my second year. Both years we've had reports from the fraud division. I think we got five pages of law here that is unnecessary. It's already being taken care of. Thank you, Mr. President.

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

Senator **LACHOWICZ**: Thank you Mr. President. Men and women of the Senate, as a former program manager of a social services program I have to tell you that you can't really make a decision about how your program is doing or how effective it is, if it is doing what you want it to do, without data. This bill would provide the Health and Human Services Committee with the data it needs. It's a proactive way to address fraud, to look at where the problems are, and where is the fraud occurring. It gives us clues on how to solve them. As someone who's job has been to run a program for quite some time, I can't tell you how invaluable that is because I can't decide, in my previous life, in my previous job, what school we might actually be able to help in, how many hours we might actually benefit from providing services there, and what kind of insurances actually will allow us to provide that service without losing money. Those are the things we need to know. We need to know the data because without data you're really just, it's a shot in the dark. We're lost without it. Then you wind up making decisions based on mistaken assumptions or any number of things. I found that the way to be most successful in administering programs like this is to base it on the data you have in front of you about what works. Thank you very much.

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

Senator **KATZ**: Thank you Mr. President. Men and women of the Senate, I rise in opposition to the pending motion for two reasons. One, I think the bill does too much. Secondly, I think it does too little. Too much, Mr. President, in that, as my colleague from Oxford, Senator Hamper, said, much of this work is already being done by the department. Too little because the kind of detailed analysis the good Senator from Kennebec just mentioned, although I think it would be very valuable to get this information, drills down so much into details that it, inevitably, is going to cost the department money. Maybe we could agree on funding the money to pay for these things, but there isn't any money here and we're going to be asking the department to do much more, and I think we all know how much they are already stretched. This kind of data analysis, as I understand it, for instance, would look at stores and not only find out how much TANF benefits or SNAP benefits are being spent at the stores but also look right down to the item level to see how much was being spent on soda, how much was being spent on milk, how much was being spent on crackers. Maybe that's very valuable data to have, and maybe we ought to be doing it, but it's going to require a considerable expense and unless we're willing to fund it we shouldn't be willing to pass it. Thank you, Mr. President.

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

Senator **GRATWICK**: Thank you Mr. President. Ladies and gentlemen of the Senate, I rise in support of the current L.D. 1829. I think the fraud and abuse of any variety is unacceptable and I think we have to be very vigilant. I think we have to have appropriate laws that are really very detailed to take care of it. I think to single out just one area is very important at this time, but I wish to put it in a larger perspective. I've handed out a graph showing the various kinds of fraud and abuse. Unfortunately we live in a world, a society, where it's very rampant, but I will simply note that, to my shame and the shame of the medical world, the medical profession, the Attorney General, over the last four years, has recovered \$55 million from pharmaceutical and medical supply companies. That's an enormous amount of money. They've been doing this for the last four years. It's ongoing. Very important. I have to say that this has a major ripple effect down to the local provider level, the area where I'm at. I think people are very aware of this. This particular bill is very important and I think it's going to add to the tools we have in the Attorney General's toolbox to find out the specifics here. As I think people are aware, there is roughly \$500,000 that has been recovered from the 37 people involved in this. I think we have to go further on this and I agree completely, we want to be as specific as we can as we try to drill down this. In the final analysis, fraud and abuse at any store, from anybody, big or little, is unacceptable in our current world. Thank you, sir.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Craven to Accept the Majority Ought to Pass as Amended Report, 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 (#552)

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

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

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

READ ONCE.

Committee Amendment "A" (H-786) **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 Today Assigned matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Increase Integrity in the Temporary Assistance for Needy Families Program through Restriction of Expenditures"

H.P. 1312 L.D. 1822

Report "A" - Ought to Pass as Amended by Committee Amendment "A" (H-787) (7 members)

Report "B" - Ought to Pass as Amended by Committee Amendment "B" (H-788) (5 members)

Report "C" - Ought to Pass as Amended by Committee Amendment "C" (H-789) (1 member)

Tabled - April 7, 2014, by Senator **CRAVEN** of Androscoggin

Pending - **ACCEPTANCE OF ANY REPORT**

(In House, April 3, 2014, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-787) READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-787).**)

(In Senate, April 7, 2014, Reports **READ.**)

Senator **CRAVEN** of Androscoggin moved the Senate **ACCEPT Report "A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-787)**, in concurrence.

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

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, this bill, in its original form, calls for the restriction of TANF benefits for certain items: tobacco, alcohol, lottery tickets, gambling, and bail. Recent EBT restrictions are just now going into effect. We passed a bill in the last session that would do that. New federal and state law already bans the use of EBT cards in liquor stores, casinos, and adult entertainment facilities. Implementation of these new restrictions is still underway. If the state does not properly implement these new restrictions we will be subject to federal penalties. The state should be focused on implementing these new EBT restrictions to comply with the law and avoid federal fines. Data does not support a widespread problem. The state should address fraud and misuse where it exists. Time and resources should be allocated proportionately, based on the extent and breadth of the problem. Evidence simply does not support claims of widespread fraud or misuse of EBT cards. DHHS data shows that only three-tenths of one percent of all EBT transactions were improper. Put another way, 99.7% of people are using their benefits as intended. We should learn from

the mistakes of other states. Massachusetts spent a lot of time and resources to impose EBT card restrictions more aggressively with minimal results. After expending a great amount of time and millions of dollars, Massachusetts narrowed potential offenders down to a list of six. Four of these cases have been dismissed. One remains pending and one case has been established, resulting in a claim by the state of \$7.17 for a pack of cigarettes purchased by the individual. Maine should not head down the same road.

The penalty is extreme. Someone could lose their income, support of their family, for a year because they purchased one lottery ticket or a pack of cigarettes. If someone made an improper purchase several times they would lose assistance for a lifetime. The biggest problem with tracking this kind of behavior is the ability, or the lack of ability, to track cash. I could get \$50 from my uncle and go out and buy a pack of cigarettes or a lottery ticket and be accused of spending my TANF dollars for those purchases. I think that that is just absolutely, in this United States of America, not the way to go.

This does nothing to address addiction. There is broad understanding that nicotine and alcohol are extremely addictive. People living in poverty are living under a tremendous amount of stress, yet this type of policy expects them to abstain from purchasing these items, even if they are addicted. Instead of penalizing people for their addictive behaviors we should be focusing on cessation rehabilitation and assist people in overcoming their addictions.

The Governor's proposal would implement these restrictions without a fiscal note, meaning that restrictions would be codified into statute. There would be serious penalties for infractions. The purchases for those items would not be electronically blocked at the point of sale. Enforcement would rely on retailer's understanding and policing of new laws and the people calling the fraud hotline to report any potential violation of the law. Vigilante oversight. People could still take cash out of their ATM to use for these purposes. This would result in an arbitrary and unreliable enforcement. This is an ineffective way to prohibit these types of purchases and will not eliminate the perceived problem. This will not lead to public approval of EBT card use. To the contrary, this will lead to heightened security, scrutiny, and disapproval. This will likely weaken public support for these vitally important programs.

While the original proposal seems reasonable because no one wants TANF dollars being used for these items, it is completely unenforceable. The department can make it clear how benefits are intended to be used through a strong letter to recipients as proposed in the Ought to Pass as Amended Report. Instead of Maine passing a new law to ban the use of EBT cards at certain locations, we should focus on the implementation and enforcement that impacts what this law puts in place.

Only a handful of states have implemented this kind of proposal and those that have are finding it costly and impossible to enforce. After expending a great amount of time and money, Massachusetts narrowed potential offenders down to a list of six. Four of these cases have been dismissed. One remains pending and the only one case that the offense has been established rendered \$7.17. Thank you, Mr. President.

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

Senator **HAMPER**: Thank you Mr. President. Ladies and gentlemen of the Senate, I'll call your attention to the calendar. It is a three-way Ought to Pass Report, a three-way bill here, and I will restrict my remarks to the motion at hand, which is Report "A". To me, Mr. President, it is a toothless tiger that we have in front of us. The amended version of the bill calls for tobacco specialty stores, prohibition of using your EBT card in a tobacco specialty store. Currently, under statute, unauthorized spending of benefits, you cannot do it in a retail establishment where 50% or more of gross sales is derived from the sale of liquor, but we do not restrict the purchase of liquor. You just can't do it there. Gaming facilities is also another one and also retail establishments that provides adult oriented entertainment in which performers disrobe or perform in an unclothed state of entertainment. To that list we are going to add a tobacco specialty store, but with Amendment "A" there is no restriction as far as purchasing of tobacco products, only in tobacco stores. If you remember from a bill that I had in here last year, there are about 60 tobacco specialty stores. How many other establishments sell tobacco? You could go ahead and buy tobacco because there is no prohibition.

