

Ordered sent down forthwith.

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Senate at Ease.

Senate called to order by the President.

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The Chair laid before the Senate the following Tabled and Later Assigned (5/5/15) matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, To Implement Recommendations of the Government Oversight Committee To Strengthen the Ethics Practices and Procedures for Executive Branch Employees

H.P. 9 L.D. 6

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-52)** (8 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - May 5, 2015, by Senator **WHITTEMORE** of Somerset

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 30, 2015, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-52) AS AMENDED BY HOUSE AMENDMENT "A" (H-87)** thereto.)

(In Senate, May 5, 2015, Reports **READ**.)

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

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

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I rise to speak in favor of the pending motion. This comes from a unanimous report from the Government Oversight Committee, six members from each party. It arises out of the CDC document shredding case. We, on the Government Oversight Committee, were surprised to learn, Mr. President, as many others in this Chamber may be surprised to learn, that Maine State Government has no code of conduct, no code of ethics, for Executive Department employees. What rules are expected of you? When you see something wrong, what are you supposed to do? When you are asked to do something you think is wrong, what are you supposed to do? What does conflict of interest mean and how are you supposed to avoid it? Those are

questions that many other states have answered through a code of ethics and a 2009 report to this Legislature recommended that we do. Now we are finally doing it. This bill, Mr. President, assigns to the Department of Administration and Financial Services the task of developing a code, to initiate procedures for employees who need to be able to seek guidance, to initiate procedures to report potential wrong doing, procedures to guide employees as they navigate through difficult ethical waters. The department is supposed to recommend a similar code for legislature employees as well. The bill, Mr. President, also provides funding for a new position to oversee the implementation of this plan. This is code, Mr. President, that I would suggest is long overdue. Although Maine has a reputation, and a well-deserved one, for being a state of clean government, there have been occasions when that has not been the case. I'd point out three examples in the last several years with the Maine Turnpike Authority, with irregularities regarding the sale of a warden's residence, and now with the document shredding case at CDC. I would urge our support, Mr. President, for the pending motion. Thank you.

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

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just want to briefly support the good Senator from Kennebec County, Senator Katz. This was a unanimous report after a lot of due process through the Government Oversight Committee and the efforts of the OPEGA regarding some issues that came before our committee. As Senator Katz said, this is an effort to strengthen ethical standards. We all know, or we all believe, that we have an extremely ethical workforce in the State of Maine. We're very proud of them. Very proud of the work that they do. From time to time there are ethical violations, or apparent ethical violations, and each employee in the State ought to know exactly what's expected of them, where they can go for help as far as working through an ethical situation that they may face or may be challenged with from an employee or an employer. This is an effort to bring some consistency across the State agencies. I believe, from my experience, that most of our State agencies have some good policies within them. I had the opportunity to work, a long career, with one of those State agencies and there was never any question in my mind as to what was expected of me as far as ethics or what my procedure would be if I saw an ethics breach or there was a conflict. I'm not sure that's the case and consistency is present with all the agencies. We found, through the hearings that we held in the Government Oversight Committee, that there were a lot of questions, there was a lot of confusion, as to where employees were to go and how they were to proceed. I think this is, as Senator Katz said, long overdue. This is something that we need to do to bring in consistency across our State government. It's going to require some effort as far as somebody to coordinate this, but I think each of our departments already have the people in place to make this happen if it's not happening already. That oversight will make sure that things are consistent throughout State government. I think this is something we certainly should require of our State government and I think it will avoid a lot of problems in the future that we dealt with in the Government Oversight Committee. Thank you very much for your time.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Somerset, Senator Whittemore 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 (#97)**

**YEAS:** Senators: ALFOND, BRAKEY, BREEN, BURNS, COLLINS, CYRWAY, DAVIS, DIAMOND, DUTREMBLE, EDGECOMB, GERZOFSKY, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WOODSOME

**NAYS:** Senators: BAKER, CUSHING, ROSEN, WILLETTE, THE PRESIDENT – MICHAEL D. THIBODEAU

**EXCUSED:** Senators: DILL, GRATWICK, LANGLEY

27 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **WHITTEMORE** of Somerset to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (H-52) **READ**.

House Amendment "A" (H-87) to Committee Amendment "A" (H-52) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-52) as Amended by House Amendment "A" (H-87) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-52) AS AMENDED BY HOUSE AMENDMENT "A" (H-87)** thereto, in concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (5/6/15) matter:

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Lower the Eligibility Age for a Junior Hunting License"  
H.P. 114 L.D. 156

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-105)** (11 members)

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

Tabled - May 6, 2015, by Senator **DAVIS** of Piscataquis

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 5, 2015, 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-105).**)

(In Senate, May 6, 2015, Reports **READ**.)

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

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

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

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I would like to urge you to vote against the pending motion, which is to accept the report of the committee. I think that the proposal that we have in front of us, in order to allow children of any age to be afield hunting during hunting season, is an inappropriate one. Currently, the standard is that the child has to be 10 years old in order to go with an adult. This bill would remove that limit and would allow an individual to hunt with a 5, 6, 7 year old, 8, 9 year old, at that person's discretion. I am concerned for the safety of both the children who would be out there at that age and for the individuals who would also be, like myself, perhaps hunting in an area where there was a child of that age with a firearm in the woods. I think that the proposals that have been put forward are an attempt to create as much safety as possible around that. However, in the last 10 years there have been 75 incidents in the woods during hunting season and 7 of those involved a shooter who was 16 or under. That's the kids between 10 and 16. That's 10% of the incidents that occurred were from that age group. Of those seven, five of those were self-inflicted. That means that, in my mind, those are young individuals without the proper training in handling. Two of those incidents involved two parties, where the shooter did not properly identify their target. Those are also serious matters that occur. I think that if we open this up and allow kids who are younger than that who, frankly, many of them won't have the physical capacity to be able to carry a weapon and who are going to be, as I said, out there at 4, 5, 6, 7 years old. The bill originally intended for it to be 8 years old. That was the original proposal. That 8 year old limit was struck so that there would be no lower limit. I think that we risk those children to some extent. I also think the risk for others who are out there and hunting afield also goes up when you have kids in first grade, second grade, third grade, youngsters out there in the woods. I think that this is a move in the wrong direction. As I read the committee amendment to the bill, someone can correct me if I'm wrong, they must be accompanied by an adult over 18 years old, someone who holds a valid license, or someone who has successfully completed the hunter safety course. That's an "or" not an "and." That means that someone who has completed the course but has not gotten their license. Consequently, it could be somebody who is an ethics violator, somebody who is not allowed to hunt, could be the person who is out with the child. It does not require that that