Another portion of Amendment "A" is a data collection portion and instructing the department to collect as much data as possible on the use of Temporary Assistance for Needy Families program benefits to pay for tobacco products, liquor products, gaming, gambling activities, lottery, and bail, and so on. The problem is, yes, the department can track the location as to where the card has been used, but it cannot track, it doesn't have the capability to get down to exactly what was purchased. My goodness, I can go to a [Lewiston Sun Journal](#) article. I could send every one of you a link where you can look at your own town and see where the bulk of your EBT transactions have been made. That's already available to us. The department does not have the technology or the resources to get us down into point-of-sale exactly as to what products have been purchased.

Acceptance of Report "A", a toothless tiger, I'll say it again. Thank you, Mr. President.

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

Senator **LACHOWICZ**: Thank you Mr. President. Men and women of the Senate, what I'm going to say aloud is the phrase "tracking cash" because that's what this bill is basically about. This bill says that we don't want people who are on TANF to be able to buy cigarettes, alcohol, fake or otherwise, or use it for strip clubs or bail, which a lot of people would agree with. Heck, I think that's probably a poor use of your money, particularly when you don't have a lot. The only problem is: how do you track cash? How do you know, what's in your pocket, where it came from? I'm a welfare mom and I go into the store and I buy a six-pack of beer; how do you know where that money came from? The fact is you don't. It may have been my birthday. Someone may have given me that money. Someone may have owed me money and paid me back. That's what this comes down to. In fact, at the public hearing for this bill, the department acknowledged they had no way to track cash. The federal government, itself, has struggled with this problem. How do you track cash? By federal law, TANF is a cash benefit, and yet once it becomes cash and not on an EBT card, or as it used to be on a check, it becomes something that you have no control over. That's essentially the problem in this. You could spend money at a strict point-of-sale,

but then you'd still get back to the problem of cash. I've heard people say, "Well, maybe we shouldn't give people cash at all," and I'd say, "Well, what if you need to do your laundry at the laundromat because you don't make enough to have your own washer and dryer? What if your kid just wants to buy a book at the book sale at school like every other kid and they don't want to stand out like a poor kid? That's what we're talking about. People need access to cash, however much you may not like it. That's the facts. I'm kind of at my wit's end as far as how do you do that. How do you enforce this, something the department acknowledges itself that is essentially unenforceable? The federal government has said the same thing. I'm left with maybe this is something that isn't really based on the facts at all. Maybe it's based on just what makes people feel good. The fact of the matter is you can't track cash. You can't enforce something that the department has said is unenforceable. I would encourage people to accept the Majority Report. Thank you very much.

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

Senator **KATZ**: Thank you Mr. President. Men and women of the Senate, I rise in opposition to the pending motion. Sometimes I think the public must wonder what we do in this building. I think, if this amendment should pass, this would be one of those times. TANF, Temporary Assistance to Needy Families, I think we can all agree that that money is intended for rent, clothing, heating, food, and other legitimate necessities of life that people are legitimately struggling to meet. I think we can also agree that that money should not be used for tobacco, alcohol, chips at a casino, buying a lottery ticket, or posting bail. If we don't want people to use that money, that taxpayer money, for those things then let's say so and let's say it is a violation of TANF rules in the state of Maine to spend money on those things. Do people agree with that concept? If they do I respectfully suggest they should vote against the pending amendment. Yes, there are enforcement problems. I think we can agree that most people who may violate this with cash won't get caught, but there is nothing wrong with stating the intention of the program and saying, "You shall not use this money for things which don't benefit you and your children." It's a little bit like the speeding laws. Speeding laws are there not because we expect to catch all speeders or most speeders or even a high percentage of speeders. It's there for a deterrent, to say to us, "You know what? You shouldn't be doing this and if you do get caught there will be significant consequences." To me, this is a simple statement of good intention. We're not talking about discretionary money here. We're talking about taxpayer money and an insistence that that taxpayer money be spent for the necessities of life and not things like tobacco and alcohol. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscooggin, Senator Craven to Accept Report "A", Ought to Pass as Amended by Committee Amendment "A" (H-787), 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 (#553)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** Report "A", **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-787)**, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-787) **READ**.

On motion by Senator **PATRICK** of Oxford, Senate Amendment "A" (S-505) to Committee Amendment "A" (H-787) **READ**.

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

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I decided to put this amendment in on behalf of my constituents who said that we probably didn't quite go far enough. We didn't do enough. Do I 100% have in my heart to go further than what we did? I don't think so, but those people that are out there, many of the people that I was talking to out there, says we've got to do a little bit more than what this Committee Amendment did. I'm in the firm belief that this amendment doesn't go too far, as I think it's Amendment "B" or "C" goes, but this is actually showing that we have heard and we are willing to go a little bit further, that we hear the people and that we understand and that I'm willing to take that extra step. I also understand that for those that need our help we're not going to kick them through the goal post of life because we are a compassionate people here in Maine and that we must continue to look at ways and find ways where we can make changes but not go too far too fast. I think, realistically, if we go too far too fast, we'll never be able to come back because I don't want to throw the baby out with the bath water. I want to make sure that we do the right thing at the right time and I think this amendment actually is the right thing at the right time without going too far. Thank you, Mr. President.

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

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, I do appreciate my colleague from

Oxford going a little bit further. I appreciate the fact that we do have tobacco products, a prohibition on tobacco products, liquor, imitation liquor, gambling activities, lotteries, and bail. The problem lies in the next section of the amendment, 11B. That is where the first offense comes in. When one is going through the TANF orientation, there is a form that gets filled out and it's for TANF or PAS, which is Parents as Scholars, and this form is also used for MaineCare applications. Two pages and both of them are printed on both sides. There is a yellow copy and a white copy. On the back of what would be the last page having to do with sanctions, I'll read it. "When an individual on purpose breaks the rules listed below," which I'll go down to the rules since that's in question right now, "breaks the rules listed below." The rules, and this is in bold and it's bordered and it's brought about to call attention to it. "The rules; do not lie or hide anything to get or continue to get benefits. Do not trade or sell your FSP," which is Food Supplement Program, food stamps, "Do not use someone else's food stamps. Do not use food stamps benefits to buy ineligible items such as alcoholic drinks and tobacco." Okay, go back to the first line. "When an individual on purpose breaks the rules listed below they will be disqualified from TANF, Parents as Scholars, and Food Supplement Program this way: one year for the first offense, two years for the second offense, and permanently for the third offense." Two years for the first offense and permanently for the second offense for trading your benefits for drugs. Two years for drugs. Forever for a conviction of trafficking your benefits of \$500 or more. Forever for the first offense of trading your benefits for firearms, ammunition, and explosives. Ten years for finding a fraudulent representation of your identity to receive additional benefits. I'm going to be throwing in a different of enforcement by this. We'll have two different levels of offenses within the program.

Secondly, in the amendment, in section 5, the Department of Health and Human Services shall develop an educational program for recipients of benefits under TANF and telling recipients what they can and cannot do. I have in my hand What is TANF? Temporary Assistance for Needy Families. It's provided by the Office of Family Independence. It is something for anybody that is applying for TANF, goes to the TANF orientation, which I did last fall, sat through an orientation plus an application process. In that, on page 6, "TANF should be used to pay a reasonable amount of basic living expenses." This is part of their education. Basic living expenses like shelter, utilities, transportation, clothing, personal hygiene, household maintenance, employment or school related items, or other necessary essential items. Continuing the education, "State law prohibits the use of your EBT card in any cash transaction in a retail store where 50% or more," this is the liquor, the gaming, and the adult entertainment. Last page, "Your EBT card or cash assistance benefits shall not be used to purchase lottery tickets, gamble, alcohol, cigarettes, tobacco." Shall not, different from state prohibiting. At any rate, when you go through the application process, you go through the orientation, the department goes through this with you. Also, at that time of application and through the orientation process, you wind up with a family contract. The family contract, in that process, you get educated as to where your benefits are or are not to be used. That is signed. You're acknowledging the fact that you've gone through that and on an annual basis you are educated. Every year you get the education portion again. Do I think the department has an education program already established? Yes,

I do. Section 5, unnecessary. Already doing it. That seems to be a theme of what I say today.

Also section 6 of the amendment, collect information on the cost and impact of implementing and enforcing the prohibition set forth. Almost seems like closing the barn door after the horse is out.

I appreciate my colleague from Oxford putting in the prohibitions, but I just simply cannot support an amendment like this where I've got a second degree of enforcement, penalties, and sanctions. Thank you, Mr. President.

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I also appreciate my seatmate's efforts to curtail any kind of misuse of public dollars that could possibly happen and I support that, as we all support that, but I will say that messaging by some in this society has vilified the poor. They've gone beyond the pale and this bill assumes that all poor people are criminals. There is a war on the poor in this country and on kids. Every kid in this country, there is one in every five children in this country that live in poverty. TANF is a child-focused benefit. You can't have TANF unless you have children. I just wanted to say that on record. 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, to try to make sure that taxpayer funded dollars are used for the very appropriate purposes for which they are intended cannot be a war on the poor. In fact, quite the opposite because to the extent that these benefits are misused, and the public confidence is lost in the programs, the ultimate victims of that are the poor. I appreciate the efforts of the good Senator from Oxford to try to amend this bill and find things with which I can agree, but the problem is, as the good Senator from Oxford said, Senator Hamper, with the penalty provisions. These violations, by the way, do not make criminals out of anyone. There is no criminal penalties associated with any of this, but the current law says that an intentional knowing violation of the TANF rules results in someone losing their adult benefits, not the kid's benefits, only the adult benefits, for a year. Second offense, two years. Third offense permanent. It's not a crime. By the way, that isn't made by some bureaucrat who has unfettered discretion. That decision is subject to incredible rights of due process. Someone doesn't like the decision, they have a hearing. They don't like the results of the hearing, they can appeal to the commission. They don't like the results of the commissioner's decision, they can appeal to the Superior Court. They don't like that, they can appeal to the Law Court. There are all sorts of protections built in to make sure that only those people who are really, truly knowingly violating the law will suffer the consequences. Dumbing down the penalties, which I think this does, I don't think sends a great message, given all the due process rights which are available. To say that the penalty for knowingly violating the law is to be told "Don't do it," which is essentially what this amendment provides, really isn't a penalty at all. I would respectfully suggest that, despite the good efforts from the Senator from Oxford, that the amendment is almost in conflict with the title of the bill. The bill is "An Act to Increase Integrity in the TANF Program." I think that if we reduce

penalties to the point where they don't mean anything we are decreasing the integrity of the TANF program. Thank you, Mr. President.

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

Senator **JOHNSON:** Thank you Mr. President. I want to talk for a moment about what the families are like that are receiving this benefit and then I want to respond to a few things that have been said here. It's already been stated that this is a benefit to help children. In fact, this is really only going to be provided to families who have children and those children have lost the support of one or more of the parents due to circumstances, whether it's disability, it's a broken home, and, for a quarter of the people involved in this, escaping domestic violence. These are young kids. They are very dependent on the parent's benefit, not just the children's part of the benefit because they have to have a roof over their heads, they have to have a parent that help them go get the groceries, can get to their job because many of the people in this program are also working, but they are the working poor and the average was for working respondents was \$8.36 in a survey in 2010. Kind of hard to raise a couple of kids on that sort of pay. In fact, my wife and I are trying hard to fill in on some of the daycare and other things to help one of our daughters, both parents working, to make ends meet with one child. That's why I think that what was referred to as dumbing down does make this an attack on poor children and families because the real intent of this program, as was suggested, is to help the children and misuse of funds is a problem that needs to be corrected, but if the way you correct it is by taking away the benefit entirely you're not using it for what it was intended. You're punishing the children for the failings of the parent. That doesn't make the program more effective. That doesn't deal with the integrity of a program meant to help young children and their families get by. Frankly, I think if first offense is a warning and education, to me, that education means you sit down with them and you go through what they stand to lose, what their budget looks like, what they shouldn't be spending it on that they were already told about, why that's so important, and what's at stake. If you're willing to consider the integrity of the program being maintained by simply cutting off people because their parents suffer with the same difficulties many of you do, stopping their smoking habit, their addiction to nicotine, that's all it would take. It doesn't help those kids get by. In fact, it means that we're going to have more trouble with the homeless family, with the family that has far less than what they need to be prepared for school, to do well in education, to get out and have a decent future, and provide for their family. If you're worried about breaking the cycle for that .3% of people that are trying to use the system inappropriately you fix it by teaching them better. You put them on the right track. If you're worried about the integrity of this program you won't think that a first offense, taking them off for a year, and that loss of income for that parent is going to do that child any good because, frankly, it's not. A parent's that without that benefit for that year, well I don't know what you're expecting to teach them about using public funds better but I can tell you that they're going to be relying on every other form of support just trying to keep a roof over their heads. This is a matter of a war on the poor because there are lots of other people who break rules too. If you're at the high end of income in this country you don't suffer the sorts of consequences. I still remember the day in the previous session when we passed

a law to make it not illegal for somebody to withdraw from Tree Growth Protection, property that was fraudulently placed in that. While we're talking about prohibited uses it might be a good idea that you have some compassion for the poor people, for the young kids. The average age of the kids in these families is 2 years old. They are not going to go out and look out for themselves. They've not going to go find work, not at 2 years old. You might think about how to get those parents who aren't perfect, none of us are, on the right path again instead. Thank you.

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today in opposition to the pending motion. I do so listening to the many comments that were made here on both sides. I respect the intentions of those who have brought this measure forward and believe that many of the people who have spoken, Mr. President, truly believe in the things that they have espoused here. There have been a lot of noble comments about what this program does, but there are some fundamentals we forget. One of those, Mr. President, is that if we encourage certain habits they will continue and grow. I can remember as a young man out of high school and college working in a grocery store where people were continually frustrated when coming home after work, and trying to take home a meal for their families, they stood in line behind people who many times had better quality groceries in their cart, had items that they couldn't afford to take home to their families, and used government funded benefits to pay for those and then took them out, many times, and placed them in vehicles better than the individuals who were working. I think what we're talking about here is finally recognizing that many people who use these benefits are appreciative and try very hard to stretch that money for their families, but it's become clear in our culture that there are other people who don't have that same respect. The benefits that they are provided from the hard paying taxpayers end up in some very unfortunate places. In the first three months of this over 90 of these EBT cards were confiscated at the Androscoggin County Jail. Consistently we hear from law enforcement. I was at an event this weekend and spoke to members of law enforcement who, because of the nature of this being in the news, expressed their frustration in going into situations where they are making arrests and finding EBT cards in multiple quantities there.

The benefits we are talking about are not meant to be taken away from children. Yes, there will be children that may suffer because of the consequences of people who misuse some of those benefits, but, as I understand this legislation in its original form, it would penalize the adult who had broken the law. The portion that went to the other family members would not have been denied. What we're talking about, really, in this amendment, while well-intentioned and I have respect for my colleague from Oxford who brings this forward, I have appreciated his passion for many issues, but what we're talking about is a letter, Mr. President. Instead of a consequence we're talking about once again giving a piece of paper to someone who has indicated a willingness to avoid the signed contract that they made in getting these benefits. There are more consequences in their life if they are late getting a movie back or they decide to cancel their cell phone or their cable bill, many of which are paid for with our tax dollars, in some cases inappropriately. The point,

Mr. President, is if we are going to encourage people who are now becoming more comfortable on government assistance, this again is not the vast majority of these people, but if we're going to send a message that the people who deserve this should be protected, the safety net needs to be kept strong, than we need to be more consistent in our policies and not continue to just paper over the problems. Thank you, Mr. President.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I rise once again just to talk about why this issue is important to me. I look at it from the stand point of the public perception versus reality. It brings me back, when I listen to a lot of people out in the general public, there was a movie Network News and the punchline was, "I'm mad as heck and I'm not going to take it anymore." I think through the economy that we have going here in America and the downward mobilization of the American economy where I, who work in a paper mill, have good wages but my wages have been going down for the last ten years, understand that my dollar doesn't go any further, so those that are less fortunate than I, that may make \$10, \$12, \$15 an hour, they're taking it on the chin even worse than I am. I always bring up the book, Take the Rich Off Welfare. Why? Because what are talking here with these benefits and these welfare bills that are coming forward, we're looking at, lately, the state has 37 individuals that were sentenced to jail for up to a year and returned \$489,000. That's a good thing. They went after fraud. I actually supported the bill that cost the taxpayers, I think, around \$800,000 or \$850,000 to put eight more fraud investigators out on the streets to go after these people. Than you take a look at the state has prosecuted 48 corporations and recovered \$55 million. The perception of the general public is, because we see people at the grocery stores and we see people at the Mom and Pop stores, but I don't think in reality that if those that are working, we're in their shoes, would they pass judgment the way we tend to do. I don't think so because my wife asked me just last night, "John, you've never complained about paying taxes. You've never complained about people on welfare." It's because my Christian ability tells me that I'm not going to be judgmental. That doesn't mean that I have to cast a blind eye, but I've got to take a look at the circumstances and say, "What is the general good?" This amendment here does a little bit more and it does err on the education factor because I'm a firm believer that we want to change those behaviors if, in fact, those behaviors are happening. It doesn't seem like out of a 130,000 people in the state of Maine that are getting benefits that 37 of them were charged and paid the penalty. Then again 48 corporations paying \$55 million. Maybe I'm all wet, ladies and gentlemen, but I want to make sure that I say to those people that asks if am I willing to listen that I'm willing to listen but I also have told them, with a compassionate heart, I'm not going to go and put a hammer on something that I don't really think needs it; but can we change the perception? We've changed the perception to Maine Open for Business, to the worst job creation in the state of Maine. Are we going to do the same thing where all we're going to do is talk about the negative aspects of welfare when, in fact, the statistics show that it's not the small dollar individuals, it's actually the big corporations that are pillaging our welfare system? I will err on the side of the small, Mr. President. Thank you.

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

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, I believe that every person in this Chamber wants to make sure that we have a welfare program to take care of Maine's most needy, but by defrauding the system that puts all of those who need the system in jeopardy. Ladies and gentlemen, folks back home realize it's time for comprehensive welfare reform. We know it. We've been to the coffee shops. We've been to the restaurants. To a person, people recognize it's time for this Body to take action and to do something. By putting in penalties that are weaker than what is currently in rule, putting that into statute, weaker penalties, is an absolute affront to the hard working Mainers that are caught paying the bill. We ought to be ashamed of ourselves for taking such action. The folks back home are demanding more than this. They should anticipate that we'd be looking out for their best interests. The taxpayer is on the hook and they expect action. Thank you, Mr. President.

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

Senator **LACHOWICZ:** Thank you Mr. President. I just wanted to point out to people that, yes, the TANF benefit often is split up for both parents and children. Actually it's split up, whoever is the custodial parent, the custodial caregiver, gets a portion of that. There are some grandparents who have custody of their children. I actually work with one. She doesn't get the TANF benefit, but the child does. What if she gets caught buying beer or a pack of cigarettes? She's actually not the one getting the benefit. The child is. I think there's lots of things to be worked out with this and when I spoke earlier about the administration of programs these are the things I'm talking about. They are kind of sticky details. It kind of sometimes may seem like you're getting into the weeds, but that's how you administer healthcare and social programs. You have to consider things like this. Thank you very much.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, there have been some interesting arguments that I've heard this afternoon. Some make sense and some of them don't make any sense at all to me. I think some of the sensational things that I've heard said here this afternoon are nothing more than an attempt to pull at people's heartstrings and maybe paint this picture the wrong way. I think it's a very simple set of circumstances that we have in front of us, Mr. President. I guess I'd like somebody to explain how a parent going out and buying tobacco, buying liquor, buying cigarettes, gambling, buying lottery tickets, and, yes, even paying the bail is going to help some child. Somebody has to explain that to me, Mr. President, because it doesn't make sense. You can use anecdotal all you want to talk about that individual case where somebody made a mistake and went and did something they weren't supposed to, but we know, and we heard from the good Senator from Oxford, Senator Hamper, they already know the rules. I would submit to you they know the rules much better than any of us in this

Chamber. Sending a letter is not going to make one bit of difference to those that are out to beat the system. Those that are trying to do it right and try to provide for their families, which is what we're all here to protect, know the rules and they'll follow the rules. It's the ones that aren't following the rules we should be concerned about. If we don't take this seriously there isn't going to be enough money to go around. Thank you.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, taken into account the last bill, there does seem to be a war on the poor because that certainly was going to look at fraud in all its forms and some people didn't think that that was appropriate, but I do think that in this Body and in this Legislature there are some people that, unless you're willing to put a scarlet letter "W" on them so that every time they come into the store people can look at them and say, "Look, there's a welfare person, let's make sure that we watch them, make sure that they don't do anything wrong." There seems to be certainly a lot of people that are willing to do that. You know the thing is, it's funny, the indignation that you hear in here about the people that are on General Assistance and welfare doesn't seem to see that same indignation for corporate welfare. I mean, as Senator Johnson brought up, we've talked about Tree Growth in this Body. We won't put any restrictions on that. We've talked about call centers just this morning, not putting any restrictions on people taking our hard earned tax dollars, which is much more. Last week we had a bill that went after people off-shoring money out of Maine.

Senator **CUSHING:** Point of Order.

THE PRESIDENT: The Chair would ask what the question the Senator has.

Senator **CUSHING:** Thank you Mr. President. Are we remaining on the topic before us?

THE PRESIDENT: The Chair would advise the entire Body that the bill in front of us is L.D. 1822 and we are talking about Senate Amendment "A". The Senator may proceed.

Senator **JACKSON:** Thank you Mr. President. That makes my point right there. Some people don't want welfare, all welfare in particular. They just want to talk about the types. We're talking about welfare.

Senator **CUSHING:** Point of Order.

THE PRESIDENT: The Chair would ask why the Senator from Penobscot rises?

Senator **CUSHING:** Thank you Mr. President. The motives of a member of this Body are being questioned.

THE PRESIDENT: The Chair would advise that the Senator from Aroostook, Senator Jackson, is talking about welfare. The amendment in front of us is talking about welfare. The Senator may proceed.

Senate at Ease.

Senate called to order by the President.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I guess to make a long story short, because I don't want to upset anyone, today Senate Democrats, just like they've done with corporate welfare, have put forward something to make it illegal for anyone to abuse the system. I am shocked that some people will say, "Well, your penalties aren't enough," because, as they are now, there's nothing as a penalty. Today we are not ashamed to put forward an amendment from the Senator from Oxford that makes what you are talking about illegal and that's where we are again, just like we have done consistently with corporate welfare, which is worse, much worse, in this state.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen, I want to respond to a few things that have been said. First of all, this is not a bill, this amendment is not one which would encourage poor use of public assistance dollars. If that's what we were doing with this amendment we would be saying first offense give them a warning, second offense give them a warning, third offense give them a warning, or we would be saying what the law does now, which has no consequence. What this is saying, however, and I go back to my earlier point, is that while you want your public assistance dollars to be used wisely and you want them to be used to help children meet their needs, it shouldn't be a case where the first response to somebody being human, being imperfect, in how they're making those decisions, that small number of people, .3% of the people who get this benefit, making a bad decision, the first thing you do is cut off their benefits. I know that some people have said, "Well, that's only the parent's benefit." Who do you think puts the roof over the head of the children? This is not a matter of small consequence. When you get stopped for speeding frequently the first response is to encourage you back on the right path, you get a warning from an officer or you get a small fine. The first thing that they do is not take your license away, unless it's an awfully serious offense. It wouldn't be just a simple case of speeding. We're not talking about people here who are going out and fraudulently applying for this benefit; not people who are hiding their income in order to qualify or something of that sort. We're talking here about people simply making poor decisions on what they're spending the public assistance dollars on that don't, as we would want, benefit the children the way they should. It shouldn't happen. We need to do something about it, but if you actually care about whether you're doing the child good you don't fix it by just taking that good entirely away. You encourage with progressive consequences, starting with not just a letter, as has been said, but a warning that includes an explanation, both orally and in writing, of the purposes of the TANF program and a clear

delineation of those items which TANF benefits may not be expended. That's what it says in the amendment. That's more than a letter. The penalties go on from there. This is not a case of ignoring, condoning, or allowing those inappropriate uses. As someone who cares about how we treat people and whether we live up to the Christian ideals that we espouse, one that doesn't cast out the children from having a place to live because you cut the benefits to the parent that was covering the rent. It works to bring the parent back on the right path instead. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Patrick to Adopt Senate Amendment "A" (S-505) to Committee Amendment "A" (H-787). 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 (#554)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **PATRICK** of Oxford to **ADOPT** Senate Amendment "A" (S-505) to Committee Amendment "A" (H-787), **PREVAILED**.

Committee Amendment "A" (H-787) as Amended by Senate Amendment "A" (S-505) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-787) AS AMENDED BY SENATE AMENDMENT "A" (S-505)** thereto, in **NON-CONCURRENCE**.

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-792)** (8 members)

**Minority - Ought To Pass as Amended by Committee
Amendment "B" (H-793) (5 members)**

Tabled - April 7, 2014, by Senator **CRAVEN** of Androscoggin

Pending - motion by same Senator to **ACCEPT** the Majority
**OUGHT TO PASS AS AMENDED BY COMMITTEE
AMENDMENT "A" (H-792)** Report, in concurrence

(In House, April 3, 2014, the Majority **OUGHT TO PASS AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-792)** Report
READ and **ACCEPTED** and the Bill **PASSED TO BE
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT
"A" (H-792).**)

(In Senate, April 7, 2014, Reports **READ.**)

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

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of
the Senate, this bill prohibits the use of EBT cards outside the
state of Maine. The Majority Report amends the bill into a
Resolve for the department to study out-of-state EBT use and
report back to the Legislature. I think that the drafters of this bill
used numbers that include SNAP and EBT transactions out-of-
state that greatly increases the number of transactions. There
are 130,000 households enrolled in SNAP while only 7,500
families receive TANF in the state of Maine. There are also
transactions from the state SSI supplemental program, providing
a \$10 monthly payment on the EBT card to approximately 36,000
elderly and disabled Maine people. Neither SNAP nor the state
SSI supplemental program is the target of L.D. 1820. The federal
law explicitly requires that people be able to use their SNAP
benefits wherever they are in this country. When you look at
TANF EBT data, the only data the Administration has chosen not
to use, you get a very different picture. The Governor's press
release alleged that there 1,857 EBT transactions in 2013 in
Hawaii, St. John, and the U.S. Virgin Islands and Puerto Rico. In
fact, in 2013 there were zero TANF transactions in Hawaii, zero in
the Virgin Islands, and one transaction in Puerto Rico. The
Governor also asserts that there were 16,000 transactions in
California. In fact, there were 30 in 2013. In addition the
Governor claims that there were 28,000 transactions in Florida in
2013. In fact, there were 318 TANF transactions in 2013. The
vast majority of EBT card use is in Maine and New England. The
vast majority, 98%, of the EBT TANF transactions are made in
Maine. Other New England states account for 1.5% of all
transactions. Only half of one percent of transactions takes place
in all of the other states combined. Public policy should be based
on the facts, not antidotes. It is true that over a three year period
one TANF EBT transaction did take place in the Virgin Islands. It
isn't clear why that individual was in the Virgin Islands or what she
was withdrawing the money to buy. Regardless, it makes little
sense to shape policy that would impact thousands of vulnerable
families on a very limited number of questionable occurrences.
L.D. 1820 is unconstitutional. The Attorney General's Office

indicated that blocking out-of-state EBT transactions raises
constitutional concerns. It is designed to deter constitutionality
protected interstate travel by preventing or forbidding transactions
outside the state of Maine. The Constitution also protects the
right to travel, the right to enter or leave another state without
being subject to state-imposed burdens. State restrictions on out-
of-state access to cash assistance are inconsistent with that right.

This bill is unnecessary. Proponents of L.D. 1820 have
stated that this measure would stop non-residents of Maine from
using their EBT cards outside of Maine for long periods of time.
It's already the law that you must be a Maine resident to receive
TANF. DHHS staff acknowledges that they already have the
authority needed under current law to go after non-residents who
are using EBT cards illegally in other states. The Attorney
General has indicated that no such cases have been referred to
her for prosecution. There are many reasons people legitimately
need to use their EBT cards out-of-state. There is no evidence
that TANF participants' out-of-state expenditures are frivolous.
Families receiving TANF may travel outside their home state to
care for a relative, to visit family, to look for a job, to attend a
funeral, to escape domestic violence, or to attend many other
needs that their family may have. Families that live near the
border may also cross state lines into New Hampshire to work,
shop, or go to school. It makes little sense to prohibit families
from doing this, but it is what L.D. 1820 would accomplish.

This bill puts forward a proposal to address the issues of
fraud in our public programs, both provider and recipient fraud, in
a manner that is data driven and is evidence based. It requires
the department to present the AFA and HHS Committees with
comprehensive information on investigations, sanctions, over-
payment recoveries, system issues, vendor activities, and
proposed policy changes. This would allow the Legislature to
make fact based decisions on how to support program integrity
and anti-fraud activity and move us beyond antidotes and
stereotypes. Thank you, Mr. President.

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

Senator **HAMPER:** Thank you Mr. President. Ladies and
gentlemen of the Senate, I would like to agree with my colleague,
the Senator from Androscoggin, Senator Craven. I agree. This
bill is unnecessary in its form in front of us, which is Committee
Amendment "A". I will restrict my remarks to that which is in front
of us. Here again, I think this is the third or fourth bill, more data
collection. I was looking at my report from this and I don't see a
fiscal note involved and it seems to me that when the fraud
department was in front of the committee during the public
hearing on this bill it said it was going to need an extra body in the
department and it is going to need tens of thousands of dollars'
worth of computer equipment to implement this. I don't see
anywhere that we've got any money attached to this. Here's
another one that I guess just isn't going to happen. May I finish
with a question, Mr. President? Are we not, as a matter of
decorum, supposed to refer to the Chief Executive as the Chief
Executive? Thank you, Mr. President.

THE PRESIDENT: The Senator from Oxford, Senator Hamper
poses a question through the Chair to anyone who may wish to
answer. The Chair recognizes the Senator from Lincoln, Senator
Johnson.

Senator **JOHNSON**: Thank you Mr. President. I believe the answer is yes. We are supposed to, as a matter of decorum, address the Chief Executive as the Chief Executive and address members of the Senate as members of the Senate, not the House, and various other forms that, from time to time, we do slip on.

I'd also like to point out that, regarding the matter of cost of implementation of this, that this Legislature gave the Chief Executive and his Administration \$700,000 per year in additional funding for anti-fraud investigators to fight fraud. I would hope that putting together a bit of reporting based on information that should be passing through the department's computer systems would be within their abilities. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Craven to Accept the Majority Ought to Pass as Amended by Committee Amendment "A"(H-792) 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 (#555)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-792)** Report, in concurrence, **PREVAILED**.

READ ONCE.
Committee Amendment "A" (H-792) **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 Today Assigned matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Laws Governing the Temporary Assistance for Needy Families Program"

H.P. 1324 L.D. 1842

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-790)** (5 members)

Tabled - April 7, 2014, by Senator **HASKELL** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 3, 2014, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 7, 2014, Reports **READ**.)

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

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

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

Senator **CRAVEN**: Thank you Mr. President. Men and women of the Senate, now I'll apologize for my indiscretion last time and I know you're all delighted to see me standing yet again. L.D. 1815, An Act to Require a Work Search for Job Ready Applicants for Benefits Under...

THE PRESIDENT: The Chair would ask the Senator to defer. We are currently on L.D. 1842, item 5-6 on your printed calendar. The Chair recognizes the Senator from Androscoggin, Senator Craven.

Senator **CRAVEN**: Thank you Mr. President. Men and women of the Senate, everybody needed a little giggle because we're getting tense here. L.D. 1842 proposes to eliminate the successful Parents as Scholars Program that has increased employment, wages, job related benefits, and improved family stability for thousands of Maine women raising children on their own since 1997. L.D. 1842 also proposes to eliminate Good Cause that excuses some parents from TANF work requirements while they're disabled, caring for an ill child, a disabled child, experienced the impact of domestic violence, or similar family crises. Without this protection families and their children will lose all assistance until they are able to participate. The Chief Executive says he must do this to meet the federal TANF participation rate or face millions of dollars in fines and penalties. He claims that right now Maine must pay \$13 million for failure to meet the TANF rate since 2007. This is not the whole story. In fact, it is far from the truth. Maine is already meeting the TANF all families participation rate. Maine is not meeting the two parent family participation rate, which is a much smaller financial consequence as these families represent only 10% of all TANF cases. We could meet this rate now if DHHS adopts strategies used by other states that are very successful and meet their rate at no additional cost. As a matter of fact, DHHS has recently hired a contractor to help them adopt this strategy here in Maine, although we were not told that in our committee. Maine has not yet had to pay a penny in TANF participation rate penalties to the federal government. Maine has filed corrective compliance plans

to avoid penalties for all prior years. These plans are largely based on assurance that we will meet the participation rate in the future, as we are now with the all families rate and as we have the opportunity to reach soon the two family rate. If we do we will avoid or substantially reduce any penalties. Maine's Good Cause Exemptions are completely in line with Good Cause provisions in other states. In fact, there are a number of Good Cause Exemptions offered in other states that we do not offer in Maine.

The nationally renowned Parents as Scholars Program support recipients to secure jobs with higher wages and better benefits. The program improves family stability and often benefits forever. The program has received a number of national awards and was championed by Senator Olympia Snowe in the U.S. Senate. Good Cause Exemptions and the Parents as Scholars Program were passed with bi-partisan support during Maine's welfare reform efforts in 1996. DHHS says that they must eliminate these programs to meet the federal TANF participation rate or face millions of dollars in fines. This is not true. We are in the process of a corrective compliance and the truth is that Maine is already meeting the TANF all families rate. We've been able to avoid penalties in prior years with our corrective compliance plans and are now meeting the all families rate. Maine has never paid one penny in fines. Thank you, Mr. President.

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

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, the Ought to Pass Report on this bill does not eliminate the Parents as Scholars Program. It eliminates the 24 months portion of it, in that the federal government allows us for 12 and the state of Maine expanded that a few years ago to 24. We're being fined \$13 million. As far as the Good Cause provisions, we'll just simply revert back to the federal standards. You want to keep going and paying fines than let's do it. Thank you, Mr. President.

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

Senator **VITELLI:** Thank you Mr. President. Men and women of the Senate, I would like to just add my voice to this issue of not eliminating the opportunity for single parents to go to school through the Parents as Scholars Program and to not removing the Good Cause, I believe, are unnecessarily harmful and unnecessary in other ways. First of all, you've heard some of what I have to say so I won't repeat my good Senator from Androscoggin and some of the details, but I believe that eliminating Good Cause would put Maine in a very small minority of states and would, indeed, serve to add burdens to parents and their children that are already facing the stresses of poverty. Most of us, I would say, in this room have various safety nets or cushions, networks. We have Plan B in case life happens, whether it's our furnace that goes on the fritz or our car breaks down or our aging mother falls on the floor. Things happen and we manage to cope. People who are on TANF are already dealing with situations that have put them in stress and don't have these kinds of safety nets, if you will, or cushions. Getting rid of the Good Cause is problematic in their lives and I think we ought not to do that. I would also say that my organization has worked successfully with the Department of Human Services for 15 years in helping TANF recipients start businesses and holding their feet

to the fire, if you will. I think it is important that we help people be accountable and help them play by the rules. I think the Good Cause is one of the tools that we can use to do that and it needs to stay.

I also think that the Parents as Scholars Program is a proven strategy to help single parents get the education that they need to qualify for good paying jobs and improve their economic standing. The program has been looked at by researchers in the state and documented that it's effective in improving the lives of low income families. As you heard, it was championed by our very own Senator Olympia Snowe, who clearly saw the benefits of encouraging low income single parents to get an education. For one thing, I have seen that it does, indeed, offer hope to these individuals that they can have a better future. It tells TANF recipients that some of us believe that they have the potential to succeed and to take care of their families and earn a good living. I would also point out in a recent report called Keeping Maine Competitive we were reminded that while only 37% of working age adults in Maine have an associate's degree or higher the jobs that require a post-secondary education will continue to grow faster than other jobs. The Work Force Committee, on which I am pleased to now serve, has heard a lot about the so-called stranded investment, that over 200,000 Mainers lack a college degree. Another report, The Making Maine Work Report, issued last fall called Growing Maine's Workforce again reminded us that if we are to grow our economy and incomes we need more people in the workforce and they pointed out that there is a clear link between the size of our workforce and the skills and the education levels of that workforce. The message of both of those reports, and others, is that we cannot afford to waste the potential of any of our workers, even as we have to work to attract more workers to our state. Maine needs an educated workforce. Low income parents need a pathway out of poverty. Education is one of the best ways we know to do that. I urge you not to support this bill. Thank you.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I rise in opposition to the pending motion for a couple of reasons. First of all, with respect to the issue of the penalties that the state of Maine faces, the fact is that we are seriously out of compliance with federal regulations. I don't think we can take that lightly. I agree with my colleagues, it does apply to the two parent families where we are expected to have a 90% participation rate in either work or training programs. As of not too long ago we had a 10% participation rate. We are way, way out of whack. Unless we change that not only will we face having to pay the past penalties but also the future ones. It is at least the opinion of those with whom I've spoken in the department that, although we may be able to get some relief from some of that \$13 million we are facing, there are two things we need to keep in mind. One is that we're still going to be liable for some of it, it's just we haven't got the bill yet. Secondly, unless we change that percentage, unless we get close to the 90% compliance rate that the federal government intends, we're just going to be facing penalties into the future, year after year after year. One of the reasons that we're told that we're so far out of whack, we're supposed to be at 90 and we're down to 13 or 15 or whatever it is, is that fact that not enough people are participating in either training programs or work. The part of the problem is the large of number of

exemptions for Cause that we have put into our law. Certainly an unintended consequence of those changes we made a few years ago but are of consequence none the less. I would reaffirm what my good colleague from Oxford, Senator Hamper, said. By removing these provisions we are not eliminating Good Cause reasons from not participating in work or training because they will still be left with a myriad of federal exemptions which are available and will continue to be available. If you are disabled there's an exemption. If you are victim of domestic violence, there's an exemption. If you have children under one there's an exemption. If you are a single parent with children under 6 there is an exemption. Those will remain in effect, but unless we take this action that this bill calls for we are just buying ourselves more and more federal penalties and this bill, I think, is a good faith effort to take those penalties seriously and make sure we can avoid them in the future. Thank you, Mr. President.

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

Senator **LACHOWICZ:** Thank you Mr. President. Men and women of the Senate, I want to talk to you a little bit about the Parents as Scholar Program because I've worked with a lot of women who have gone through it. Primarily women because it's the majority of people who receive TANF benefits and go through the Parents as Scholar Program are single moms. I worked with one who was the only woman who was in the electrical lineman program at Kennebec Valley Community College, which was certainly impressive. She went through a lot of hassle from the men in the program about that, but she got a good paying job. I know a woman in Benton who's going to get the occupational therapy degree they have there. I know people that have gone for the massage therapy degree there. People have gone to UMA. People have gone to the University of Maine in Orono all because they want to have a better life for their children. The reality is that if you're going to put 5 year lifetime limits on TANF, which was actually passed during the Clinton administration in 1996, than you have to give people an opportunity to get a decent paying job. People can get out of poverty if they have something more than a low wage, low skilled job. People get that through education. That's why this is a national model. For the life of me, I can't understand why we would want to get rid of it or decrease its effectiveness in any way because that's what we're talking about. If you want people to never have to hit the 60 month limit, then they have to have a job, that isn't the one to be the first to be laid off during an economic downturn, because that is the reality for folks who have low wage, low skilled jobs. They are the first ones to lose their jobs when the economy goes south. Their kids are the ones that suffer. If we happen to have a really bad stretch in the economy, like we've had, they may hit that 60 month limit. They need an education so they can get a job that isn't as susceptible to the whims of the economy. Thank you very much.

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

Senator **MILLETT:** Thank you Mr. President. Men and women of the Senate, I'm just rising because when I was preparing for the discussion today I was reviewing the documents prepared by the Revisor's Office. I noticed, with great puzzlement, in the summary that this bill eliminates the Parents as Scholars Program. Given the amount of attention that we have been giving

to the importance of higher education in the state of Maine and to its economic future, I really struggled to understand why this would be proposed to this Body. I'm not going to go on. I think we all recognize that this discussion has been going on, both in the Joint Select Committee on Maine's Work Force and Economic Future and also in the Education and Cultural Affairs Committee, and the more that we can do to encourage the adults in our state to increase their education and increase their job attainment all the better. Thank you.

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I just wanted to correct a few of the statements that have been made. First, the first thing is that in section 23 of the bill Parents as Scholars is eliminated. Secondly, there are no states that are reaching the two parent work requirement and CMS acknowledges this and has posted on their website methods to allow the state to be in compliance with those efforts. Third, there are no federal exemptions for Good Cause, only those that the state adopts. Federal law allows states to opt out, but states must opt for the Good Cause example. Thank you, Mr. President.

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

Senator **JOHNSON:** Thank you Mr. President. Regarding the Good Cause Exemptions, I just wanted to point out a little bit more information I haven't heard on the floor. There is a Good Cause Exemption for a parent ill or incapacitated; 31 states, including Maine, participate in this. Only 19 do not and actually some of those use another mechanism that is equivalent in providing limits to the work requirements for parents with disabilities. Caring for ill or incapacitated family member; 40 states, including Maine, have it. Only 10 do not and some of those, once again, use another mechanism. Caretaker age over 60; 22 states do, 28 states do not, including Maine. Once again, we're in the majority. Pregnant in excess of four months; 9 states allow it, 41 do not, including Maine. Caring for a child under 12 months; 40 states allow that, including Maine, and 10 do not. Working in an unsubsidized job; 7 states allow it, 43 do not, including Maine. I think that our current practices are on the right side of what states consider appropriate, particularly considering that the federal government acknowledges no states are actually in compliance with the all parents numbers. Somewhere along the line you have to realize that when something's broken maybe there's a better way to do it and certainly we and a majority of states are together on that. I would like to end with a simple question. What has Maine had to pay in penalties so far? All these claims of dollars involved. What has Maine had to pay in penalties so far? Thank you.

THE PRESIDENT: The Senator from Lincoln, Senator Johnson poses a question through the Chair to anyone who may wish to answer. The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Craven to Accept the Majority Ought Not to Pass Report, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#556)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Require a Work Search for Job-ready Applicants for Benefits under the Temporary Assistance for Needy Families Program"

H.P. 1302 L.D. 1815

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-791)** (5 members)

Tabled - April 7, 2014, by Senator **CRAVEN** of Androscoggin

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, April 3, 2014, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 7, 2014, Reports **READ**.)

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

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, this is an unreasonable proposal. This bill requires families that need help from the TANF program to apply for three jobs before they can receive TANF benefits. At first glance this might seem like a reasonable proposal. After a more careful look any reasonableness stops. Most families apply for TANF when they are in crises. They have domestic violence, they have disabilities, or they have a sick child. Requiring them to submit

proof of job applications when they cannot physically work, or have no transportation, or no childcare permitting them to go to work is not a reasonable proposal. Right now there are six unemployed workers looking for every one job advertised on Maine's Job Bank. Many of the workers competing for those jobs are more experienced than TANF parents. Nearly one-quarter of those even have a high school diploma or its equivalent. More than half of families that reach the five year TANF limit do not have a high school diploma or its equivalent. This legislation undermines a new effective process enacted by the Legislature just last year to help TANF families find and sustain employment. Under the new law, the Department of Health and Human Services is beginning to use a more individualized and comprehensive assessment to identify and provide the kinds of help that new TANF enrollees need and address the barriers that they face in obtaining work. This is the right direction. The Administration's proposal heads in the wrong direction by slamming the door on families before they can get this help. While the Chief Executive's bill claims to require only those who are job-ready look for work before they can get TANF, his Administration has a poor record of enforcing similar protections and families and children have suffered as a result. First, this job-ready determination would be made by the very same workers that last year were acknowledged to be unqualified to make the kind of determinations required by the new assessment process, including identifying complex mental and physical health conditions. Second, similar kinds of protections enacted by the Legislature to ensure that those families that reach 60 months but are not able to work will continue to receive assistance has been poorly administered with hundreds of families with disabilities or children with disabilities, and those who are struggling with domestic violence losing needed help.

The facts show that TANF families have work experience and they want to work. The 2010 study found that 97% have work experience with an average of three jobs in the past five years. According to the Bangor Daily News, requiring an up-front work requirement might appeal to some voters, but it wouldn't address the underlying causes that drive people to seek assistance. The work needed to actually help people achieve financial independence doesn't fit neatly into election year messaging. In an editorial entitled "Welfare Bills Move Maine in the Wrong Direction" the Portland Press Herald writes, "The history of the Executive Director's welfare reforms so far is that it produces more homelessness, more hunger, more foster homes, and more people living in poverty." In summary, this bill creates unnecessary hoops for people in crisis. People already must meet work requirements when they get on the program, including job searches. They have to work or volunteer or participate in a training or education program. This policy would prevent people from accessing the Aspire program, including services that families need to work: childcare subsidies, transportation, etcetera. This proposal is inconsistent with the ticket-to-work legislation which just became effective this past fall. Ticket-to-work is real reform. The Chief Executive's proposal would prevent families in crisis from receiving the professional assessment provided through the ticket-to-work program to help families to access services and training they need to get back on their feet. The handful of other states that have implemented this proposal have not experienced more people obtaining jobs, but has led to fewer families getting the assistance that they need. This is probably the intent. Thank you, Mr. President.

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

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, what is TANF? I go back to the booklet provided to me from the Office of Family Independence. In that booklet under the Aspire TANF section on page 3, in Maine most adults in the TANF household must participate satisfactorily in the Aspire TANF work program. Now let's pick up the Aspire booklet from the Office of Family Independence also. What is Aspire's goal? Page 3, what is Aspire? Aspire is additional support for people in retraining and employment. Aspire provides you with opportunities and support to help you become able to support your family. The Aspire program works with parents who receive Temporary Assistance to Needy Families, TANF, to help them become employed and self-sufficient. What Aspire's goal? Aspire's goal is for you to work, to get out and get a job. Part of the TANF application check list, when you go in and you've gone through your orientation or going through your orientation on TANF, asked certain questions like: what are your long-term goals? What would you realistically like to do for full-time employment to support your family? It asks for a list of employers that you've had and what skills you have such as computer skills and are you registered with the Maine Career Center, of which, in the booklet, they provide you with Maine Career Center and events that are happening now. In fact, the one that I got, the one that I received, has a flyer here from Argo Marketing that was hiring. The bill calls for an applicant to TANF to apply for three jobs before receiving benefits. Before receiving benefits, let's see, that could be during the orientation process. Apply for three jobs could be done the day that you're in there, orientation, because you have access to the Maine Career Center. I don't think this is an enormous hurdle for anybody to climb over in order to receive public funding. Thank you, Mr. President.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, if you are a recipient of government subsidies provided by the citizens of the great state of Maine can you use drugs, alcohol, or smoke and get a job?

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I have to confess to being a little naive because once in a while a good common sense bill comes along and I think to myself, "This is going to pass unanimously without debate." This was one of those times. This bill was proposed by the Chief Executive. I was reminded of one of my favorite movies, Horse Feathers, with the Marx Brothers. I'd like to read you a little bit of that song. I won't sing it. "I don't know what you have to say. It makes no difference anyways. Whatever it is I'm against it. Your proposition may be good, but let's have one thing understood; whatever it is I'm against it." Here's how I look at this bill, Mr. President. It's about people needing and seeking assistance. If my cousin came to me and asked me for financial help I would be inclined to give it to him, but I believe I would first ask him if he had gone out and tried to find a job as an alternative to seeking financial help from me. If he said no, I'd say, "Go look for one and

when you have, and can't find one, then come back and we'll talk." I think the concept, Mr. President, is a simple one. We are all willing to help our relatives, our friends, our neighbors, or even people we don't know if they really need it. We expect them to make a genuine effort to help themselves first. That, to me, is all this bill does. It requires someone seeking TANF benefits, before they come not to their cousin but to the taxpayers of Maine, to at least apply for three jobs within a three week period. They've got to be job-ready and the department will develop the standards and rule making about what exactly that means, but one would suspect that would mean that if someone were unable to work because they had a physical problem, or they were on disability, or they were a parent of a small child, or any other number of things which would not make them work-ready, that they would not be deemed work-ready and would not have to apply for a job. The application process that says you've got to look for three jobs in three weeks, that doesn't slow down people getting benefits by a single day because the TANF process, from the time you begin to apply to the end of the process, is about 30 days. That's lots of time. To me, Mr. President, this doesn't present a barrier at all. As my good friend from Oxford, Senator Hamper, pointed out, at the orientation for TANF itself you have the resources of the Maine Career Center available for you through computer, so it's not even necessarily going out and looking for work. You can look for work right there on-line. Again, Mr. President, to me the concept is simple. We would ask our own relatives to try to help themselves before we help them. Why is that? I think it's partly because we are going to be cautious with our own money. Secondly, it's because we don't want our relative to become dependent on us if they don't have to. Why should we act any differently when we're talking about taxpayer's money instead of our own money? L.D. 1815 is a good common sense approach. All it says is not only are you going to have to look for work after you start to get the benefits, but you ought to look for work before you come and apply for the benefits. Thank you, Mr. President.

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues of the Senate, I've thought a lot about this. I've had several discussions with the numerous bills that have come forward this year regarding this matter. I'd just like to make some observations about it. First of all, I have not become as yet convinced that simply filling out three job applications before you come in to apply, or before you receive your benefits, really is moving that individual towards the kind of employment that we are asking them to be looking for. We're asking them to be able to have adequate employment. We're looking at retraining. We're looking to make sure that we can find out what the abilities of that individual are, what their qualifications are, and find them a job that they are going to be able to hang on to in order to break the cycle. Instead what I see this as, as my colleague from Oxford County, I believe, referred to it as, "This doesn't seem like too big a hurdle to get over." Frankly, I see this as just simply a hurdle. It is not an effective way in order to provide a job for that individual. If you simply stop by three McDonalds on your way in and filled out the application, you've met the qualification, but is that really helping that individual? That's what we ought to be doing here instead of saying you simply have to do this or you have to log on and do three. We have a program in place in order to help individuals assess their abilities, their qualifications, and

make sure they are getting jobs that are going to provide long-term, adequate employment and not simply a hurdle to get over. Thank you.

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

Senator **Craven:** Thank you Mr. President. Men and women of the Senate, people applying for TANF already have to work, volunteer, or engage in skill learning to get a job. If there is domestic violence, one's cousin is in the situation where they've picked up their two kids, they had a black eye, they have no clothes, they have no transportation, and they are living at a shelter. It's unrealistic to ask them to go out and apply for a job that they can't even take. They can't take a job if they have no transportation, they have no clothing, or they need to reenroll their kids in school somewhere. Even if they were offered a job they couldn't take a job. It's just one of those exercises that doesn't make any sense at all to have people do. Everybody should be required to work. I agree with that. It is more difficult to get TANF benefits than it is to get unemployment benefits, and you have to continue to look for jobs. Over and over we've heard tonight that some of those bills weren't required because we already have requirements in place for them. Well we have a requirement in place already that requires people to work, learn a skill, or volunteer. I think that this is just an unreasonable expectation for somebody who can't accept a job even if they were offered one. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#557)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **Craven** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Increase Local Responsibility for General Assistance"

H.P. 1326 L.D. 1844

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-794)** (5 members)

Tabled - April 7, 2014, by Senator **HASKELL** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 4, 2014, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 7, 2014, Reports **READ**.)

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

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

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

Senator **Craven:** Thank you Mr. President. Men and women of the Senate, General Assistance is the last resort for people who are in trouble. The state's current policy of reducing the state's share to 50% of the entire cost hurts them. Municipalities are magnets for people who need assistance to go there and the biggest municipalities in Maine that have the largest burdens, of course, have very large catchment areas. They are serving people from around the entire state of Maine and the taxpayers in those municipalities should not be burdened with carrying the entire load. I can look to my seatmate here and it reminds me that when people are released from the correction system that they are sent to the closest municipality. We have 170 sex offenders living in Lewiston/Auburn. I know they were not all born and raised there, but they live there because that's where we have shelters, we have other kinds of services that they can acquire, and the taxpayers of Lewiston has to pay for that. It is up to everybody to have to share the costs of serving people who are destitute and who need services. Last January 1st when the non-categorical adults lost their benefits, their MaineCare benefits, costs for medicine went sky high in Lewiston, and I imagine in Bangor and Portland as well, and I'm leaving out Waterville, they have a sizeable General Assistance bill. They've been crowded into a municipality for the taxpayers of that municipality to cover the whole bill. We used to have the federal and state governments help us with that, but now we don't. I would really appreciate you following my light on this and taking responsibility for constituents that came out of your district to live in our districts. Thank you.

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

Senator GRATWICK: Thank you very much Mr. President. Ladies and gentlemen of the Senate, I find this bill to be an outrage. This bill is, again, a part of the war that seems to be waged not only on poor people but now on larger and poorer cities. As you are well aware, Bangor, a service center, one of the three large ones in the state, has people from all over northern and eastern Maine who come there when they need help. It is a service center. The average income in Bangor is \$34,000. The average income in Hampden, a town where many people live, very close by, is \$84,000. In other words, Bangor is caring for a great number of people who have many, many needs. This will cost Bangor \$675,000. That is going to be paid for by the Bangor taxpayers. They are already paying a great deal. People who wish to have our service centers go down in flames, slowly decrease their economic benefit, that they would no longer be hubs, this is the kind of bill to vote for. On the other hand, I'm a firm believer that the service centers have an enormously important role. It's really up to us to share the burden that they are now taking an undue share of, and this bill should, therefore, most assuredly be defeated. Thank you, Mr. President.

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 give you a perspective from someone who served eight years on the local municipal city council and was Mayor of that city of Auburn for four years, and who annually had to take a look at our welfare expenses and see them mount, particularly in tough economic times during recession. I want to assure you that there is nothing about people who happen to live in large metropolitan areas that make them more willing to come to look for public assistance. In fact, many wait until there is absolutely no other alternative because they're embarrassed by having to come to ask for public assistance. There are some reasons why this bill will affect the major cities within this state. It's those areas in which the formula comes into play and, therefore, those are the communities that are going to lose hundreds of thousands, if not millions, of dollars in assistance for taking care of those in our greatest need within those municipalities. Why do we have more usage? Because the population is larger. Why do we have more usage? Because apartments and rental properties are more abundant in municipalities. Why do we have more usage? Because many of the social services that are provided for those in the most desperate need occur in the cities. This is where they come looking for work because often times this is where work occurs. Recession goes. They are in low paying jobs. They are the first to lose their jobs and run into some difficulties looking for some work. I can tell you from experience that the local cities follow the guidelines set by us, set by the State of Maine. They are not overly generous. They follow the standards that have been set for all municipalities. In fact, I can tell you they are very rigorous in the application of those standards because I have personally had the opportunity to talk with individuals who had to go through the process who felt we were too rigorous in our application to the extent that we would send our welfare director to people's homes and look in their freezers, look in their refrigerators, look in their pantries to see if there was any food in there at all and make note of that. Very stringent in the way that we applied it. Further, municipalities have to have the disadvantage that many of those social service agencies that help those in greatest need are non-

profits, in which they don't pay local property taxes. Huge portions of the tax base in these municipalities aren't even taxable to help pay for the basic needs within a community. Sometimes as much as 45% or 50% of the property within a municipality is not taxable because of those reasons. It's beyond me to understand how this furthers the benefit of the State of Maine and its people. These people are in desperate need. They are rigorously examined for their need. They are following what state guidelines says we're required to do to provide assistance to go forward. I think doing this simply pushes a burden onto the municipalities who are accepting it because of what they are, larger cities within this area, and the cost will go to the local property taxpayers. Those people who are living on a small Social Security check and struggling to get by as it is and each tax increase is difficult for them in paying for schools, fire, and helping their neighbors who are in desperate need of help. I strongly urge you to support the Ought Not to Pass Report. I can see no benefit derived from this whatsoever. If someone can explain to me how this is a benefit to the general welfare and to the major communities within our state I would consider my vote, but I can find no merit to this bill whatsoever.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Thomas.

Senator THOMAS: Thank you Mr. President. Ladies and gentlemen of the Senate, the rules are the same whether it's an urban community or a rural community. Once you've spent a certain percentage of the property value in that municipality, then the reimbursement rate for General Assistance changes. It changes from 50% to 90%. The way this program works, what it boils down to, is rural communities get reimbursed 50% and some urban communities in Maine get reimbursed 90%. We have poor people in rural Maine that need help and we're not unconcerned about those people who don't have enough to eat or aren't able to stay warm and we help them. Why should the taxpayers in rural communities get reimbursed by the state at a different rate than those in urban communities? We all play by the same rules and yet some get reimbursed at a different rate. Why? A poor person in Portland, to me, is the same poor person that's in Ripley. Why should the state pay more to the city, to the municipality, if that person lives in Portland? It just doesn't make any sense. Let's reimburse all communities the same. Why can't we treat urban and rural communities the same? Thank you.

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

Senator JOHNSON: Thank you Mr. President. Ladies and gentlemen, the question's been asked; why shouldn't we treat poor communities and cities the same? I think the answer is in the point that a percentage of the valuation of that municipality is the determination what the level of reimbursement should be. If a poor community had reached that percentage they should get the 90% as well. What's driving this is not whether it's a city or not, it's the fact that in the cities is where people congregate that have needs because there's more opportunities for work, there's more opportunities for low income housing, there's more shelters, there's more places to go and get a meal if you are destitute. That's just the nature of what the cities have to offer, which is why they would end up with more people congregating there that have high levels of need and, applying the same criteria as their more

rural communities, end up with assistance they're providing that constitutes a higher percentage of their valuation. It's a simple matter. I think that is treating them fairly. The point is, why would we support a bill that's going to stop treating them fairly, stop recognizing that there's a higher level of utilization of those services, not because the city is special but because the city, by its very size and number of people and nature, has those services that bring people of need to that area. I don't think that we should leave them high and dry, bearing all that burden themselves when, in fact, the same criteria applies to the rural and the municipalities and is the reason for that different level of reimbursement. I think that that's appropriate. It's consistent and we need to leave it in place. Thank you.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#558)

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

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

EXCUSED: Senator: YOUNGBLOOD

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

Senate at Ease.

Senate called to order by the President.

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Appropriate and Allocate Funds To Strengthen the State's Efforts To Investigate, Prosecute and Punish Persons Committing Drug Crimes"

S.P. 725 L.D. 1811

Report "**A**" - Ought to Pass as Amended by Committee Amendment "**A**" (S-498) (8 members)

Report "**B**" - Ought to Pass as Amended by Committee Amendment "**B**" (S-499) (3 members)

Report "**C**" - Ought to Pass as Amended by Committee Amendment "**C**" (S-500) (2 members)

Tabled - April 7, 2014, by Senator **GERZOFISKY** of Cumberland

Pending - motion by same Senator to **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-498)**

(In Senate, April 7, 2014, Reports **READ**.)

On motion by Senator **GERZOFISKY** of Cumberland, Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-498) ACCEPTED**.

READ ONCE.

Committee Amendment "**A**" (S-498) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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

SENATE PAPERS

Bill "An Act Regarding Compensation for the Panel of Mediators"
S.P. 752 L.D. 1854

Presented by Senator CUSHING of Penobscot. (GOVERNOR'S BILL)

On motion by Senator PATRICK of Oxford, REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **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 **Ought to Pass as Amended by Committee Amendment "A" (H-811)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-811)**.

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

READ ONCE.

Committee Amendment "A" (H-811) **READ** and **ADOPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Divided Report

Six Members of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Expand Consumer Choice for Wine"
H.P. 1276 L.D. 1783

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-809)**

Signed:

Representatives:

LUCHINI of Ellsworth
FOWLE of Vassalboro
LONGSTAFF of Waterville
RUSSELL of Portland
SAUCIER of Presque Isle
SCHNECK of Bangor

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

Signed:

Senators:

TUTTLE of York
MASON of Androscoggin
PATRICK of Oxford

Representatives:

BEAULIEU of Auburn
GIFFORD of Lincoln
KINNEY of Limington

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-809) AS AMENDED BY HOUSE AMENDMENT "A" (H-813)** thereto.

Reports **READ**.

Senator TUTTLE of York moved the Senate **ACCEPT** Report "B", **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** Report "B", **OUGHT NOT TO PASS** Report, in **NON-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:

Acts

An Act To Provide Model Language for Standard Sewer District Charters

S.P. 579 L.D. 1532
(C "A" S-481)

An Act To Assist Electric Utility Ratepayers

S.P. 731 L.D. 1825
(C "A" S-482)

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

An Act To Implement the Recommendations of the Report Defining Cost Responsibility for Deaf and Hard-of-hearing Students Receiving Services from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf

S.P. 703 L.D. 1769
(C "A" S-479)

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

Resolve

Resolve, To Require a Study of the Payment of Motor Vehicle Excise Tax by Public Utilities

H.P. 1259 L.D. 1754
(C "A" H-774)

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Clarify When Bonds May Be Issued"
H.P. 628 L.D. 904
(C "A" H-595)

In Senate, February 18, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595)**, in concurrence.

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

In Senate, April 3, 2014, on motion by Senator **JACKSON** of Aroostook, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

On motion by Senator **CAIN** of Penobscot, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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
(C "A" H-769)

In Senate, April 2, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-769)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-769) AS AMENDED BY HOUSE AMENDMENT "A" (H-776)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **BOYLE** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **GRATWICK** for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Implement the Recommendations of the Commission To Study Transparency, Costs and Accountability of Health Care System Financing"
S.P. 698 L.D. 1760

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-503)**.

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

READ ONCE.

Committee Amendment "A" (S-503) **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.

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 **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 8, 2014, at 10:00 in the morning.